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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You alone are ever present. All of us, Your creatures, are ever-changing, always limited, and measured by beginning and end.

Since time itself seems to be only measured motion, it is immaterial, yet most important. All around the world, everyone in this Chamber can agree upon what time it is—here—now. Yet we can do nothing to stop its relentless movement.

Lord, help the 111th Congress to accept the time in which it is constituted. As public servants and distinguished Members, empower them to be creative and achieve all that is possible for Your people.

Do not allow them to be distracted by the inconsequential. Rather, bring them together, for time is precious and cannot be wasted. Their moment is now to make decisions that will move the future.

Lord, be with them every moment and in every motion. The consequences will be judged later, yet last forever.

Amen.

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 New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES 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.

ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. PENCE. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 78

Resolved, That the following members are, and are hereby, elected to the following standing committees:

COMMITTEE ON AGRICULTURE—Mr. Cassidy.

COMMITTEE ON THE BUDGET—Mr. Aderholt of Alabama, to rank after Mr. Nunes of California, and Mr. Harper.

COMMITTEE ON ENERGY AND COMMERCE—Mr. Scalise.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. Schock.

COMMITTEE ON SCIENCE AND TECHNOLOGY—Mr. Smith of Nebraska, to rank after Mr. Bilbray.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—Mr. Guthrie, Mr. Cao, Mr. Schock, and Mr. Olson, all to rank after Mr. Latta.

COMMITTEE ON VETERANS' AFFAIRS—Mr. Lamborn, to rank after Mr. Bilbray, and Mr. Roe of Tennessee.

Mr. PENCE (during the reading). Mr. Speaker, I would ask unanimous consent that the resolution be considered as read.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side.

WERE ISRAEL'S SECURITY NEEDS INFLUENCED BY THE U.S. CALENDAR?

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

Mr. KUCINICH. Were Israel's security needs influenced by the U.S. calendar? Between the Christmas season and the inauguration, Israel's attack on Gaza killed over 1,300 Palestinians, many of them women and children, with U.S. planes, helicopters, white phosphorus and Congressional support causing over $2 billion worth of destruction.

Now that this holiday war is over against Gaza, let our new administration and Congress work for the security and peace for both the Israelis and the Palestinians. Let us support full restoration of humanitarian aid and the reconstruction of Gaza. Let us support an end to the blockade, an enforceable cease-fire, and adherence to international law by both Israel and Hamas.

It's time to work for peace in the Middle East through the rule of law, not the rule of arms, through diplomacy, not force.

WHAT THE STIMULUS BILL DOESN'T MENTION

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

Mr. KIRK. The economy is hurting and we should act. A stimulus bill that backed improving highways and airports would blunt the recession. If you look at the stimulus bill the Appropriations Committee approved, you would find 11 appropriations totaling $65 billion that would put 2 million Americans to work, but the bill spends hundreds of millions more. It spends more money than the entire GDP of

Australia. Of the 151 appropriations, only 34 even have claims of reporting jobs.

The bill claims to save 3.7 million jobs, but does so at a cost of $222,000 each. Private sector jobs only cost $50,000 each. The bill quotes one economist, Mark Zandi, six times, but doesn't mention the Congressional Budget Office. CBO reports that only $26 billion of this trillion dollar bill can be spent in 2009.

CBO says over $70 billion of the spending will not be spent during the entire 4 years of the Obama administration. And one last thing, there is no mention of the $2 trillion congressional leaders plan to borrow or how our kids will pay it back.

PS–14—A BLUE RIBBON SCHOOL

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

Mr. SIRES. Mr. Speaker, today I rise to congratulate Bayonne Public School No. 14. PS–14 was recently honored as a National Blue Ribbon School for its innovative gifted and talented program. The school not only prepares students for the technological challenges of the 21st century, but they also offer an accelerated academic program and provide exposure to the arts.

In addition to national recognition, New Jersey Department of Education recognized PS–14 as a ''star school'' because it implements cutting-edge policies, allows parents, local businesses and the community to get involved, and has not lost focus on student achievement, which is most important.

I want to congratulate principal Janice Lo Re and the Bayonne school superintendent, Dr. Patricia McGeehan, for this outstanding recognition.

ECONOMIC STIMULUS

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

Ms. FOXX. Mr. Speaker, we've heard a lot this week about what the Democrats' $825 billion stimulus package should do or may do or what Democrats hope it will do. Let's look at what it really will do:

It will bill every American household with a $6,700 tab. That's the cost of the Democrats' plan for every American family. Put another way, it will cost every American—every man, woman and child in this country—$2,700. The cost of this bill is almost as much as the amount the Federal Government spends every year in discretionary spending.

The bill will spend millions of dollars in digital TV coupons. The bill will spend $200 million to plant grass on the National Mall. And the bill will ensure our children, grandchildren and great grandchildren will encounter not necessarily a great economy, but an enormous national debt. This is totally irresponsible and should not be allowed to pass.

CONGRESS MUST ACT

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

Mr. LUJÁN. Mr. Speaker, last weekend, I met with constituents and local leaders. In my district, like districts across the country, families are struggling, parents are losing their jobs, and communities are worried about their future. During these tough times, we can and we must work to create good jobs to turn our economy in a new direction, the right direction.

People across our great Nation have entrusted and empowered us to do our part to get America back on track. They asked for action, and we have to responsibly act.

The people of my district—all across the 16 counties of New Mexico's Third—need clean water for their homes and farms, rural development in our smallest and most isolated communities, renewable energy generation that creates highway jobs, and infrastructure projects that repair roads and create opportunity.

I take this responsibility seriously. And I will work hard to make my district's priority a priority in this Congress.

□ 1015

BIG BROTHER TAKETH AWAY

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

Mr. POE of Texas. Mr. Speaker, they say the economy is going into the abyss because government doesn't spend enough money.

Even though the stimulus packages of last year didn't work and the billions to bail out the elite robber baron banks hasn't been effective, the government solution is ''Let's spend more money,'' like $850 billion. That's almost a trillion dollars. A trillion dollars stacked up in $20 bills is 3,000 miles high. That's the distance from D.C. to Peru. All this money will be forcibly taken away from taxpayers.

This bill gives earmarks to special interest groups like millions of dollars for the National Endowment of the Arts, millions for fancy cars for government bureaucrats.

Why not do this: Don't spend taxpayer money! Don't go into debt with China. Cut taxes for everybody that pays taxes, and let Americans decide how to spend their money and not our greedy, big bloated brother, the government.

Government cannot tax, borrow, and spend our way into prosperity. It has never happened. This bill isn't economic stimulus. It's old fashioned squeaky piglet, pork barrel politics that will poison the pocketbook of every American.

And that's just the way it is.

DEFICIT SPENDING WILL NOT EXPAND THE ECONOMY

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

Mr. FLEMING. Mr. Speaker, I stand today in agreement with the gentlewoman from North Carolina, the gentleman from Texas, and the gentleman from South Carolina. As this body considers whether to burden future generations of Americans with more debt in the name of improving the economy, it is imperative that we look at the facts.

The proposed legislation will create or save 3 million jobs. At $825 billion, the economic stimulus bill, in its current form, will spend $275,000 per job. Additionally, deficit spending will not expand the economy. If that were true, then the current $1.2 trillion deficit, the largest in history, would already be rescuing the economy. We wouldn't need another $825 billion.

Trade groups state that every $1 billion in highway ''stimulus'' can create 35,000 new construction jobs. But Congress must borrow that $1 billion out of the private sector, costing the private sector the same number of jobs. Any type of effective stimulus cannot create jobs for some while costing jobs for others.

Ladies and gentlemen, we do not need to continue down the path of wasteful spending. If we are going to steady the U.S. economy, we must stimulate American enterprise while returning to the practice of making fiscally responsible decisions on behalf of the American people.

URGING SUPPORT FOR TITLE X ABORTION PROVIDER PROHIBITION ACT

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

Mr. PENCE. Mr. Speaker, today, millions of Americans from the National Mall to prayer services in small-town churches will mark the sad 36th anniversary of Roe versus Wade, the worst Supreme Court decision since Dred Scott.

As most Americans know, it is simply morally wrong to end an unborn human life by abortion. But it's also morally wrong to take the taxpayer dollars of millions of pro-life Americans and use it to promote abortion at home or abroad. As many Americans fail to recognize, the largest abortion provider in America is also the largest recipient of Federal taxpayer dollars through title X. This should not be.

Yesterday, with more than 60 cosponsors, I reintroduced the Title X Abortion Provider Prohibition Act, a bill that would deny any Federal funding to Planned Parenthood of America.

On this dark anniversary, let us rededicate ourselves to protecting the unborn and to protecting taxpayers on matters of conscience. I urge my colleagues to join me in bipartisan spirit

in cosponsoring the Title X Abortion Provider Prohibition Act.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mrs. MALONEY, New York

Mr. BRADY, Texas

COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, I rise to speak on behalf of the 14 million undocumented immigrants who would otherwise not have a voice.

Immigrants are not only a valuable part of our country's workforce, but they also add to America's rich diversity. Sadly, immigration raids tear apart immigrant families, instill fear, and disrespects America's core family values.

We are a Nation devoted to family. No one should live in fear of being taken away from their homes. Strong border enforcement is necessary, but this only addresses part of the situation. Together, we must work to address the 12 to 14 million undocumented immigrants. Every day that we do nothing, a family is torn apart by this broken immigration system.

Our current immigration system is outdated. We need a system that addresses the needs of the current immigration situation in America.

I urge my colleagues to join me in passing real comprehensive immigration reform.

Mr. Speaker, Mr. President, the honeymoon is over. Let's begin to address comprehensive immigration on behalf of the 12 to 14 million people here in the United States.

DISAPPROVAL OF OBLIGATIONS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to section 2 of House Resolution 62 and as the designee of the majority leader, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves that the House proceed to consider the joint resolution (H.J. Res. 3) relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008.

The SPEAKER pro tempore. Pursuant to section 115 of the Emergency Economic Stabilization Act of 2008, the motion is not debatable.

The question is on the motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the title of the joint resolution.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the obligation of any amount exceeding the amounts obligated as described in paragraphs (1) and (2) of section 115(a) of the Emergency Economic Stabilization Act of 2008.

The SPEAKER pro tempore. Pursuant to section 115 of the Emergency Economic Stabilization Act of 2008, the joint resolution is considered as read, and the previous question is considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate, equally divided and controlled by the gentlewoman from North Carolina (Ms. FOXX) as the proponent and the gentleman from Massachusetts (Mr. FRANK) as the opponent.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I will be discussing the substance of this later, but I want to explain what is a somewhat complicated legal and parliamentary situation. First, I do want to note that it is a refutation of the skeptics that this process is going forward.

In September, we were asked by the Bush administration's top economic appointees to pass a bill giving them the authority to deploy $700 billion to repair the credit markets, without any hindrance. I agreed with them that action had to be taken, and, in fact, even if you did not think the action was necessary, when at a time of economic trouble the two chief economic advisers to the President of the United States tell us that if you don't do something there will be problems, there are going to be problems. I don't think they self-created this. I don't think it was a self-fulfilling prophecy. But it was a self-reinforcing one. So we felt we had to act.

But we were able in the negotiations to get one major concession, namely, to say that we would vote the ultimate authority for $700 billion but that after the first $350 billion had been deployed, and I don't want to say ''spent'' because most of it has been lent or invested in ways that it will come back, but we said that at that point if the administration wanted to spend the second 350, and I just misspoke when I said ''spent''—deploy it—they would have to notify Congress. Fifteen days would then be a waiting period during which the money was not available and during which time Congress would get to vote on resolutions to cancel the program. And to reassure Members that they would have a chance for those votes, procedures were drafted by the appropriate Rules Committees in both branches so that neither the House Rules Committee nor the Senate-extended debate could have interfered with this.

Now, we did have one drafting error because for this to work, it would have had to have been passed by both Houses and either signed by the President or have a veto overridden.

The two Chambers that drafted this, the leadership, the rules groups, did a very good job of protecting Members to make sure the bills could come to the floor. That's why we're here. But they did them in isolation. So there's a certain futility to what we are doing today because the Senate has already defeated the Senate version of this; so no matter what happens in the House today, the program goes forward.

People should understand President Bush, at the request of President Obama, asked for the second $350 billion a week ago Monday. That means, I believe, next Tuesday this will be available to the Obama administration because the Senate voted down the resolution of disapproval. The House will still vote, and there will be some indication of what Members think about going forward, but it will not have binding effect. And I think that was a drafting error. It should have been that if one House defeated it, it didn't come up in the other House. But here we are.

There is one other distinction to be drawn. Yesterday, the House passed a bill by a fairly large vote that said that if the second $350 billion is deployed, it should be done with the following conditions: significant money for foreclosure relief; restrictions on the money being used for acquisitions by a receiving bank of another bank; a requirement that there would be an agreement in which banks would specify what they were going to do with the money before they got it; greater restrictions on compensation; a request that the administration do some things to come to the relief of cities, other entities, small businesses; a requirement that this funding be distributed in a way that was equitable to smaller banks. We voted on that yesterday.

Now, my Republican colleagues in particular had a dilemma there. A number of the things that we had in the bill yesterday are popular and indeed many of them agree with. They, I think, were reluctant to have to vote on this because on the other side, you had some of the leading conservative journals of opinion, the Wall Street Journal editorialist, a major paper from the Heritage Foundation, denouncing the notion of helping reduce foreclosures, criticizing the effort to put in community banks. And so my Republican colleagues offered a recommittal motion yesterday which would have, if it had succeeded, in essence wiped out the conditions we are seeking to impose and made yesterday's

vote simply on whether or not to repeal the 350. The problem with that is that they did it in a way that really meant to avoid taking a stand on these conditions.

Now, the recommittal motion was defeated. And my conviction that the recommittal motion had, as one of its goals, avoiding a vote on whether or not to be for foreclosure relief and community banks is reinforcement of the fact that unusually in a bill that many of them had criticized, when the voice vote was called in favor, they did not ask for a roll call. We had a roll call yesterday because I asked for one because I wanted to have a large majority of Members on record so that when we talk to the Obama administration, we have a large majority of Members saying do foreclosure relief, lend to community banks, go to the aid of municipalities. The Republicans wanted to avoid that vote. They didn't want to take it because they didn't want to choose between foreclosure and the Wall Street Journal or foreclosure mitigation and the Heritage Foundation.

□ 1030

That's why they offered the recommit. I say that for this reason. There were people who voted against the recommittal motion yesterday because they did not want to dilute the impact of our insistence that this be used for foreclosure relief, for aid for smaller banks and for other important purposes, and that there be a restriction on the ability of banks to take the money and then do whatever they wanted with it.

That recommittal motion was defeated, so the House did go on record by a large majority in favor of those conditions, and that will be very important as we make the Obama administration understand that. Today is a separate vote. Today we have a vote in which Members will express their opinion on whether or not the $350 billion should go forward. It is simply an expression of opinion. It's kind of a big public opinion poll for the House, because the Senate has already defeated the bill.

But they are two separate issues. The vote on yesterday's recommittal motion was, in my judgment, a rejection of an effort to keep the House from speaking out strongly on the question of foreclosure relief and smaller banks. We have now spoken, as the House of Representatives, by a significant majority and said to this administration, since this is going forward now that the Senate has voted against a disapproval motion, here is what we want. Today Members simply express their opinion on whether or not they want to disapprove it.

I will close by saying for me, the argument that because the Bush administration misused this means that the Obama administration should not be given the chance to do it better, proves too much. If I believed that every instrumentality of government misused by the Bush administration should be denied to the Obama administration, we would have a lot of empty, vacant office space in Washington. We could rent out the Justice Department, the State Department, EPA, HUD and a number of other agencies, because I believe that they misused many of them.

TARP has no independent will. It is a set of policy choices. George Bush used them, in my judgment unwisely, although I think we were better off having even that than nothing, but that has zero to do with whether or not the Obama administration ought to have the right to do it going forward.

I reserve the balance of my time.

Ms. FOXX. I yield myself, Mr. Speaker, 12 minutes.

I thank Mr. FRANK for explaining why we are here this morning, but I would like to say that there is a difference between suggesting to the Obama administration what they should do through Mr. FRANK's bill, which he knows is not going to pass the Senate, and that if the Democrats in charge wanted to really have control over how the next batch of money is going to be spent, then they would be serious and put into that bill restrictions. I don't think any of us have ever seen a time when the Congress has let go of so much money to the executive branch with no more restrictions on how it was going to be spent.

I have seen committees argue over minor expenditures, but yet have appropriated $350 billion to the Bush administration and now are going to do the same thing to the Obama administration. I would say that there are a lot of the cliches that can be used in discussing this bill today, but I would say two wrongs don't make a right, that's one, I would say. But, again, I appreciate his taking the time to explain to people why we are here.

In fact, the first legislation, the bailout legislation, as it was called, had within it the mechanism for stopping the money. What I have done is simply used the mechanism that was given to us, to do my best to stop it, and I want to give thanks to my legislative director, Brandon Renz, for his great help in this effort.

It's really unfortunate that we have to meet today to consider this legislation under these circumstances. But since October, when Congress granted the previous administration unfettered access to taxpayer blank checks, we have seen a steady stream of reports outlining mismanagement, waste, and lack of oversight that was all too predictable during the initial consideration of the TARP/megabank bailout. And let me point out again that it was supported by President Obama and by the Democrats in the Congress. So you can't blame all of this on the Bush administration.

The Members of Congress and the public were scared by a doomsday scenario that promised Armageddon if this singular proposal was not approved immediately. Deliberation, patience, prudence, yielded to panic, and the product of those poor decisions has led us to where we are today. Another cliche, ''Act in haste, repent at leisure,'' has assumed a new and expensive meaning.

Americans are $350 billion poorer, and their sacrifices are about to double, as the Senate rejected S.J. Res. 5, which is the companion to the measure before us today. What is particularly troublesome is that President Obama was elected on the promise of bringing change, but another $350 billion is not change.

Does President Obama think that if the bailout isn't working he must need a bigger bucket? The reasoning seems to be that since President Bush got his slush fund, it's only fair to grant the same to the incoming administration. But as I say, two wrongs don't make a right. This is just as big a mistake as the original bailout.

The truth is that no administration, Republican or Democrat, should be allowed to nationalize a private company or industry, as we have witnessed with each successive bailout. This failed and expensive approach to trying to stabilize the economy is simply borrowing on the good credit of our children, our grandchildren and our great grandchildren, and now the government has an ownership stake. Now that the government has an ownership stake, the independent decisionmaking of nationalized entities will certainly take a back seat to political correctness and pork-barrel politics.

Given my passionate opposition to the bailout mania, I am often asked what I support instead of more bailouts. At the time TARP was originally considered, I joined a bipartisan working group of Congresswomen in writing to Speaker PELOSI and Republican Leader BOEHNER expressing our concerns and offering reasonable alternatives for consideration.

I also personally delivered proposals offered by President John Allison of BB&T directly to bailout negotiators, and I cosponsored legislation, H.R. 7223, prepared by the Republican Study Committee containing a comprehensive approach to dealing with this crisis.

But at this point it's clear that less is more. The Federal Government has done enough, I would say too much, and even many supporters of the initial TARP/megabank bailout are now saying these efforts should be given time to work. After all, it was unwise Federal policies that prompted the excesses at the root of the financial collapse. In that respect, as George Mason University Professor Russell Roberts has put forward, ''Don't just do something, stand there.''

At the same time reasonable alternatives have been offered up to stimulate our economy by some of the finest minds in our nations. These alternatives have merit that I believe would be recognized if Congress would only

pursue prudent deliberation instead of a hasty rush to judgment.

For example, H.R. 470, of which I am a cosponsor, is a broad-based proposal that helps free up private capital that can be used as medicine to heal the ailing economy. Free-market solutions such as this are preferable and more effective than the Keynesian approach being discussed in Congress today.

In fact, many people have compared what's happening now to what happened in the Great Depression, and many people are reading the book, ''The Forgotten Man,'' which talks about the Depression and the failures of the Depression and the failures of the Democrat administration in particular. I want to quote one sentence from it: ''But the deepest problem was the intervention, the lack of faith in the marketplace.'' I think that is the big problem that we are facing in this country today.

We need to trust the marketplace. It is not the government. This is not a failure of capitalism and savior by the government. It's really a failure by the government, and we are doomed to repeat what happened in the Depression, I am afraid.

I am sure, though, that today we are going to hear without the TARP/megabank bailout we would be much worse off than without it. That's what Congressman FRANK has already said. But not only is this argument speculative and untrue, it's a real tough sale to those struggling to find a job, credit or means to pay their bills.

As the old adage goes, ''Fool me once, shame on you. Fool me twice, shame on me.'' We just seem incapable of learning the lessons of the past and destined to see history repeat itself. I urge our Members to join me today and do the right thing. Support this resolution and send a signal to the Obama administration that the bailout mania has to stop.

And I would add one more thing. I did introduce this bill in the last session, so it would have applied to the Bush administration as well as to the Obama administration.

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

Mr. FRANK of Massachusetts. Well, I yield myself 30 seconds to say I agree with the gentlewoman that this was appropriate to restrain the Bush administration. My objection is visiting the sins of the Bush administration, or the errors, on the Obama administration.

I now yield 1 minute to the gentleman from Maryland, the majority leader.

Mr. HOYER. I thank the distinguished chairman of the committee for yielding time, and I rise in opposition to this resolution of disapproval.

I listened to the gentlelady from North Carolina's debate, and it occurs to me that there must be real parallels in 1929, 1930, 1931 and 1932 and, yes, even in 1933 and 1934 as the government responded, as the American people responded to what had not been responded to during the 4 years of the Hoover administration, to try to staunch the fall of the economy, which led ultimately to 25 to 30 percent unemployment and long food lines.

I am sure we are going to be hearing rhetoric which will blame the Obama administration which has, after all, been in office for some 36 hours, for the problems that confront our country. But, in fact, no President in recent memory has inherited conditions here and around the world more difficult than this President has inherited.

The majority of President Bush's party did not support it in trying to respond to the crisis that confronts us. In fact, less than half voted for the original TARP, and, as the gentlelady from North Carolina has pointed out, she was not one of them. She did not believe that a response was appropriate, or at least that this response is not appropriate. That, I think, is a philosophically defensible position which she defends. I disagreed then and disagree now.

We, in a bipartisan way, supported the Bush administration's request for, not 350, but the $700 billion. We are the ones, however, who put constraints on that and we said you need to come back.

We are the ones who also, notwithstanding the failure of the Bush administration to request it, put, yesterday, in a bipartisan vote, additional constraints for accountability and transparency and for focusing on those folks who are at risk of losing their homes.

The gentlelady, I know, did not vote for that either. Today I think that every Member of the House is thinking back to words we said in a similar debate 4 months ago when the TARP was originally in front of us and wondering whether we can still stand by them.

Mr. Speaker, I know I can stand by mine. Here is what I said first time the TARP came to the floor, and I would remind people this was a proposal by President Bush and by Secretary Paulson, supported by Federal Reserve Chairman Bernanke appointed by President Bush.

The Democrats listened to the President, a Republican President, but our President of our country, and we responded, and I said this: ''Imagine that we do nothing today. Millions more homes will likely be foreclosed on. Banks would likely be unable to lend. Credit, the lifeblood of any economy, might dry up across America.''

That was my quote. We responded. We responded with a $700 billion bill, half of which has now been allocated and promised in ways different than the Bush administration originally said it was going to do it, because it saw the facts changing.

The vote on TARP was one of the most difficult any of us have taken, certainly one of the largest commitments that this country has taken. I noted that none of us, whichever way we voted, are completely happy with TARP's results so far.

However, a principal adviser to John McCain, Mr. Zandi, has opined both on this and on the stimulus package, this is necessary. It may not be desirable from a voting standpoint, but it is necessary from our country's standpoint, from our economy's standpoint, the worst we have seen since the Hoover administration.

I stand by my words, because I remain convinced that inaction would have been far more dangerous and far more costly. Since the House took that unpopular vote, the flow of necessary lending has begun to resume, not fast enough.

□ 1045

It was not in a way that has staunched the loss of jobs. But every economist that I talked to, from Marty Feldstein, conservative economist, Republican economist; to Larry Summers; Paul Volcker in the current administration, much more work will be needed before our economy has recovered. But restoring credit is an essential step toward that goal. That is why both President Bush and President Obama agreed that this action was necessary.

I don't want to be deluded by the fact, and I don't want any American deluded by the fact, that President Bush would have asked for this simply because President Obama asked for it. After all, he could have easily replied, very frankly, You're going to be in office pretty soon. You can ask for it.

No. President Bush felt that this was a critical item to move forward as quickly as possible. Why? Because Secretary Paulson, his principal financial advisor; Ben Bernanke, his appointment to the Federal Reserve chairmanship, all believed it was necessary to move. That is why we must vote down this disapproval resolution and release the remaining $350 billion.

Now, our American public, our constituents, may be confused because this action will not mean anything. Why will it not mean anything? Because the Senate has already acted. And the Senate has acted in a bipartisan vote to defeat a motion for disapproval because the majority in the Senate, in a bipartisan fashion, concluded that it was necessary. Not that it was desirable, but that it was necessary.

None of us want to be in this position, but we owe it to the American public and to our economy and to our families to have the courage of doing that which is not desirable but that which is certainly necessary.

It should strengthen our confidence to know that President Obama has learned from the mistakes that were made during the Bush administration in administering this sum of money. That is not a criticism. Mistakes are made. But we can learn from those mistakes, and we will learn from those mistakes.

As the new President promised, ''We are going to fundamentally change some of the practices in using this next

phase of the program.'' We voted to do that yesterday, as well. That means finally fighting the wave of foreclosures at the source of this crisis. It means tracking how TARP funds are spent and assuring that banks are using them for the intended purposes. It means stronger oversight from Congress and detailed reports from the recipients of taxpayers' money. And it means guaranteeing that taxpayers are not subsidizing million-dollar Park Avenue apartments for CEOs.

The TARP Reform and Accountability Act set all of those conditions, and I congratulate Chairman FRANK for his leadership in bringing that to the floor, and congratulate my colleagues for passing it. President Obama has made it clear that he will hold to those principles.

I understand before I got on the floor that the gentlelady observed that that bill may not be passed by the Senate. Therefore, why should we have passed it? One could respond with equal, I think, intellectual honesty. The Senate's already acted. Why should we now act? I think the response would be because we have a responsibility to state our opinion on an issue of great importance.

Ms. FOXX. Mr. Speaker, would the gentleman yield for a question?

Mr. HOYER. I am almost finished, and I will yield to you as soon as I'm finished.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentleman from Maryland controls the time.

Mr. HOYER. That is the diligence we would expect from any lender—and how much more so when the source of the funds is the American taxpayer, when the principal runs in 12 digits and when the stakes are so high.

That is why we acted yesterday. I am hopeful the Senate will act as well, but I am even more hopeful that President Obama will follow the principles incorporated in yesterday's legislation.

With TARP funds already beginning to take effect, and with these new safeguards in place, I ask my colleagues to release the remaining funds.

Votes like these are never easy, and I understand we can rationalize that our vote will have no effect, whether we approve or disapprove the resolution of disapproval. But we need to stand with, frankly, President Bush and President Obama, two leaders elected by our country, in different elections, who have both said to us, This program may not be something we want to do, but it is something that we must do.

And, because of that, I urge my colleagues to vote ''no'' on the resolution of disapproval.

I am pleased to yield to my friend, the gentlelady from North Carolina.

Ms. FOXX. I thank the distinguished majority leader for yielding to me. I would just like to ask a couple of questions. Is it not true that we are dealing with this bill today not just because we want to be nice, but because in the original legislation that was written there was a procedure for doing this, and that we are exactly following the procedure or else I would have been able to have offered a point of order related to it?

Mr. HOYER. The gentlelady is absolutely correct, and of course that provision was included by Chairman FRANK in the original legislation, and it was included by Chairman FRANK so that we would have this opportunity to make a second judgment.

My proposition is simply that given the necessity of this action, that our judgment ought to be the same as it was before.

Mr. FRANK of Massachusetts. If the gentleman would yield, the question that the majority leader asked was, if you take the position that unless we know the Senate is going to do something, we shouldn't do it, then we wouldn't be debating this.

Now, I agree with him, it's important for us to have a chance to express our opinion. In this case, though, unlike yesterday, we passed a bill yesterday that is still pending in the Senate and, if events change, could be brought up. Under the procedures, this bill is dead. It cannot be reconsidered because the Senate killed it.

The gentlewoman points out that it is the law we passed last year that allows us to do it, but it permits us to do it. It doesn't mandate it. What we are trying to do is say to the gentlewoman we agree that it's reasonable to have this on the floor, but the logic that says we shouldn't have acted yesterday because the Senate said they're not going to do it would apply with even greater force when you're talking about doing something the Senate has already killed.

Ms. FOXX. Will the gentleman yield?

Mr. HOYER. I would be glad to yield to the gentlelady for a second question.

Ms. FOXX. Thank you. Isn't it true that, again, we are doing what is right and proving that we are a Nation of laws because this was written into the original bill. I commend the majority for doing that. I think it's very important that we not try to circumvent a law that we have passed. I think it's very, very important in terms of the messages we send to the American people.

It's true that in the Rules Committee Mr. FRANK said he did not think that the bill that we were passing would be taken up by the Senate. Is it the majority's intention in the House to ask the Senate to take up Mr. FRANK's bill and to say we are not just asking the Obama administration to do these things but, like this bill, we are going to put into law what should be done, rather than petitioning the administration?

Mr. HOYER. Reclaiming my time, I know the gentlelady voted against yesterday's bill. But in response to the gentlelady's question, it's certainly my intent as the majority leader, dealing with the majority leader in the Senate, to urge him to take up the bill, to pass the bill, and it will be my recommendation to President Obama that he sign the bill, because I believe it is a bill which responds to the concerns of the American public regarding the accountability for their money, transparency in how it is spent, and a focus on some of the issues on Main Street that were, frankly, not addressed by the previous TARP money.

So, for all of those reasons, I am hopeful the Senate will pass it, I am hopeful the President will sign it, I am hopeful that it will be law. But, as I said earlier, the good news from my perspective is that in discussions, as I understand it, with Mr. FRANK, and I'll yield to him in just a second, that the administration has indicated that even if the Senate doesn't pass it, they intend to focus on those, I think, very important and salutary requirements in Mr. FRANK's bill.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would just say this. I certainly want them to take it up. Realistically, I don't think they will, unless the Obama administration fails to live up to the things in the bill. I believe that if the Obama administration surprises me, because I don't expect this, it doesn't go ahead with foreclosure diminution, it doesn't lend to community banks, it doesn't do better restrictions on compensation, then you will see pressure in the Senate to take it up.

So there is one difference with regard to Senate action between the resolution the gentlewoman offers, as authorized, although not mandated by the bill, and where we are today. The bill we passed yesterday is pending in the Senate. They don't now intend to take it up. But, if things change, pressure would build to do it.

The resolution we will be voting on today is already dead, the Senate has already killed it, and it does not allow for reconsideration. In both cases, I think it's reasonable for us to go forward. But to argue that it makes sense for us to pass a bill the Senate has already killed but not to pass a bill that will be pending in the Senate, subject to pressure, baffles me.

Mr. HOYER. Reclaiming my time, and I want to close.

Ms. FOXX. Mr. Majority Leader, can I ask one more question?

Mr. HOYER. I would be pleased to yield to the gentlelady for one more question, then I want to close, because I know Mr. PENCE wants an opportunity to say the majority leader is wrong.

Ms. FOXX. Again, I appreciate the explanation that both you and Mr. FRANK have given, but would you agree that the first bailout that was given to the Bush administration had absolutely no accountability in it, and unless the bill that was passed here yesterday is passed out of the Senate before the money is given to the Obama administration, that there is no guarantee of any accountability and that

we will be asking for a report after the fact?

The original bill had no oversight in it. It had after sight in it, but no oversight. And, again, I appreciate the fact that the majority has brought this bill up, and I think it was the right thing to do, but I would like to see that other bill passed, because I think we need accountability, whether it's on the Democrat side or the Republican side, and isn't it true that there is no accountability for how that money is going to be spent, unless the Frank bill is passed?

Mr. HOYER. Reclaiming my time, I do, however, tell the gentlelady in the kindest terms possible that I find it somewhat ironic that she is so interested in that bill being signed, so there will be accountability, but yesterday she voted against it. I find that somewhat ironic.

But, in any event, in answer to your question, I think we have learned that we needed greater accountability. Very frankly, we thought the Bush administration would exercise more accountability and oversight. We provided, as I am sure you know, significant oversight. Now you call it after sight, and that may be an apt term to it, but we provided significant oversight, including the GAO, which has said it was not done as well as it should have been done, which led to Mr. FRANK's legislation, which was on the floor yesterday. So we think that was very positive.

In closing, I appreciate the gentlelady saying this was the appropriate thing to bring to the floor. We provided legislation that would be brought to the floor. It is here.

I would, in closing, urge all of the Members, notwithstanding the fact that it's on the floor, notwithstanding that their vote will be of no effect. I understand it will be a statement to our constituents where we stand on the issue. And this is an unpopular program. But, across the board, liberal and conservative economists, the Secretary of the Treasury, present and future, President Bush and President Obama, have both concluded that if we are to meet the economic crisis that confronts us, moving forward with the additional second phase of TARP is essential.

I urge my colleagues to vote against the motion of disapproval.

Ms. FOXX. Mr. Speaker, I yield myself 30 seconds.

In just one second I am going to recognize my colleague from Indiana, but I want to say that I appreciate the argument that has been made that both Presidents, Secretaries of Treasury, and all these brilliant people, supposedly, have asked for this money and said it has to be done to save our Nation. But we know that in the Roosevelt administration, Henry Morgenthau and all those brain trust people who were there, said that, after 8 years, what the Roosevelt people did was a complete failure. I think this is the direction we are going.

□ 1100

I now yield 4 minutes to my colleague, the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I rise in support of the resolution of disapproval.

Our Nation is confronted by a serious financial crisis; it is a crisis of confidence in our financial markets and, let's be honest, it is a crisis of confidence in our government. While many are anxious about how we will confront these times, many more face this moment with faith, not fear. We will get through this. We have confronted greater challenges than this. I am confident we will restore our markets and renew our government. But, as I said last fall in the original debate, we must do so in a manner that is consistent with the principles that make America great.

As the distinguished chairman of this committee said following last week's action in the Senate: No matter what happens here today, the second half of the bailout funding will go forward, adding $350 billion to the national debt and burdening future generations of Americans with the mistakes of Wall Street, and Capitol Hill during the present day, despite sincere efforts at reform.

This legislation remains the largest corporate bailout in American history, forever changes the relationship between government and the financial sector, and passes the costs along to the American people.

I did not come to Washington to expand the size and scope of government. I did not come to Washington to ask working Americans to subsidize the bad decisions of corporate America. Therefore, I did not support the Emergency Economic Stabilization Act last fall, and I cannot support the legislation before the Congress that would send good money after bad. As I said then, while this bill promises to bring near-term stability to our financial markets, I ask my countrymen, at what price?

The decision to give the Federal Government the ability to nationalize almost every bad mortgage in America interrupted a basic truth of our free market economy: Government can't control outcomes in an economy without eroding the independence and the integrity of our free-market system. When the government chooses winners and losers in the marketplace, every American loses.

Now, some say this crisis was too acute to rely on what they call antiquated notions about the role of government in the private sector, but I disagree. I believe the principles of limited government, free enterprise, and representative democracy and personal responsibility are as relevant today as they were in 1776.

Now, there are no easy answers to these times, but the American people deserve to know that there were and are alternatives. Last fall, House Republicans offered an alternative that would have required Wall Street, not Main Street, to pay the costs of this recovery. And today, House Republicans are preparing fast-acting tax relief instead of more bailouts and more spending to get this economy moving again.

President Theodore Roosevelt said, ''An American must face life with resolute courage, win victory if he can, and accept defeat if he must, without seeking to place on his fellow man a responsibility which is not theirs.'' With this legislation, we again, by second half, place upon the American public a responsibility which was not theirs, bailing out financial institutions after they made irresponsible business decisions. This, we should not have done. This, we should not do again. Instead, we should confront this crisis with resolute courage, faith in God, faith in the American people, and the ideals of freedom and free enterprise.

I urge my colleagues to join me in opposing further funding of the Emergency Economic Stabilization Act of 2008.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. SHERMAN) controls the time.

There was no objection.

Mr. SHERMAN. Mr. Speaker, I yield myself 3½ minutes.

The TARP program is highly flawed. It is up to us to pass good statutory provisions, not to give blank checks to the last administration, or even this administration. We ought to improve the program. The bill we passed yesterday is just a down payment or, since the Senate may not act on it, just an attempt at a down payment on the statutory changes we ought to adopt. But the question is, how do we vote on this resolution today?

If the Senate had voted to block funding, then today's vote would be entirely different. Effectively blocking funding might be the first step in forcing statutory changes; but that is not where we are today. Instead, we are here voting on a bill that both sides agree has no statutory significance. Under the existing statute, this administration will get $350 billion subject only to the very limited restrictions imposed by the bill that we passed, and I voted against, last fall. This vote is nothing more than a nonbinding resolution. It is a joint press release. It does not trigger any statutory provision; it does not write any statutory provision.

So how should we vote on this joint press release? Is it an accurate press release? Will the press understand it, or is it written in such a way that the press will misunderstand? In order to determine that, we have to understand the press.

I would hope that we would have a press in this country that, if we had voted for this resolution, would say: ''The House demands statutory improvements in the TARP program. It

demands the passage of the Frank bill and far more.'' Unfortunately, we know that will not be the headline.

It makes no sense to provide this press release to a press corps that instead will interpret it as saying: ''House repudiates President Obama on the second day of his term.'' But we know the press. They will put personality over substance, politics over policy. They will write this story, ignoring the problems with the TARP bill. They don't want to write about statutory provisions; they will write about politics not policy. So signing on to a joint press release knowing that the press will misinterpret it is a bad idea.

What is a good idea is using every vehicle we have to demand that we improve the TARP program, and that starts with passing the Frank bill and putting it on appropriations bills, putting it on the stimulus bill, making it clear to the Senate that nothing moves until that bill moves. But that is just the beginning. We need statutory provisions that say, if you get TARP money, then there will be no dividends, no stock repurchases. You can't take our money, and then give your money to your own shareholders. That we require the administration to get the maximum number of warrants, so that we participate in the upside of those companies that survive. That the statute does not authorize overpaying for toxic assets or buying bad bonds held by foreign investors. And, that we have real limits on executive compensation and perks, not just for those bailed out companies that are in Detroit, but those that are in New York as well.

We have got to communicate in every way we can to our leadership and to this country that we need massive improvements in the statutory provisions of TARP. Voting ''no'' on this resolution is the first step in making that clear. Voting ''yes'' would just be confusing.

Ms. FOXX. Mr. Speaker, I yield myself 30 seconds.

I think it is important to point out that my colleague from California made some great comments; however, he says the bill has no statutory significance. Let me point out to him, the majority leader, and the chairman of the committee that the bill that the Senate rejected was their own bill, Senate Joint Resolution 5.

This bill would have statutory significance if it passes because it would be alive and eligible for the Senate to consider, and I think it is very important that we point that out. It was the Senate bill that was rejected, not this bill.

Mr. Speaker, I yield 3 minutes to Mr. MCCLINTOCK, my colleague from California.

Mr. MCCLINTOCK. I thank the gentlelady for yielding.

Mr. Speaker, this resolution presents this House with its last chance to admit that the Bush bailout has not worked, and it will not work, because of a simple and self-evident truth: government cannot inject a single dollar into the economy that it has not first taken out of the economy. It is true that if I take a dollar from Peter and give it to bail out Paul, Paul has got one more dollar to spend; that dollar will ripple through the economy. But we forget the other half of that equation: Peter now has one less dollar to spend, meaning one less dollar to ripple through the economy. In short, it nets to zero. In fact, it nets to less than zero, because you are shifting enormous amounts of capital from investments that would have been made strictly by economic calculations to investments that are being made entirely by political calculations. We are not helping the economy with these bailouts; we are hurting it. If they actually worked, we would be now enjoying a period of unprecedented prosperity and economic expansion.

I have heard it said today, well, it is just the way that the Bush administration administered it. Well, let me pose to them this simple question: When in the entire history of civilization have such bailouts actually worked? They didn't work in Japan in the 1990s, they didn't work in America in the 1930s, and they aren't working today.

Fortunately, we know what does work. Reductions in marginal tax rates and reductions in taxes on investment consistently do stimulate the economy. They worked when John F. Kennedy used them in the early 1960s, they worked when Ronald Reagan used them in the early 1980s. When taxes are reduced on productivity, productivity increases. But how typical of government to resist what we know works and embrace what we know doesn't work.

This resolution offers the House one last fleeting chance to admit its mistakes, to step away from rigid adherence to failed policy, and to offer the change that the people of this Nation deserve.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts (Mr. FRANK) controls the time.

There was no objection.

Mr. FRANK of Massachusetts. I yield myself 3 minutes.

First, I want to respond to the gentlewoman from North Carolina's estimate of the Senate parliamentary situation. She is wrong. If this resolution passes, it will not be pending in the Senate. The Senate will always have the right to bring up a new and different bill to repeal the $350 billion. But this resolution is dead, not on arrival, but before arrival. And the difference is this:

This resolution comes to the House floor, as its counterpart came to the Senate floor, under expedited procedures; that is, the filibuster extended debate was not available. The Rules Committee was not available to stop this. The Senate, having defeated the one resolution that they were allowed under expedited procedures, cannot revive it. In fact, it said in the bill as a protection, frankly, for those who are likely to be opposed to the TARP, that it couldn't be reconsidered; that is, it was a protection against pressures being applied by a combination of leaderships on either or both sides and the administration. So this bill is dead. The Senate killed it. This is an exercise.

It is true that the Senate could start all over again with a new bill subject to extended debate, et cetera; and that, of course, nobody could take away from them. But to be very specific, this resolution's counterpart cannot come up in the Senate under the rules, and the Senate Parliamentarian has so ruled, appropriately, if you read the legislation.

So what is available now here is exactly what we have with the bill we passed yesterday, if the Senate wants to take it up under nonexpedited procedures. And when it comes to nonexpedited procedures, the United States Senate has no equal. Nobody can nonexpedite procedures like the Senate. So both of these bills could come up in the Senate under those rules.

Now, the other thing I would say is this, and to the gentleman from California, yeah, there is a philosophical difference here. I do think the gentleman from California was a little harsh in his criticism of the Bush administration in denouncing this, because this is, after all, the Bush administration's creation.

We also have, by the way, and let me address this, under the appointees of President Bush at the Federal Reserve a massive expansion of authority that was granted during the Depression and has rarely been used since for the Federal Reserve to make loans. And I want to be clear, Mr. Speaker, to people that much of what they have read about, for instance, the intervention with AIG primarily and some others, did not come under the TARP primarily; they came from the Federal Reserve using a statutory power from the thirties. It had not been used very much. The Federal Reserve used it somewhat earlier in 2008, and then in September of 2008 began to use it in large numbers. People are understandably concerned about this and what is being done. The Financial Services Committee will be having a hearing within a couple of weeks in which we will begin examining what the Federal Reserve is doing.

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

Mr. FRANK of Massachusetts. I yield myself an additional 1 minute.

□ 1115

I do want to make clear the policies that the gentleman from California describes as failed and as doomed are George Bush's. Now you may think that Obama will do no better. But I do want to be clear. It was the Bush administration officials that asked us to do this. We did modify it some.

The only other point I would make is this about oversight. We did write

oversight into the bill. The gentlewoman says, well, oversight was after the fact. But oversight is always after the fact. The oversight function is to see what has been done and report on it. That is what the Oversight Committee does.

In this case, we put in good oversight. The Government Accountability Office reported early on that they weren't monitoring how the loan money was being spent. And we had a hearing to talk about that. And then the Elizabeth Warren panel talked about it. So our decision to tell the Bush administration to stop and not even ask for the $350 billion until we got a new shot at it came based on information we got from the oversight panels that we put into the bill.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself 30 seconds.

I have the greatest respect for Mr. FRANK and his experience and his knowledge of the workings of this body and the Senate. But I have to say, you are wrong about whether this bill is dead on arrival. It is not dead before it. It is possible to be heard in the Senate. It doesn't have to be heard under expedited processes. You're absolutely right. But it is not dead. It is not dead before it goes there. It is not dead on arrival. So I think that has to be corrected. And I want to say that——

Mr. FRANK of Massachusetts. Will the gentlewoman yield on my time?

Ms. FOXX. No, not on my time.

Mr. FRANK of Massachusetts. On my time.

Ms. FOXX. On your time?

Mr. FRANK of Massachusetts. I yield myself 30 seconds.

The SPEAKER pro tempore. The gentlewoman from North Carolina controls the time. Her 30 seconds has expired.

Mr. FRANK of Massachusetts. Will the gentlewoman let me yield 30 seconds?

The SPEAKER pro tempore. The gentlelady from North Carolina controls the time.

Ms. FOXX. Mr. Speaker, what I would like to do is recognize Mr. PAULSEN from Minnesota. And then when it is Mr. FRANK's time, I will yield to a question.

The SPEAKER pro tempore. For how much time?

Ms. FOXX. Mr. PAULSEN, 2 minutes.

Mr. PAULSEN. I thank the gentlelady. Mr. Speaker, I rise also in support of the resolution that is before the body here today to oppose the release of the second tranche of TARP funds.

We are being asked here today to spend another $350 billion of American taxpayer money. Now the lapses right now that we have already seen in accountability and in transparency in the first tranche of bailout funds have not been remedied. And we don't even know exactly how that first $350 billion was spent just a few months ago. Furthermore, the scope of how future funds will be spent has moved beyond the intended purpose of TARP in the first place. That program now has turned into a grab bag for a variety of special interests that are lining up to attain more taxpayer money.

Congress is not being strategic. It is not being smart or prudent. We owe it to the American people to analyze and to scrutinize where the first tranche of bailout money went so that we don't throw good money after bad.

Just one day ago, our new President in his eloquent inaugural address called for a ''New Era of Responsibility.'' I completely agree. And I believe that Congress needs a new era of responsibility as well, especially in how it spends taxpayer money. The release of these new funds will only add to our massive budget deficit, which is going to be passed on to future generations.

Mr. Speaker, enough is enough. The House should strongly oppose, on a bipartisan basis, another $350 billion because it lacks the appropriate transparency, oversight and accountability. And we shouldn't borrow and spend and bail out our way to get our economy back on track.

Mr. FRANK of Massachusetts. I will yield myself 30 seconds to point out that the gentlewoman from North Carolina was incorrect. She said this bill would be alive in the Senate. That is wrong. This bill is the expedited procedures proposal. Its Senate counterpart has been killed. If this bill passes or fails, it makes no difference. Now it is true, the Senate has the right under the Constitution to pass a brand new bill. But if it did, it would have to come over here to be passed. This expedited procedure resolution would not meet the bicameral test. So the point is that when she talks about this bill, it has no effect. If the Senate passes a bill, as they would have a right to do under the normal rules subject to filibuster, it would then come over here and be subject to normal rules——

Ms. FOXX. Would the gentleman yield?

The SPEAKER pro tempore. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. I yield myself 15 seconds to say to the gentlewoman, just as she wouldn't yield to me, I will now yield to the gentlewoman from Illinois. The gentlewoman from Illinois is recognized for 2 minutes.

Ms. BEAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.J. Res. 3, which would eliminate an essential tool for our government to maintain stability in our financial markets during this time of economic strain.

Last fall, this Congress faced a difficult decision. We were asked to provide the Treasury with $700 billion to stabilize the financial markets. Federal Reserve Chairman Ben Bernanke warned that the U.S. economy was on the verge of collapse if we did not act. Fortunately, Congress wisely put stipulations in place to protect taxpayer dollars. We also instructed the Treasury to provide foreclosure avoidance resources. Most important, we withheld half of the TARP money to allow Congress to review the use of the first half before releasing further funds.

While it was vitally necessary to stave off the collapse of our Nation's financial system and remains so today, I appreciate the frustration many of my colleagues and Americans have with the execution thus far of the TARP program. Of particular concern, the past administration did not follow congressional instruction to utilize a portion of funds to address rising foreclosures. There have been many changes in strategy taken by Treasury and the Federal Reserve in response to evolving economic challenges that are not well understood. These actions have lead to a perceived ineffectiveness that stems from confusion in both the process and purpose of these funds. The TARP was intended to provide tools to stabilize our financial system to prevent collapse. It was not intended to be used as an economic stimulus. However, without it, the congressional stimulus package that is pending would have diminished effectiveness. And our Nation continues to face unprecedented crisis that requires quick and decisive action.

We can and should provide the new administration with the resources to both stabilize our financial system and reduce the foreclosures that continue to undermine it. Yesterday, we passed H.R. 384, which directs the Obama administration to act with greater transparency and accountability on how our funds are being used to stabilize markets and provide multitiered options to foreclosure avoidance for creditworthy families.

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

Mr. FRANK of Massachusetts. I yield the gentlewoman 1 additional minute.

Ms. BEAN. In 2008, 8,200 homeowners filed for foreclosure each day. One in six homeowners are currently upside down, meaning that their mortgage debt exceeds current home value. Currently, 45 percent of real estate on the market is foreclosed properties, which continues to depress home values and adversely impact average Americans who want to refinance or sell their homes.

In addition, slumping consumer spending is driving many retailers and small businesses under. And as they vacate their properties, commercial foreclosures will likely increase. That means even more toxic assets on the books of our financial institutions, further limiting credit. And U.S. banks continue to write off enormous losses, and several are reporting severe fourth quarter losses.

Given this data, it would be irresponsible for this Congress to deny the new administration the tools needed to prevent a further collapse of our markets

and credit availability. Without these tools, the upcoming stimulus will have a reduced effect in igniting economic growth.

I urge my colleagues to oppose today's resolution to disapprove the release of these funds so American families and businesses can count on our financial system in the future.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my distinguished colleague from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentlelady for yielding.

Mr. Speaker, this fall when my colleagues and I voted to pass the Emergency Economic Stabilization Act, our banking sector was facing an unprecedented and immediate threat that affected the ability of all American businesses, large and small, to get credit to obtain inventory, purchase needed supplies or even make payroll. Our credit markets were effectively frozen, and our economy faced extraordinary peril that required exceptional measures.

Our financial system and larger economy still have enormous problems. But the threats to our economy are shifting and rapidly evolving. The situation that we are facing today is critical and urgent. But our economy has different challenges from when we passed the Emergency Economic Stabilization Act. And frankly, I'm not sure whether the Troubled Assets Relief Program, TARP, is the right tool to combat these problems. It concerns me to see that TARP is spinning out of control with rapidly expanding goals. I did not vote to provide a fund to prop up failing companies or expand government interference into companies' business decisions. I supported the Emergency Economic Stabilization Act to give us the tools to fight our immediate and critical economic threats this fall. And I'm glad that it worked to prevent even greater economic turmoil.

But now, we need to stop and reevaluate where we are. We need to take a measured approach. We need to be better stewards of the taxpayers' money. And we're talking about billions of dollars here. We need to figure out exactly what problem we are trying to fix and whether we are using the right tool.

Now yesterday, when I came down to the House floor to offer a motion to recommit that was similar in the nature of the resolution today, but with one fundamental difference, if passed by the House and Senate and signed into law, the bill as amended with my motion would have actually stopped the $350 billion from going to TARP. In his rebuttal to my motion to recommit, I was told by the distinguished Chair of the House Financial Services Committee that my Republican colleagues and I were getting our marching orders from the Heritage Foundation and the Wall Street Journal on disapproving the final $350 billion payment from TARP. Now, I can only speak for myself, Mr. Speaker, but I'm here to protect the American taxpayer. And spending this money right now is not the right thing to do.

I urge my colleagues to send a clear and convincing message to the American taxpayer that we want to stop TARP's expansion and to vote ''yes'' on disapproving of the final $350 billion to the program.

Mr. FRANK of Massachusetts. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman has 39¼ minutes remaining. The gentlelady has 41½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 3 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a very important debate. I want to thank the chairman of the Financial Services Committee. I would imagine that this was the vision of the Founding Fathers when they created the basic infrastructure of our constitutional government that the people of this Nation should have the opportunity to hear the truth and hear us speak the truth. And so today I think it is important that the truth be known and told. And frankly, I think the real question for my good friends on the other side of the aisle is, what did the previous administration do with that money? That is the angst. That is the reason why we have this controversy. Because those of us who in good intentions and goodwill responded to the pending crisis, even as the administration was leaving, the lights are being turned out, we said we had to do something for the American people. We begged them to respond to the mortgage foreclosure, the collapse of the market. It was not done. There was no reporting as to what happened to the money.

And so, as Mark Zandi has said, chief economist of Moody's economy.com, the global financial system has effectively collapsed, undermining investor, household, and business confidence and pushing the economy into a lengthy and severe recession. The proximate cause, he says, of the crisis was a collapse of the U.S. housing market and the resulting surge in mortgage loan defaults. We asked the former Secretary, we asked and begged him to deal with the mortgage foreclosure of the American people. They did not do it.

Now, we come full circle with a new administration who has articulated their commitment to addressing this mortgage foreclosure collapse. We have to do it with the money that is pending today. That is why I rise in opposition to this legislation.

In the requirements that have been dictated by this House, we are setting aside money that is specifically for the use of hardworking Americans who bought into mortgages that were, through no fault of their own, smoke and mirrors. And so today we have $100 billion set aside so that your mortgages, your homes can be saved. Is that not the responsibility of the Federal Government? Is that not the reason why we are here? We must give these monies to the Obama administration for them to give them to the American taxpayer. That is what this is about.

In addition, we will be providing more dollars to what we call private banks, many of them in your home towns where you know your bankers, who have not been able to get these dollars. We want the small businesses, minority, women, and others that are just simply small, the backbone of America, to be able to get the credit that you need for your payroll. That is what this is about. This is a complete 180-degree turn. We want to do what was not done.

In addition, we have language that is requiring the banks to give us a point-by-point, dot-by-dot, line-by-line explanation of the use of these moneys.

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

Mr. FRANK of Massachusetts. I yield the gentlewoman 1 additional minute.

□ 1130

Ms. JACKSON-LEE of Texas. So line by line to be able to report to you, the American people, what is this money going for.

I know a pastor in Houston, Texas, Reverend Samuel Smith, who has a church that has remained in an inner city area. He has rebuilt his church. He did it because he got credit, he got money so that his parishioners could come to that area that needed redevelopment so he could continue to provide life to that area. That is what these funds can be used for if they go to the banks of the community. The big banks will not be able to use these dollars to buy up little banks. The money will go to these little banks and help the inner cities and rural communities of America and so you know your banker and know they have money to lend to you. This is what is happening today.

And by the way, my friends, in this language it says so more of these big bonuses and compensation and grandstanding resort packages, no more of that. A number of other restraints are in the package that we passed last week.

Please provide us with the hope and spirit of our new President who said we can do this. This is a bad bill, and I stand opposed to it because I stand with the American people.

Mr. Speaker, I rise today in opposition to H.J. Res. 3, relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008 (EESA). This resolution disapproves the use of the second $350 billion of the funds that were made available to the Secretary of the Treasury under the EESA.

Under the "fast track" consideration provisions of EESA, such a resolution is in order

upon the transmittal by the President of a plan to use the second $350 billion.

Passage of this resolution would prevent the new Administration, unless vetoed by the President, from using the second $350 billion. Already the Senate has rejected its resolution of disapproval last Friday when it was offered in the Senate. This body should do the same. Likewise, the House should also join me in rejecting this resolution.

We cannot hold the present Administration accountable for the missteps and misdeeds of the past Administration. It is my firm belief that this Administration must be given the most latitude in its decision regarding how the monies will be dispensed and used. The current Administration should not be fettered but should be free to use the monies as it sees fit, using judiciousness, practicality, and commonsense.

Moreover, this body voted to pass H.R. 384 TARP Reform and Accountability Act, which provided greater accountability and oversight in the use of TARP. Therefore, there is no reasonable, articulable basis to deny the Administration access to the TARP monies.

Just yesterday, the House of Representatives voted on a bill that would amend the TARP provisions of the Emergency Economic Stabilization Act of 2008 (EESA) to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation. Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's Amendment to this legislation, which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It has been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks however, smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to worsen, despite hundreds of small banks having already applied.

According to recent reports, the Treasury Department has yet to issue ''the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can. While Treasury officials state they are ''working on a solution,'' for these private banks time is of the essence.

The Treasury Department has handed out more than $155 billion to 77 banks. Of that sum, $115 billion has gone to the 8 largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

I worked diligently with Chairman FRANK and the financial services Committee to ensure that language was included to assist private banks such as Unity Bank and Amegy Bank in Houston to shore up their liquidity and ability to extend credit to local businesses and families.

This legislation also provides funds for foreclosure counseling, legal assistance to homeowners facing foreclosure and training for foreclosure counselors. I have been a long-time advocate for foreclosure mitigation working with state and local government and nonprofit organizations to help families in need. Last year, I championed setting aside $100 billion to address homeowner foreclosure prevention. I also fought to amend bankruptcy provisions to allow individual homeowners to be able to modify their home mortgages to prevent foreclosure.

As I look at this revised legislation I feel a sense of vindication. I kept sounding the alarm to provide language that explicitly addressed homeowner foreclosure prevention and loss mitigation. As it now appears, my efforts were not in vain.

Foreclosure prevention-loss mitigation programs have given millions of Americans, who face foreclosure, the opportunity to get back on track and save their homes from foreclosure.

Every year there are millions of Americans who find themselves in a pre-foreclosure situation. Most feel that they are alone when they face a foreclosure situation. This legislation will allow Americans to get them help they need to stop foreclosures and ultimately help people stay in their homes.

The Manager's Amendment requires that the Treasury Department act promptly to permit smaller community financial institutions that have been shut out so far to participate on the same terms as the large financial institutions that have already received funds.

Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have had to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation.

We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the Manager's Amendment will effect this change.

In Section 107, the Manager's Amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. I sought the creation of such and office and I am pleased it was included in this legislation. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants.

Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This Office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager's Amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses.

This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability. It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending (or reduction in decrease of lending) and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an agreement with the institution, and its primary federal regulator on how the funds are to be used and benchmarks the institution is required to meet so as to advance the purposes of the Act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary federal regulator must specifically examine use of funds and compliance with any program requirements, including executive compensation and any specific agreement terms.

Mr. Speaker, I am pleased that this legislation has strong requirements regarding executive compensation.

Mr. Speaker, the Act provides that the second $350 billion is conditioned on the use of up to $100 billion, but no less than $40 billion, for foreclosure mitigation, with a plan required by March 15, 2009. By that date, the Secretary shall develop (subject to TARP Board approval) a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than required minimum $40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives:

(1) Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor;

(2) Bringing costs of Hope for Homeowner loans down (beyond mandatory changes in Title V below), either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both;

(3) Program for loans to pay down second lien mortgages that are impeding a loan modification subject to any write-down by existing lender Treasury may require;

(4) Servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications; and

(5) Purchase of whole loans for the purpose of modifying or refinancing the loans (with authorization to delegate to FDIC)

In consultation with the FDIC and HUD and with the approval of the Board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in Homeowner Emergency Relief Act (maximize the net present value (NPV) of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure).

This bill requires persons who bring suit unsuccessfully against servicers for engaging in loan modifications under the Act to pay the servicers' court costs and legal fees. It also requires Servicers who modify loans under the safe harbor to regularly report to the Treasury on the extent, scope and results of the servicer's modification activities.

In addition to the above requirements, an Oversight Panel is required to report to Congress by July 1st on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans.

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve.

Treasury's authority to provide support for commercial real estate loans and mortgage-backed securities.

Treasury's authority to provide support to issuers of municipal securities, including through the direct purchase of municipal securities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securities.

In addition, more reforms are enunciated for Homeowners in Title V. The Home Buyer Stimulus provisions requires Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgages rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

Under this provision, Treasury has to make affordable rates available under this program available in connection. with Hope for Homeowner refinancing program.

This legislation will give a permanent increase in FDIC and NCUA Deposit Insurance Limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to $250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In this economic climate it is critical for us to remember that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

I strongly urge my colleagues to join me in opposition to this resolution. The reforms of the bill that we voted upon just yesterday adds greater accountability and oversight to the EESA. I do not believe that the President should be fettered in his use of the monies allotted to his Administration and the Treasury in the EESA. The previous Administration was able to use the monies in an unfettered fashion, there is no articulable reason why the present Administration must undergo a different process or procedure than its predecessor Administration.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. I thank the gentlelady for yielding, and Mr. Speaker, I rise in support of this resolution because I don't believe the bailouts can work, and more spending isn't the answer.

Actually, we should have talked more about prevention of a problem like we have today than trying to deal with the financial cancer that we are dealing with. But the prevention could have come many decades ago. And many free-market economists predicted, even decades ago, that we would have a crisis like this. But those warnings were not heeded, and even in the last 10 years there have been dire warnings by people who believe in sound money and not in the inflationary system that we have that we will come to this point.

Over those decades we were able to bail out to a degree and patch over and keep the financial bubble going. But today, we are in a massive deflationary crisis, and we only have two choices. One is to continue to do what we are doing: inflate more, spend more, and run up more deficits. But it doesn't seem to be working because it won't work because the confidence has been lost. The confidence in the post-Bretton Woods system of the dollar fiat standard, it is gone. This whole effort to refinance in this manner just won't work.

Now, the other option is to allow the deflation to occur, allow the liquidation of bad debt and to allow the removal of all of the bad investments; but that politically is unacceptable, so we are really in a dilemma because nobody can take a hands-off position. Politicians have to feel relevant. And, therefore, they have to do something. But there is no evidence that this is going to work.

Now we hear that there is a proposal, and we read about it in the paper, and I don't know who came up with this, but it is the idea of having a bad bank. Let us create a government bad bank, and this bad bank is to take the bad debt from the bad bankers and dump these assets onto the good citizens. Well, I think that is a very bad idea. I mean, it doesn't make any sense for the innocent American citizen to bear the burden.

But others will say no, we will bail out the citizens as well. But ultimately, it is the little guy that loses on this. The bankers got $350 billion, and we can't account for it and their assets don't look that much better, and yet the American people are still suffering. It didn't create any more new jobs. The attempt now will be maybe to redirect this. But, unfortunately, it will not be any more successful.

The fallacy here is we are trying to keep prices high when prices should come down. What do we have against poor people? Lower the price of houses, get them down. A $100,000 house, get them down to $20,000. Let a poor person buy these houses. That is what we want.

But this is a remnant of the philosophy of the 1930s when it was thought we were in trouble because the farmers weren't getting enough money for their crops. So people were starving in the streets, and guess what the policy was that came out of Washington: plow under the crops and then maybe the prices will go up. Diminish the supply, and it will solve our problem. It didn't work then, it won't work today.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, as I stand here, it is very important for us to remember the words of our first Secretary of the Treasury, Alexander Hamilton, for it was Alexander Hamilton who said the greatness of a strong, centralized government shines at its most brilliant at the moment and time of a nation in crisis.

We are in a crisis. We are in an agonizing, convoluting, economic crisis of staggering magnitude. It is going to take us to have the wisdom and the smarts, just like our Founding Fathers did, to be able to respond.

Now I want to just bring this into perspective so the American people will know exactly what it is we are doing, in a most responsible way, because I take great umbrage with some of my friends on the other side of the aisle, some of my Republican friends, who want to question the actions of us on the Democratic side of not being good stewards of the taxpayers' money. We are being good stewards of the taxpayers' money. Unlike the first batch of the $350 billion that the previous administration had, you talk about not being good stewards of the taxpayers' money, there you go, no strings attached. Nothing. The Secretary of the Treasury comes over and says he wants to use that $350 billion to get the toxic assets, and does nothing but change his mind in the middle of the stream before we can get out of town, before we can even put the oversight and put the inspector general in, and changes the direction of the money away from that, putting it into direct injections into the banking system, which one would say had some effect, but it was not being good stewards of the taxpayers' money.

So now we come with a brand new administration, the Obama administration, whose first order of business is to deal with the significance of this economic crisis. He is asking for this tool, a tool, by the way, which is the same tool that we gave to the previous administration. And I say to you, this is surely, as we honored the request of the previous administration, President Bush, because we knew that we had a crisis, we know that crisis is 10 times worse today and we should be moving 10 times faster to give it to the Barack Obama administration.

Let me say this because there has been a whole lot of talk about we need to make sure that we do it right and we have the proper tools in place of oversight. Under the leadership of Chairman FRANK we have done that with the TARP bill we passed yesterday. Here is what it has got. It has got the oversight in it. It has got the quarterly reporting. And yes, to the dismay of some of our friends on the other side of the aisle, we have a requirement in here that we will have Federal observers sitting in the boardrooms when the decisions are made because we found out they are not going to do as we say. Just like the Super Bowl, you have got to have the referees and umpires on the field to make sure that they follow the rules of the game. We have that in.

And more significantly, right to the core of my heart, I tried as hard as I could on the last bailout, the first $350 billion, I tried to get moneys in to deal with the core of the problem, which is home foreclosures. Under the leadership of our Financial Services Committee, we made sure that up front, we are saying to the Obama administration, make sure that you use up to $100 billion to make sure that we can keep folks in their homes. Put the moneys into the community banks and the small businesses which create most of the jobs in this country.

This is an important day. It is an important time. I ask you to remember the words of Alexander Hamilton and let us vote down this obstructionist piece of legislation and move forward.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to an outstanding new Member of Congress, Mrs. LUMMIS, from Wyoming.

Mrs. LUMMIS. Mr. Speaker, it is daunting, indeed, to follow such an articulate speaker on the floor of this House, but I rise today to express my support for House Joint Resolution 3 and my opposition to the decision to release the second half of the TARP bailout funding.

Washington, DC, has often been described as 70 square miles surrounded by reality, and I think that description, particularly today, is right on target. Only in this town can people actually believe that throwing more money down a rabbit hole during these harsh economic times will produce positive results.

Wyoming people are right to express their frustration about how the taxpayer dollars were spent under TARP. I believe and they believe their hard-earned money has gone to waste due to a lack of accountability and transparency under this program.

TARP funding was originally meant to stop the downward spiral of the banking industry. And while I opposed it from the beginning, I am even more appalled by how the funding has been redirected. The Reform Act the House passed yesterday, for example, would direct the second half of TARP funds to go towards the auto industry, foreclosures assistance, and even student loans. While some of these programs may have independent validity, the original intent of TARP funding was not directed towards them and should not now be directed towards them.

With a possible trillion dollar stimulus package just over the next hill, we as a Congress and we as a Nation need to assert some fiscal discipline. The release of the additional $350 billion, especially after the lack of knowledge on how the first half has been spent, is not fiscal discipline. It is inexcusable. It is poor planning on our part, on the part of Congress.

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

Ms. FOXX. I yield the gentlewoman 30 additional seconds.

Mrs. LUMMIS. It is poor planning on our part to release this money without giving real consideration to how it will be used or whether its goals will be met.

I stand in support of House Joint Resolution 3, and ask my colleagues to stand with me for fiscal discipline and support this resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate his leadership on this.

I just listened to our new colleague from Wyoming, and I am trying to track her logic. I was one of the people who had deep reservations about the original bailout proposals. I had even more skepticism about the people to whom bailout money was going to be entrusted in the White House. But most, I was concerned that it was not addressing the various things that she is disparaging, like homeowners in economic free fall, people dealing with student loans. We were throwing all of that money at large financial institutions while not dealing with millions of Americans in a desperate circumstance that is, after all, fueling the problem of the economic spiral. I thought that was misguided.

I rise today to oppose the resolution which would take away one of the tools to be given to the new administration to address it properly.

I have watched, under the leadership of Chairman FRANK, as we have tried to redirect, to prod and push and probe to make sure that there is greater transparency and coax greater performance out of the Bush administration while dealing with the criteria by which we will be going forward.

□ 1145

This is the work that the Congress should be doing, and I think we are doing it in a reasonable fashion. It's coming in the context of other tools that the new administration has sought and desperately needs. I came to the floor, leaving a markup from the Ways and Means Committee, where we will be looking at several hundred billion dollars of targeted tax relief that's going to make a difference for those American families.

There will be a significant package coming forward for economic stimulus dealing with rebuilding and renewing America, energy efficiency, with roads and bridges, transit and bikeways; things that will make a difference over the course of the next few months and next few years to re-start the economy.

We are taking stock. We are exercising not just oversight of a new administration—and I have no doubt, no doubt that the Financial Services Committee, under the chairmanship of Chairman FRANK, will make sure that the directions, that the accountability, the transparency that has been promised, we will follow through.

Most important, before we get to oversight, is this notion of partnership—partnership with the new administration, partnership with Congress and the American public—as we deal with the things that make the biggest difference for Americans; their homes, their jobs, their communities.

I urge rejection of this resolution to move forward with giving the new administration the tools they need.

Ms. FOXX. Mr. Speaker, may I inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore. The gentlelady has 36 minutes remaining. The gentleman from Massachusetts has 28¼ minutes remaining.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my colleague from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentlelady for yielding.

I must admit, Mr. Speaker, I find it quite ironic that many of my friends on the other side of the aisle who for weeks, if not months, have come to condemn the TARP program, to tell us all of its woes and shortcomings only to come now and say I'm going to vote for the next $350 billion.

And it's clear to me, listening to the debate, that my friend, the distinguished chairman of the Financial Services Committee, must be number one on the list of Members of Congress who will miss President George W. Bush. Everything that has happened in our land apparently is the responsibility of the former President, from the TARP program to bad breath and everything in between. But if every press account in the Western World is correct, it would appear that the distinguished chairman of the Financial Services Committee was largely responsible for writing the legislation. Now, again, I know him to be an honorable man, I know him to be a principled man, but this is legislation that I believe was written in haste. Maybe the circumstances caused it to be written in haste.

But since then we have something different, Mr. Chairman. We have the Federal Reserve now has committed almost—between the Federal Reserve, the FDIC and the Treasury and FHA under the HOPE for Homeowners program, we are now looking at almost $8 trillion of potential taxpayer liability. I'm curious, number one, what is it that's going to be achieved with this extra $350 billion where there is no plan—no plan has been presented by the administration. I mean, you know, he just took the oath of office, we were all there; there is no plan that has been presented.

And what is it on an emergency situation that the Federal Reserve cannot do with their various and sundry auction facilities that are already set up? And if this money is needed on a very urgent basis, what is it that prevents this body from coming and acting upon a specific request of the administration? And the answer is: Nothing.

Well, Mr. Speaker, what we have to look at is, this is an extra $350 billion that's going to be added on top of the single largest federal deficit that we've ever seen. Since my friends on the other side of the aisle have taken control of this House, we have seen the Federal deficit go from less than $200 billion to something 800 percent higher, I mean, $1.2 trillion. And sooner or later, Mr. Speaker, somebody has to pay for that.

We need an economic growth plan that will preserve jobs and grow jobs. We need an economic growth plan that will expand family's paychecks so they can pay their mortgage payments—our version of foreclosure mitigation. And we need a plan that doesn't send unconscionable, immoral debt to our children and grandchildren. Granting an arbitrary number of $350 billion to an incoming administration without a plan does not meet that test.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 2 minutes to respond, in part.

One, I got more credit than I deserve for writing the legislation; we had the Senate participating. I did succeed in getting some constraints written in. The problem, however, was not with the legislation, it was the way in which it was administered.

By the way, I do want to make one point. There were complaints yesterday—and I have heard complaints from the Republicans—that they had no chance for input into this legislation. That is, of course, patently untrue. If Members will remember, a large number of Republicans voted against this Bush request the first time. A number switched, still less than a majority, but a large number of Republicans switched because they achieved a major amendment.

The fact is that there was added to the President's proposal a plan for an insurance operation which was written by the Republican leadership and put into the bill at the request of the Republicans. Now, the problem was that the Secretary of the Treasury under George Bush thought it was silly and had no intention of using it. And I think the Republicans knew that, and maybe there was a little self-delusion there, but the fact is that there was a major amendment of that bill entirely generated in the Republican Party. They had a chance to put other things in there.

Now, I will concede I was disappointed. The gentleman said we wrote the bill. I tell you what I take some pride in; we wrote in there specific instructions to them to use some of the money to reduce foreclosure. They refused to use it. And under the American system of government, it is virtually impossible to force an executive branch to carry out the legal authority they are given, just as Alan Greenspan refused years ago, until fairly recently, to use the authority Congress had given him to stop bad subprime mortgages.

So, yes, there was that flaw. And if, in fact, we still had the Bush administration, no legislation, in my judgment, would succeed. But given the commitment of the Obama administration—the gentleman said there is no plan. In fact, there are very specific plans, including some from Sheila Bair, the head of the FDIC, and some approved by the outgoing Secretary of HUD, Mr. Preston, to reduce foreclosure.

Now, the gentleman has said leave it to the Fed.

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

Mr. FRANK of Massachusetts. I yield myself an additional minute.

I understand that was the argument I read also arrived at by the Heritage Foundation. The notion that we should leave it to the Federal Reserve to do it and not try to do it here means that any effort by us to put some conditions on there, we should give up. And, in fact, the difference between simply allowing the Federal Reserve to do these things and having this is—and this is a certainty, given the Obama administration's commitment—we will get, under this $350 billion, a substantial amount of money for diminishing foreclosures. There are Members who don't think we should try to do that, I understand that philosophical difference, but it's a factual difference. Under the Federal Reserve authority, which we have to examine, nothing is done to deal with foreclosures. This specific instruction here is to use a substantial part of the money—$100 billion, we hope, of the $350—for foreclosure diminution that will not happen if the $350 billion is not released.

Speaking of foreclosure, there are two Members of this House who have done the most to keep before us the need to diminish foreclosures, one of them is the gentlewoman from Ohio (Ms. KAPTUR). I yield the gentlewoman 4 minutes.

Ms. KAPTUR. Thank you, Chairman FRANK, very much for the time and for your generous comments, and effort you have made to fix a tragic economic meltdown in our country. I rise today to urge my colleagues to vote for no more money for Wall Street.

Today, the House will vote on whether to disagree with the $350 billion in additional funding for Wall Street banks. Those of us who are here on the floor today say ''no more money.'' I urge my colleagues to withhold further taxpayer funding to Wall Street.

The housing foreclosure crisis is at the crux of our economic meltdown. And until we fix that, more money to Wall Street is but a massive diversion and a ruse. Treasury took our taxpayers' money in the last-minute raid before last November's election as it stamped Congress into hasty, misguided and wrong action. The argument was, we better do something because we don't want to be blamed for whatever might go wrong. There was little thought, there was a lot of fear.

Well, plenty continues to go wrong. The Dow has dipped below 8,000. Homeowners are losing their homes at an accelerating rate. The latest foreclosure numbers underscore the need. Nationally, foreclosure filings surged to 303,000 last month, 303,000 families—that's probably close to a million people, an increase of 17 percent over the prior month and 41 percent from the same month the prior year. These are staggering numbers.

All that Wall Street has done with our money is try to cover its tracks, allowing big wrongdoers to benefit by coming under the protection of the Bank Holding Company Act—they think we don't notice—by giving those gambling houses deposit insurance which they never paid for. Worst of all, our homeowners weren't helped. They're still being bilked and losing their homes.

How has Wall Street bilked the public? Let me count the ways. First, predatory loan practices have squeezed out equity from homeowners across our country by over-leveraging the market, earning Wall Street hundreds of billions of dollars while the good times lasted. And then, second, when the bubble burst, they placed the trillion dollar burden of their schemes and massive losses onto the U.S. taxpayer that our children and grandchildren are being asked to pay.

Third, Wall Street banks further enriched themselves by refusing to do loan workouts, which was the original purpose of TARP. And fourth, instead, banks are using the money to buy banks and further concentrate financial power in the hands of very few who you can track right back to Wall Street.

Meanwhile, at the Main Street level, the suffering continues. Fifth, as Wall Street contracts with absentee auction houses to auction foreclosed properties at fire sale prices in Toledo and Sandusky and Cleveland, indeed all across this country, while booking any tax losses on those properties due to declining property values on their Federal taxes for 2008. Another bonanza to them.

Banks are ensuring they will benefit on the upside too as the mortgage market recovers as the taxpayer-insured Federal Housing Administration's capabilities are enlarged to buy up those very mortgages. And they're hoping that as families might fall into bankruptcy, that maybe the courts will take care of this too. All the burden is on the homeowner, nothing to hold accountable those who have done the real wrong.

Believe it or not, Wall Street is now luring cash-strapped local governments into schemes to avoid loan workouts to earn money at the local level from high fees through quick recovery of tax leans owed while Wall Street fails to inform homeowners of taxes owed. And those Wall Street firms are earning huge profits—are you ready for this? Eighteen percent on this scheme alone.

You know, a bank's power, unlike any other organization in our country, is to create money. They don't print it. Instead, through loans, they create money through transactions that earn money and then reloan that.

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

Ms. FOXX. Mr. Speaker, I yield Ms. KAPTUR an additional minute.

Ms. KAPTUR. I thank the gentlelady and I thank the gentleman.

It is an awesome power, the power to create money. None of us have that power unless one considers fraud or forgery. But the gambling houses on Wall Street did exactly that, they created money recklessly, using mortgages way beyond what the underlying asset could return. They don't deserve any reward.

Vote ''no'' on the second Wall Street bailout. It's just more of the same. Treasury and Wall Street broke their promise the first time, why reward them again? Let's use the appropriate agencies—the Federal Deposit Insurance Corporation, the Securities and Exchange Commission and HUD—to do the workouts that are necessary. Stop the suffering that I see every week when I return home to my district and places across this country where the American people have had the door slammed in their face.

What a difficult time is being experienced by millions and millions of our families. How can we possibly reward Wall Street again when they've turned their backs on the very people they're asking to pay the bill?

But what the gambling houses on Wall Street did was create money recklessly, leveraging mortgages way beyond what the underlying asset could return. Wall Streets bankers are so powerful—and arrogant—and breed such special relationships inside our federal government, that they are not only spared the disciplined rules of the market we must live by, they are spared prosecution, so far.

They are so powerful, they repeatedly abuse their power—and then run to our taxpayers about every ten years to bail them out. Wall Street banks have special pull up here in Washington through the Treasury and Federal Reserve, their campaign contributions, and the revolving door between Washington and Wall Street.

They consistently enrich themselves by indebting the American people for their excess. They've committed crimes much larger than the last excesses of the savings and loan crisis of the 1980's and 1990's. The cost of those massive excesses too was thrown onto the public and became the third largest component of America's long term debt. Then, Wall Street bankers make plenty of money selling those U.S. debt bonds too. It's a win-win for them.

Some would say they make money coming and going! So we have another fraudulent meltdown with another Congress and now another President. We run the risk of being cowed again by their power, rather than holding them accountable for their abusive behavior. They are rewarded again in this bill . . . transferring $350 billion more in taxpayer bailout today to paper over the losses.

Yet nothing has been done to turn a face to the taxpayers and mortgage holders who are bearing the personal cost of Wall Street's chicanery. Who will pay Wall Street's bills?

Without our imposing rigor, before more $ is showered on them, a culture of excess will flourish and become the norm. America cannot afford more excess and more greed. The latest group of victims—homeowners—got shunted aside in the first $350 billion Wall Street bailout. Nothing, nothing was done to help them, even though it was promised, promised, promised as the key reason for passage of the bailout last year.

The first objective should be expedited workouts as the mortgage foreclosure crisis is driving our economy into ruins. You fix that by doing those mortgage loan workouts, one by one, using the tried and true FDIC, its bank examiners along with the SEC accounting authorities. That isn't being done. I'm saying families being foreclosed not leave their houses—to squat—unless Wall St. bailout services can produce a full mortgage audit. Who holds your loan? Let them disclose they have followed truth in lending and RESPA laws.

Treasury—Wall Street's biggest advocate—has been charged with mortgage workouts. It has failed our people miserably. Why? It is not capable of being the mortgage workout instrumentality of our government. The appropriate agencies are the FDIC, SEC, and HUD.

Vote "no" on the second Wall St. bailout. It's just more of the same. Treasury and Wall Street broke their promise the first time. Why trust them again? Let the new President use the agencies that have the rigor to solve the home foreclosure crisis, not the one that is Wall St. biggest advocate to cover up Wall Street's abuses and greed.

□ 1200

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentlewoman for yielding.

And I want to say that I agree with a great deal of what Ms. KAPTUR just said. She is a very thoughtful legislator.

One of the things that hasn't been addressed today is something I think we should really pay attention to, and that's history. Back in the 1970s, we spent ourselves into a real hole and we had what was called hyperinflation. Interest rates were supposedly a solution to the problem. We had inflation that was about 14 percent. We had unemployment that was 10 or 11 or 12 percent. So they brought Mr. Volcker in, who was the head of the Fed at the time, and they raised the interest rates to 21½ percent because that was the only way they thought they could get inflation under control. And it put a hammer on the economy.

Now, the reason I bring this up is because we are heading toward hyperinflation again. We're spending so much money that we don't have that they're going to have to print it. We are spending $700 billion on the TARP plan. We don't know where the money's going. We have got another 825 or 830 billion coming up in the next couple of weeks. We're going to be looking at $2 to $3 trillion of additional spending that we don't have.

And where do you think that money is going to come from? It's going to come from the taxpayer, and it's going to come from the hides of the people of this country because they're going to have to print that money, and when they do, we'll have more money chasing fewer goods and services, which

means we are going to have very high inflation. And what will happen then? They'll come back with a hammer and they'll say the only way to stop inflation is to raise interest rates, which will put us into another economic decline. It will be like a rubber band. We'll be going like this.

The best way to deal with the problem today is to cut taxes, to stimulate economic growth by helping the private sector and giving the American people more disposable income, not by printing more money and just throwing money at these problems. It's not going to solve the problem. It's going to cause severe economic problems down the road that we don't even visualize yet it will be so bad.

So I would just like to say to my colleagues let's think about the kids of the future that are going to have to bear the responsibility for this. They're the ones that are going to be paying the price because we're spending so much money we don't have right now. We are heading toward hyperinflation.

Mr. FRANK of Massachusetts. Mr. Speaker, I think I may be my final speaker, so I will reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to my colleague from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I would like to thank my colleague for yielding me the time.

On September 19, 2008, then Secretary of the Treasury Paulson called for a ''temporary asset relief program'' to take bad mortgages off the books of many of the country's financial institutions. This plan was hastily negotiated in the halls of Congress and passed on the belief that if we did not act, the capital markets would come crashing down, bringing down the American economy along the way.

I opposed the passage of the original package because I felt it was being negotiated too quickly, there was too little oversight, and it provided too great a risk to the taxpayer.

There's no doubt that our Nation is facing significant economic challenges. However, there is significant doubt whether this TARP program has been the answer. Since passage of the TARP, the plan has changed numerous times. In fact, we're still waiting for the troubled assets to be purchased. So far the Treasury has used the majority of funds for injecting capital funds into our financial institutions in hopes that they will utilize their increased capitalization to free up lending to consumers. But there is little evidence that the $190 billion that was provided to banks has had the desired effect of freeing up credit.

Despite this lackluster track record, the request has been made for the second tranche of $350 billion. Once again the Congress is being forced to make a hasty decision that will affect our children and grandchildren for years to come.

The inherent problems with the TARP program remain. The request for additional funds is being made too hastily, there's not enough oversight, and as we have seen, there is no guarantee that this will work.

I urge my colleagues to support the Foxx resolution and to deny the release of the second tranche of funds.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to my colleague from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank my colleague from North Carolina (Ms. FOXX) for yielding me the time, and I also thank her for introducing this resolution of disapproval.

This resolution reflects the sentiments of my constituents in Illinois regarding TARP. Simply put, they don't believe that their money has been spent wisely and neither do I.

When Congress passed the financial rescue package, it was to stave off an immediate and dire threat to our entire economy. But before the taxpayers are asked to spend another $350 billion, shouldn't we examine where the money has gone? Shouldn't we be satisfied that the funds are being used as intended, to get credit flowing again, not just to financial institutions but to consumers and small businesses?

Now the money is being used to bail out auto companies, but it's still not getting to the homeowners in my district struggling with foreclosure.

Treasury needs to provide much greater transparency and show us where the American taxpayers' money is going before requesting more. I don't believe that's too much to ask.

In recent remarks Interim Assistant Secretary for Financial Stability Neel Kashkari said, ''Treasury has been working with banking regulators to design a program to measure the lending activities of banks that have received TARP capital.'' He also said they ''plan'' to study changes in how TARP recipients are altering their bank balance sheets and refinancing activities.

Unfortunately, we have yet to see this plan executed. Why would the American taxpayer choose to write another check when the Treasury Department has yet to establish any kind of tracking mechanism to determine where the last $350 billion has gone? In addition, neither Treasury nor Wall Street has demonstrated an immediate need for the second round of funds.

I will continue to support the amendments of my colleague Mr. LATOURETTE of Ohio to bring more transparency and accountability to the TARP program. And I commend Chairman FRANK for his efforts on that front as well. Unfortunately, for the American taxpayer, the Senate has given no indication that it will pass such legislation.

I would also like to add that our committee, the Committee on Financial Services, needs to hold more oversight hearings regarding this program. Why have the financial executives never been asked to testify before our committee about their use of TARP funds? Many House Republicans have asked for this hearing, and it has yet to happen. Where is the oversight?

I urge my colleagues to support this resolution to ensure that taxpayers aren't simply throwing good money after bad.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 2 minutes to respond to the very disappointing remarks from the gentlewoman from Illinois.

In fact, we have had several oversight hearings on this issue. We called Mr. Kashkari before us when the Government Accountability Office reported that they had not done the lending. The gentlewoman talked about Mr. Kashkari. We had a hearing last fall on specifically that subject. We had Mr. Paulson before us on the question of oversight. We have had Ms. Warren. So we have had a number of oversight hearings.

The gentlewoman then specifically, I believe, may have forgotten something. She said that we haven't yet had a hearing with the executives. She knows that it's scheduled. I am disappointed that she would do that without referring to the fact that it's scheduled. And, in fact, it would have been this week. We decided after the election that we would do this in the new Congress. That's what I was asked for by the ranking member: Let's do this in the new Congress.

We had a hearing set when it was pointed out to us by the chief executives that they were in a quiet period under SEC rules because they were about to report profits, and they pointed out that if we were to ask them publicly some of these questions, they would be in conflict with SEC rules. So we postponed the hearing and set a date. So we were asked by the minority to have this hearing with the executives, and we had several other oversight hearings. Maybe the gentlewoman couldn't make them. Maybe she forgot we had them. But we had several oversight hearings. In fact, what people know about the failures of this program came from the oversight we wrote into the bill and the hearings we then had with the overseers.

Then we were asked, let's in the new Congress schedule a hearing with the chief executives. We said yes. We had it scheduled when it was called to our attention that there would be a conflict with SEC rules; so we postponed it.

And I'm glad to be able to give a fuller picture of what has happened here than the gentlewoman from Illinois unfortunately gave.

Ms. FOXX. Mr. Speaker, I would like to yield the gentlewoman from Illinois 30 seconds to respond.

Mrs. BIGGERT. Mr. Speaker, with due respect to the chairman, I know that there have been a couple of oversight hearings. The problem is that even in those hearings, we never got any answers. We still don't know where the money has gone. We haven't had any answers. And I think that not being able to have the executives come

and testify, then I think we should have postponed TARP until we really got those answers.

Mr. FRANK of Massachusetts. I would yield myself 30 seconds to say that the decision that triggered TARP came from the Bush administration at the request of the Obama administration. So that was simply not something within our control.

And I would point out the gentlewoman had said that we hadn't had the oversight hearings, that we've had them. It's true. The Bush administration in those hearings didn't give us the answers we wanted. But oversight doesn't mean you can make people say things they don't want to say. You can expose their failure to say them and act accordingly.

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

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to my colleague from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentlelady for yielding.

I have heard a long parade of Members come up here and talk about how somehow the fact that the financial markets did not collapse in October is somehow prima facie evidence that the rescue program was not needed. In fact, precisely the opposite is true. These financial markets would have collapsed in October or November were it not for the rescue program, or the TARP program as we know it today, in conjunction with very aggressive action by the Federal Reserve.

I believe we are beyond the collapse scenario now. But the banking sector is far from healthy. In fact, it's considerably less healthy than perhaps we thought it was even a couple of months ago. You've seen the news with Citibank. You've seen the news with Bank of America. Many of my colleagues are criticizing the original TARP that it hasn't resulted in more bank lending. I would like to suggest that in many cases the money from the TARP merely gave banks enough capital to sustain the lending they already had because their capital was in such jeopardy.

No matter what side of the aisle you sit on here, everyone wants this economy to recover. Everyone wants us to come back and create jobs and businesses and keep people in their homes. But, Mr. Speaker, we will not do that without a healthy banking sector because until we can have regular lending again to people who want to buy homes and cars, who want to finance their businesses, we will not recover and we will not get healthy. We need a healthy banking sector, and we cannot do that without additional capital and help from the Federal Government. But, in fact, I hope that the Treasury Department uses this money to leverage in private capital because, in fact, the $350 billion is probably not enough, and we should have more private capital in these banks. And I hope that there is leverage used, that the Treasury says if you want some Federal money, you have to raise some private money to get it, so we, in fact, double the effect on their capital.

So, Mr. Speaker, we need this to recover. And in a very strange double negative, I urge my colleagues to vote ''no'' on the rejection of the additional money for the TARP program.

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

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to the distinguished gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, I appreciate the opportunity to rise in support of this resolution.

Fiscal discipline, limited government, accountability, these are things that the American people demand and that we deserve.

It's interesting to me that we have a $3.1 trillion budget and somehow that's not enough to stimulate the economy. Our government spending is so out of control that we added since January, 2007, roughly $2.8 billion per day to our national debt. Certainly, if deficit spending was the way to our prosperity, we would be experiencing quite a revival.

It's not the way to succeed. Putting more money on the government credit card is not the way to succeed.

I have been opposed to the TARP. I wasn't around here to vote for it originally. I'm a freshman. But I can tell you the people I chat with are fundamentally opposed to this because it's fundamentally flawed. It will not solve the underlying challenges.

We need to look at debt. We need to look at tax relief. We need to look at the fact that manufacturing is good in this country, and we need ways to improve the economic atmosphere for manufacturing in this country. But throwing more money at it is not the way to solve this problem.

I appreciate the time. I would urge my colleagues to vote in favor of the Foxx resolution.

□ 1215

The SPEAKER pro tempore. Without objection, the gentleman from Georgia will control the time.

There was no objection.

Mr. SCOTT of Georgia. I will reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding.

At a typical track meet you see the sprint, the 100-yard dash, or the 100-meter dash now, and then you see the victor take a victory lap. In this case, with the TARP, you see the reverse. We saw people claiming credit. We saw the victory lap back when they passed it the first time, and now we have those who are involved with this passage doing the 100-meter sprint out of the stadium as far away from this as possible.

It was the last administration, they say. We had no role in it. I have never seen Congress so willing to give up its authority that I have seen here. Usually, we jealously guard our congressional, our constitutional prerogatives, the power of the purse.

Yet with the TARP, we appropriated money, or authorized money, and said spend it on this, the Troubled Assets Relief Program. And then the administration took it and did something completely different, completely different, and then went on further and said we even have authority to bail out the auto industry with it. And we sit back in Congress and say, well, that seems to be okay with us.

I mean, we are not potted plants here. We never have been and we shouldn't be, but in this case we have given away authority that should rest here with the Congress and simply going ahead and giving the other $350 billion seems to me folly.

Right now with the stimulus bill nearing $1 trillion coming up, all of this money, all of this spending is somewhat fungible. We know that it is because the administration seems to be able to do whatever they want to with it, and Congress doesn't raise a peep.

So we ought to look at this as $350 billion in spending, plus at least $825 billion to come, and say where does it end. At what point do we recognize that every dime we spend here is borrowed? At what point do we say there are better uses for money here?

Wouldn't it be better to allow people to keep the money that they have earned, rather than send it to Washington, only to have some of it come back in a way that picks winners and losers in the economy.

Mr. SCOTT of Georgia. I would take 1 minute to respond just very briefly. I think what the gentleman is referring to is exactly what we are doing. No one has given up authority. We, in fact, yesterday, passed a bill that reclaimed that authority that we thought we had had when we attempted to put some of these same measures in place with the first $350 billion. And as you so eloquently articulated, the Bush administration disavowed all of that.

We had many of the oversight measures we have got in this. We said it would go for the spoiled assets. But as you said, it didn't. Because of what we have learned from that experience, we have done exactly what you are asking here. The banks wouldn't lend, and this measure that we passed out yesterday to accompany this, we have got a mechanism in place in which we can measure the difference between the decrease and the increase of how much money these banks are lending, that we would get to that.

As far as oversight is concerned, we made one step with AIG. It worked out when we put Federal observers in the boardroom, and we have incorporated that feature throughout, Mr. Speaker. So we have responded exactly to what the gentleman is saying.

Ms. FOXX. Mr. Speaker, I yield to the gentleman from Arizona an additional minute.

Mr. FLAKE. I thank the gentlelady.

Just to respond, it seems to me that what we have done is not to basically say we didn't like what the last administration did with the funding, therefore, we are going to take this authority back. But we basically said, we saw what you did with it, that seems to be okay. We aren't taking back authority to bail out the auto industry, or we aren't taking back authority to go into the banking sector, as we did. We basically are saying, well, you did this, we didn't authorize it, but we are letting you off with a warning here, I guess, until the new administration comes in.

It seems to me that we ought to jealously guard our prerogatives here, the power of the purse. And when we authorize funding, we ought to ensure that the administration, whether it be the last Republican administration or the Democratic administration to come, adheres to those strictures.

I thank the gentleman for his response, and I am glad to see some more controls put on here. There was an amendment accepted yesterday that I had offered, and I appreciate the fact that it was adopted. But I still think that we ought to approve the resolution.

Mr. SCOTT of Georgia. I would yield myself 30 seconds just to say to the gentleman and to the people of this country that we have a new administration in place, and the Obama administration has met and has communicated with us, and we are in concert with what is involved in the TARP measure, with the oversight, with the monies going to foreclosures, and so there is an agreement on how the fund should be used going in. We think the measure we passed yesterday will act as a good guide for that.

With that, Mr. Speaker, I would yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. I would say that, as one of the individuals who from the beginning spoke against this whole idea of giving the banks money to bail themselves out, I think we have to look at where we are in this country, $350 billion given to banks with no strings attached, they can't really report how they used the money, although we now will require that of them. But the next $350 billion that would be given by virtue of the Senate action, even though we are kind of cut out of this, leaves us in a position where we are still not addressing the central problem of trying to keep Americans in their homes.

This isn't the end of it, by the way. There are analysts on Wall Street who say that the banks, because they are essentially hiding their balance sheets, that the banks are going to come back for another $1 trillion behind the $700 billion.

There is a massive transfer of wealth going on, from taking money out of the pockets of the American people and putting it into these banks. This has to stop. We have to help people save their homes, get America back to work, rebuild the infrastructure, and I am hopeful our new administration is going to take us in that direction.

Ms. FOXX. Mr. Speaker, I want to say how much I appreciate all of my colleagues who have come to speak today and the points that they have made, but I want to tie in particularly to what Mr. FLAKE said, since he was the last speaker.

I think it's a point I have made before, but it bears repeating, and that is that the Congress in this bill really abrogated its responsibility in terms of oversight. I will contend that in the original bill there was no oversight, there is no real oversight in the bill that was passed yesterday, no accountability.

The American people expect the Congress to hold the executive branch accountable.

When I speak to students about the Constitution, I say to them it is no accident that article I is about the Congress. That's what our Founders believed, the Congress was the most important branch of our government, and we have abrogated that responsibility. So I think it's important that there should have been a plan in the first bill, and I would say there is no plan in the bill that was passed yesterday.

I think another point that needs to be made is that we are treating this money as if it's a silver bullet, but the original amount allocated for TARP was arbitrary. There was no correlation between the number the Treasury Department asked for and either the amount of troubled assets that needed to be bought, or the amount of capital injection that would be needed to stabilize the financial system.

In fact, at the time, a Treasury spokesman said it's not based on any particular data point. We just wanted to choose a really large number. That goes along with the fact that the bill started out as three pages when it came from the Treasury Department and gave unlimited responsibility or authority to the Treasurer and became a 450-page bill.

But even with that, with the fact the Democrats were in charge of the Financial Services Committee that wrote that bill, they wrote no accountability. They want to blame the Bush administration, but it's the Congress that has the responsibility for saying how money should be spent.

We can't blame the Bush administration for this. It was our responsibility to say how it should have been spent. I want to say, in the bill that was passed yesterday that Mr. FRANK keeps saying a lot of us voted against, even though we want more responsibility, this is what it says. There is no plan there. We didn't get a plan from the Bush administration, we don't have a plan from the Obama administration.

This is not a partisan issue on my part nor on the part of all of us who voted against this. We voted against it when we were giving the money to the Bush administration, we are opposed to it under the Obama administration.

Here's what it says in the bill that was passed yesterday: Allows TARP funds to be used for an auto bailout, greatly increases Federal involvement in the financial services sector. It will allow the Federal Government to tell companies how much they can pay employees, what mergers and acquisitions are acceptable.

Is that a plan? That's not a plan to me. It expands the allowable uses of the TARP money. It supports State and local municipal bonds, consumer loans, commercial real estate loans, automobile companies.

But it gives the Treasury Secretary very broad authority, again, with no accountability. That is not the direction in which we should be going. The Congress has the responsibility for accountability.

The other thing that I think needs to be said is what we have heard over and over and over again by this administration, the current administration, and it's in a letter from Mr. Summers that was sent to the leadership here on January 12: ''We start 2009 in the midst of a crisis unlike any other we have seen in our lifetime.'' That is simply not true, and it's time that people started saying so.

As Mr. BURTON said earlier, the seventies were a much worse time than this is. I am tired of their feeling like they are going to save us from this terrible crisis that we are in, and come in riding on white horses and say we are going to save the United States with government intervention. They want to say that capitalism has failed and the government is saving us.

I reject that argument, I reject it, and I will always reject it. It's not the government that's going to save us; it's the market that will straighten out this mess that we are in, mostly caused by the government.

I want to set the record straight on one other issue. If this joint resolution passes the House, it is just as likely to be considered by the Senate as Mr. FRANK's bill that passed the House yesterday.

With that, I yield 2 minutes to Mr. MANZULLO from Illinois.

Mr. MANZULLO. Mr. Speaker, this issue can be boiled down to orders. We need to help businesses create orders and make sales. Currently all sectors of our society in the economy face oversupply.

The place to start moving products is by offering substantial tax credits or vouchers for part of the purchase of automobiles and homes. That is one simple consumer-driven trickle-up theory that, if deep enough, can jumpstart the economy without continuing to spend trillions of dollars on blank-check solutions.

Unfortunately, most of the plans submitted deal with bailing out people's

mistakes and using taxpayers' dollars to buy up bad loans. That's called trickle-down economics. People also talk about creating new jobs but don't understand there are plenty of jobs already in existence, that people just need orders in order to go back to work.

Here's something that at $75 billion is considerably less expensive for the taxpayer than current proposals and will begin to restore our economy immediately. First, in 2007, 17 million new cars were sold in America; a year later, 10 million. A net loss of 7 million cars means $175 billion was directly eliminated from the economy.

If we can get back to 15 million new cars sold, that would add $125 billion directly into the economy. Economic multipliers could bring that to $1 trillion.

When cars and trucks start selling, it moves inventory from dealers and factory lots. It restores sales tax coffers for State and local governments, it increases State and Federal tax revenue and restarts the manufacturing chain which is absolutely necessary to get this country moving economically again.

□ 1230

By offering a tax credit or, better than that, a voucher for $5,000, the dealer cashes that in directly with the government and somebody can then buy a brand new car, such as a Patriot, probably made in the 16th Congressional District, for not $20,000, but $15,000, which is only $200 a month for 5 years.

Mr. SCOTT of Georgia. Mr. Speaker, I just want to make note that we certainly have reserved the right to close on this debate.

I'd like to just respond very briefly to a couple of points that have been made by the distinguished gentlelady from North Carolina, as well as Mr. MANZULLO. Apparently, I am sort of reminded at this time of the great movie, starring Paul Newman, called Cool Hand Luke. There was that enormous scene where the jailer says, ''What we have here is a failure to communicate.'' I think that what we have on each side of us here is a failure to communicate.

Ms. FOXX, you continually point out that we don't have accountability. And, in the bill that we passed, the TARP bill we passed on yesterday, are clearly pointed out mechanisms in place for accountability, for transparency, quarterly reports on how the money is spent, and agreements on how the funds are spent.

We have a requirement that, in spite of all that we have said, that we will have Federal observers in the boardrooms where the decisions are made on how the money is spent. How much more transparency, how much more accountability can we have?

We didn't have this in the first section. We found out that it worked, as you know so well, with the AIG agreement. We have Federal observers there. We know how that is done. It keeps individuals honest. And on the three most important areas that there was failure on the first $350 billion, not a dime going to help foreclosures. We have more than made up for that by writing into the TARP law that up to $100 billion will be going out of this $350 billion to deal with the most pressing problem, the most pressing problem that caused the problem in the first place, and that is home foreclosures and getting help in a variety of different ways to sustain people to stay in their homes.

The other area of concern was that there was no way we could measure or determine the banks would lend the money. Well, we have got a mechanism in place here that will measure the difference between the increase and the decrease of the amount of moneys that the banks are lending under the program. So, to say that there's no accountability, that there is no oversight here, is totally, totally misleading.

Mr. MANZULLO. Will the gentleman yield?

Mr. SCOTT of Georgia. I say that respectfully to Ms. FOXX, because I have great respect for her.

Yes, I yield to the gentlemen.

Mr. MANZULLO. All I'm saying is why have a bunch of bureaucrats trying to oversee where the money is going? The problem with housing foreclosures is that the people are losing their jobs. So we can have all the remedies that we want for foreclosures, but unless people get back to work, they will fall behind again.

What we are saying is restart the economy through priming the manufacturing process, get the people back to work, get the money coming in, then the other problems will be easier to solve. I agree there is a communication. We are agreed on a lot of things.

Mr. SCOTT of Georgia. Yes, we do. I am sure the gentleman would agree that not only are Federal observers there to see that the money is going to foreclosures, but they are also there to see that the banks are lending, to see that it's going to community banks, to the smaller banks, to see that it's going to small businesses.

We have got car dealerships that are going out of business, which are jobsensitive. That is basically what they do, create jobs and have jobs there. So we want the money to be in a position where we have access and we have direct attention and observance to make sure this money is going to the places where it's needed most, which is keeping folks in their homes and keep folks in their jobs.

Mr. MANZULLO. If the gentleman would further yield. The car dealers need orders now. Once the orders come in, the cars move off their showroom floors, they can pay their debt. And the lines of debt for car dealers doing floor financing have really reopened again, not entirely, but enough that they can get enough credit to sell their automobiles.

I appreciate the gentleman for yielding.

Mr. SCOTT of Georgia. I appreciate the gentleman as well.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Members are reminded to address their remarks to the Chair.

Ms. FOXX. I yield 1 minute to the distinguished and capable Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from North Carolina for yielding, and say to my colleagues that we all understand the severe economic consequences that we are dealing with. American families are short of cash, some are losing their homes, others losing their jobs, other fighting to keep their jobs. And this became very apparent last September when the Treasury Secretary and the Chairman of the Federal Reserve came to the Capitol to outline how serious the consequences were of the tightening of the credit markets and the consequences from that for our Nation's financial institutions.

I worked with the gentleman from Massachusetts and the other leaders to craft a bill to help provide that money so that our economy could be saved. But, I have got to tell you, I have been disappointed ever since.

I have raised questions in October, November, and December, about how this money was being spent, who was getting the money, under what conditions, and the kind of transparency and accountability that we thought we were going to have, but we didn't have.

And so now, here we are, where they are looking for the second half of the $700 billion of financial rescue, and I as a Member who supported that decision because I thought we had to do it for our economy, and I would do it again, but, my goodness, I can't stand here as a Member of Congress and vote to release the second half of this money without knowing what happened to the first half of it; and, what is the need for the second half; what are the dire consequences if we don't do the second half of this money? And, if there are dire consequences, what is the administration's plan to actually spend this next $350 billion?

I, as a Member, don't know any of that. And so how can I be responsible to American taxpayers in approving the second half of this money without answers?

Yesterday, the gentleman from Massachusetts, the chairman of the Financial Services Committee, passed a bill that does bring more transparency and accountability to the process. Also, in the same bill, it should be noted, expanded the ability for the Treasury Secretary to spend this money on foreclosures, on autos, and almost anything they want to do with it, which causes me great concern.

But there will be some more transparency. But I don't have it today. Nobody can tell me where the first $350

billion went. Nobody can tell me what the conditions were. Nobody has outlined why we need the second half, nor what their plan is to spend it. And I think at the end of the day we have a responsibility, a responsibility to the American people, who pay the bills, who pay the taxes.

At some point, somebody has got to pony up the money for the financial rescue. Somebody has got to pony up the money for the trillion-dollar economic rescue plan that is moving through this body. It won't be us. It will be our kids, their kids, and their kids who pay for this.

And so, at some point in this process, while we are trying to help American families, small businesses, entrepreneurs, and the self-employed, get the economy going again, somebody has to pay the bill. And I have great concerns that we are stacking debt on top of debt on the backs of our kids, and it's not fair. It's not fair to burden them. Frankly, I don't think that we can borrow and spend our way back to prosperity.

And so, for me, the answer is simple. My vote today will be in opposition to the second half of this money until the questions that have been posed are answered.

Mr. FRANK of Massachusetts. I am sure, to the approbation of Members, I am prepared to announce that I am our last speaker. So I will withhold, and when the other side is through, we can get out of here.

Ms. FOXX. Our Republican leader was very eloquent in his comments. I think it's important to say one more time: Any money that Congress spends is taken from hardworking Americans who pay taxes, or is borrowed from foreigners.

In the inauguration much has been made of President Lincoln. And this is the 200th anniversary of his birth. It was Lincoln who said, and I will paraphrase, but I will get the original quote for the RECORD, ''You cannot borrow yourself into prosperity.''

I think that as we talk about honoring Lincoln in this 200th anniversary of his birth, we should honor him by honoring his precepts and his values, because they are very important ones for us to remember.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 12 minutes remaining.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

Mr. Speaker, first, I want to address this basic issue again about what the Senate is likely to do. Technically, there is no likelihood that this bill will be taken up in the Senate because it is the expedited procedure of resolution that has been killed in the Senate.

The Senate could pass a bill rescinding the TARP. Having voted by 52–42 not to pass the disapproval resolution, it seems unlikely that 42 will become 60 in the near term, but there is that possibility.

But I would say this to the gentlewoman. When she said that both bills, the one we passed yesterday and this one, are as likely to be taken up, in some sense, that is true. But that makes our point. I didn't say don't do the bill yesterday. When I talked about this bill being already killed in the Senate, I wasn't saying don't do it. I welcome this debate. I was refuting the arguments from my Republican colleagues that yesterday was a waste of time. I agree that it is a good thing for us to give our views today and yesterday.

I did notice in today's Washington Post that they note that the passage by a large majority in the House yesterday, we got a larger majority for this bill than the partisan breakdown. It was largely a partisan vote, but not entirely. And more Republicans supported the bill than Democrats opposed it, I think because of the power of the desire to help minimize foreclosure and get money to community banks. But my argument, she's now embracing. The fact that the Senate may or may not be able to pass a bill is no reason for us not to do something.

Now I want to address an important aspect of this, and I am talking now to people in the Obama administration, to the people in the Bush administration, to the people in the financial community. We have in this country, obviously, as you have in any country, a certain degree of stratification along various lines. There are people who are at the top of the ladder in terms of economic power, in terms of influence.

There's an element that would think of themselves as elite opinion. It's not a value term here, but opinion of a fairly small number of people with a great deal of power. Then there is the opinion of the great majority of Americans.

I want to address now the people at the top of the economic ladder, the people in the financial institutions, and I think here I am speaking, to some extent, for almost every Member of this House. There is a dangerous and deeper split between the views of the economic elite on what should be done in the current crisis and those of the average American than I have ever seen.

We heard some Members there say—the gentleman from South Carolina (Mr. BARRETT) say, and I appreciated his saying it—that the passage of the TARP last fall helped. The Republican leader said that. I think it did. My criticism is that I don't think it helped nearly as much.

But I have two criticisms. I think it helped avoid something worse. And one of the things we know as elected officials is this. Some of the hardest jobs we do are to prevent bad things from happening, and we can expect to get no credit for it. Disaster averted is nobody's political platform. That helps in economic analysis, but you can't go before your voters with what economists call the counterfactual and explain to them how things would have been worse if you hadn't acted and expect cheers if they're still pretty bad. And that is appropriate. The public should have that high demand to make of us.

□ 1245

But while I and, I think, most people who are at that higher level of the economic ladder, economists, while most of them think it was a good thing that we passed the bill last year and that $350 billion was deployed, the American people overwhelmingly think it wasn't. And that is one of my criticisms of the Bush administration and of Secretary Paulson, a man whom I admire, with whom I am proud to have worked, with whom we accomplished a great deal in the areas of financial regulation and housing, et cetera. But here was the mistake:

By not listening to public concern about the $350 billion, by refusing to follow the congressional mandate to do something about foreclosures, by indulging the arrogance of some of the banks who said, ''We will take that money and we won't tell you what we do,'' they have discredited the notion of intervention of that sort. And I think that is a mistake, because I think we are at a point where some of that intervention is still needed.

Now, there are philosophical views that say the other, but there is a division. And, again, the gentleman from South Carolina (Mr. BARRETT) very thoughtfully said, ''We averted a greater disaster by passing this.'' The Republican leader said he is glad he voted for it. I think they are both right, and I think it is important that we acknowledge that.

I have two criticisms to make of the way in which the administration carried it out. One, they didn't do some of the good they could have done. And I do think they made a fundamental macro-economic mistake by not diminishing foreclosure. I believe, until you begin to diminish foreclosure, you not only deny some people some relief, but probably, more importantly, you don't get the country out of the bind that it is in, because the continued rapid deterioration in those assets is at the root of a large part of the problem.

But what we also had was a degree of alienation on the part of the average American who saw banks getting money, in one case apparently using them for an acquisition of a smaller bank that was very important to the community where it existed, in Ohio. We saw bankers saying, ''I got the money. It's none of your business what we do with it.'' We saw bonuses given that shouldn't be given. I am confident that the Obama administration has learned from that. But I go beyond that.

There is in this country today a very sharp divide on a number of issues, not just whether or not you intervene. Here

is the problem with intervention. When you have a financial system that is in such difficulty, I think it is important to try to keep these institutions from collapsing en masse, not that we are at that point, but from not collapsing. But remember, as an institution's assets deteriorate, its capacity legally to lend, if it is a bank, deteriorates. We want to reverse that cycle. Let's not overstate it. But I think we need to intervene in this way. The public says no, because the immediate beneficiary of these interventions are people they don't like, are people who in fact made some mistakes.

Now, it turns out that you can't help the whole economy in some cases without some help—you know, we talk about sort of incidental victims. These are incidental beneficiaries. This is kind of, not casualties, civilian casualties, but civilian beneficiaries. You can't get from here to there without helping some of these people. But it ought to be done in a way that reassures the average American. Part of it has to do, I believe, with the weakness of the social safety net. People who lose their health care because they lose their jobs will react particularly angrily when a financial institution is benefited.

So I make this plea now to the people in the financial institutions, to people at the upper levels of economic decision-making, and they should understand that this Congress representing the people is under enormous pressure to deny them some of the things they think are necessary. By the way, not just here; in trade, in international trade. This is not a Congress that is ready to go forward with that.

We had an amendment yesterday offered by the gentlewoman from North Carolina (Mrs. MYRICK) that said none of the recipients of TARP funds can do customer service outsourcing. I believe that most people who are CEOs of corporations, most economists, or many economists, many of the people at the top levels of the administrations, Bush and Obama, and go on back now, probably think that is unwise economic policy, but we didn't have a roll call on it, because that is a totally irresistible impulse here. It may put us in some trouble with the WTO. We will have to deal with that.

People who don't like the Myrick amendment—and I supported it. People who don't like the Myrick amendment had better understand that amendments like that will proliferate until they join us in giving the average American a better sense that he or she will benefit from this prosperity. Now, that is part of where we are today.

Look, the Senate has already killed this resolution. Why are we still voting on it? Because there is a degree of anger in the American public at what they think is a very unfair system that gives benefits, unduly and disproportionately, to some of those who caused the problem, while denying health care and unemployment compensation and decent higher education for working class people.

I mean, Mr. Speaker, to caution the people who are deeply involved in running this financial system in this country, work with us to alleviate this. As long as the average American thinks that a small group is getting help when they are not getting anything, then that small group pretty soon won't be getting the help. And there may be some cases when, as I said, benefiting that group is the only way to get broader benefits. That is why we did the bill yesterday, because we think it is a very important way of getting the Obama administration—and I believe, by the way, many in the Obama administration do agree with that understanding. They will be running into pressures from the other side of the people they are dealing with in the financial community. But it is a broader political point.

For those of us who think, and there are some who philosophically don't want any government intervention in the market whatsoever. They don't want a minimum wage and they don't want an injection of capital to a failing financial institution. I disagree with that as a matter of economic philosophy. I respect its intellectual integrity. That makes sense. What I disagree with is the view that says it is okay to help AIG and not worry about their wages, but criticize the wages of auto workers. It is the view of too many in the financial community that they need some direct help because that is the only way to help the economy, and I think that is often the case, but, no, you don't have unions; no, you don't have health care. As I said, there is a consistent and honorable philosophical view that says ''no'' to all of that.

What I am addressing now are those in the sector that would be designated as the elite, who understand the need for an intervention of which they are the direct beneficiaries because that is the only way to help the whole economy, but then resist some of these other things.

One of the things that gives me optimism about the next 2 years, Mr. Speaker, is that I believe we have in place a President and majorities in the House and the Senate who understand that there has got to be some consistency in this approach. And let me just say in closing, and I hope this resolution is defeated, because I do not think that the Obama administration should be denied the right to use tools simply because the Bush administration misused them. And that is the only issue here today, if this were to have binding effect. But we are here today because of that anger that must be alleviated, because it must be recognized as based in reality.

Mr. KUCINICH. Mr. Speaker, I rise today in support of the resolution of disapproval and in opposition to any more spending by the U.S. Treasury unless we have concrete assurances that the money will be spent to reduce foreclosures and keep American families in their homes.

Economists across this Nation of every political and ideological stripe agree that subprime mortgages initiated a foreclosure epidemic that is the epicenter of our current financial crisis. An $8 trillion housing bubble has burst. Foreclosure rates continue to skyrocket—a 41-percent increase since this point last year—leaving families devastated and searching for stable housing. We are fond of saying that government's primary job is providing for the common defense. How successful are we in this endeavor if we cannot ensure that all Americans can secure the most basic of human needs: shelter.

After Congress passed the Emergency Economic Stabilization Act at the end of the year, the Committee on Oversight and Government Reform held six hearings on the causes of our financial crisis. If we took away one lesson from those hearings, it was this: the people and agencies that were charged with regulating the financial markets and protecting the interests of the American people were utterly asleep at the switch. Regulators trusted corporations to police themselves and then reacted in disbelief when those same corporations manipulated and lied to pad their profit margins and hoodwink investors.

But the best part is this: they were not gambling with their own money, or even their employers' money. They were gambling with American houses; American pensions; American college savings accounts; American retirement savings.

Even Alan Greenspan himself admitted that his fundamental trust in the efficiency of free markets was shaken. When then-Chairman WAXMAN remarked to Mr. Greenspan that ''you found that your view of the world, your ideology, was right, it was not working,'' Mr. Greenspan responded, and I quote, ''Precisely.''

So here we come today to throw more money into a system that even Alan Greenspan himself agrees is broken, with very little discussion on how to fix that system, no regulatory reform, and no improved oversight of the people and corporations that dragged us into this financial catastrophe. Just: ''Trust us.'' Mr. Speaker, I for one was not fooled the first time, and I will not be fooled again. I appreciate the efforts of my friend from Massachusetts to try to outline the appropriate spending conditions, and I supported H.R. 384 yesterday, but even he acknowledges that those efforts will not bear fruit.

Our vote here today, on this resolution of disapproval, technically is moot since the Senate already defeated a resolution of disapproval last week. But with this vote this Chamber can send a strong message to our constituents that we refuse to stand by and let the Treasury throw money at a problem without addressing the cause. With our vote we can demand that the money protect American homeowners and stem the tide of foreclosures that continues to overwhelm this country. We can demand that the money be used for infrastructure, jobs, and health care, instead of padding the balance sheets of banks. Let's get the money to the American families and American communities that are the backbone of our economy and our country.

Mr. POSEY. Mr. Speaker, I rise in strong opposition to an additional $350 billion in bailout funding and in strong support of House

Joint Resolution 3. Passage of House Joint Resolution 3 is the only way to stop the additional $350 billion in bailout funding. Last year, before I came to Congress, I went on record opposing the $700 billion Troubled Asset Relief Program. Today we know that the first $350 billion is gone. But what we don't know is where all that money went, except that it is safe to say that the Treasury did not actually buy troubled assets as originally intended. As we know, the Treasury purchased equity stakes in banks. In their report to Congress 2 weeks ago the Congressional oversight panel reported that it ''. . . does not know what the banks are doing with taxpayer money.'' The report also notes that the Treasury seems to have allocated most of the funds to healthy banks.

Where is the accountability? Outside the Washington Beltway, my constituents and other Americans watch in disbelief as their elected representatives in Washington continue to spend their hard-earned money at astonishing levels. They are concerned that Washington is on a spending spree with no accountability. Last week the House approved—over my objections, over $75 billion in new spending. Today, the President wants $350 billion. And next week House Democrat leaders plan to bring an $850 billion spending bill to the House floor. When does the accountability begin and when will this body pause and think about the debt burden that they are saddling our children and grandchildren with? The cost to them won't be $350 billion, $700 billion, $850 billion, $1.5 trillion. It will be much, much more with interest.

We should not rubberstamp this $350 billion Wall Street bailout. Sadly, when the Congress approved the first part of this spending last fall, they set it up so that it would take a supermajority of the Congress to stop the additional $350 billion. The process is turned on its head. Rather than making it easier we should be making it more difficult to run up the tab for our grandchildren.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to H.J. Res. 3, relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008, EESA. This resolution disapproves the use of the second $350 billion of the funds that were made available to the Secretary of the Treasury under the EESA.

Under the ''fast track'' consideration provisions of EESA, such a resolution is in order upon the transmittal by the President of a plan to use the second $350 billion.

Passage of this resolution would prevent the new administration, unless vetoed by the President, from using the second $350 billion. Already the Senate has rejected its resolution of disapproval last Friday when it was offered in the Senate. This body should do the same. Likewise, the House should also join me in rejecting this resolution.

We cannot hold the present administration accountable for the missteps and misdeeds of the past administration. It is my firm belief that this administration must be given the most latitude in its decision regarding how the monies will be dispensed and used. The current administration should not be fettered but should be free to use the monies as it sees fit, using judiciousness, practicality, and common sense.

Moreover, this body voted to pass H.R. 384, TARP Reform and Accountability Act, which provided greater accountability and oversight in the use of TARP. Therefore, there is no reasonable, articulable basis to deny the administration access to the TARP monies.

Just yesterday, the House of Representatives voted on a bill that would amend the TARP provisions of the Emergency Economic Stabilization Act of 2008, EESA, to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation. Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's Amendment to this legislation, which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It has been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks; however, smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to worsen, despite hundreds of small banks having already applied.

According to recent reports, the Treasury Department has yet to issue the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the Government in exchange for capital injections, as other banks can. While Treasury officials state they are ''working on a solution,'' for these private banks time is of the essence.

The Treasury Department has handed out more than $155 billion to 77 banks. Of that sum, $115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

I worked diligently with Chairman FRANK and the Financial Services Committee to ensure that language was included to assist private banks such as Unity Bank and Amegy Bank in Houston to shore up their liquidity and ability to extend credit to local businesses and families.

This legislation also provides funds for foreclosure counseling, legal assistance to homeowners facing foreclosure and training for foreclosure counselors. I have been a long-time advocate for foreclosure mitigation working with State and local government and nonprofit organizations to help families in need. Last year, I championed setting aside $100 billion to address homeowner foreclosure prevention. I also fought to amend bankruptcy provisions to allow individual homeowners to be able to modify their home mortgages to prevent foreclosure.

As I look at this revised legislation I feel a sense of vindication. I kept sounding the alarm to provide language that explicitly addressed homeowner foreclosure prevention and loss mitigation. As it now appears, my efforts were not in vain.

Foreclosure prevention-loss mitigation programs have given millions of Americans, who face foreclosure, the opportunity to get back on track and save their homes from foreclosure. Every year there are millions of Americans who find themselves in a pre-foreclosure situation. Most feel that they are alone when they face a foreclosure situation. This legislation will allow Americans to get the help they need to stop foreclosures and ultimately help people stay in their homes.

The Manager's Amendment requires that the Treasury Department act promptly to permit smaller community financial institutions that have been shut out so far to participate on the same terms as the large financial institutions that have already received funds.

Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have had to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation.

We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever—worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the Manager's Amendment will effect this change.

In Section 107, the Manager's Amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. I sought the creation of such an office and I am pleased it was included in this legislation. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants.

Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This Office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager's Amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses.

This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability.

It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending (or reduction in decrease of lending) and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an agreement with the institution, and its primary Federal regulator on how the funds are to be used and benchmarks the institution is required to meet so as to advance the purposes of the act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary Federal regulator must specifically examine use of funds and compliance with any program requirements, including executive compensation and any specific agreement terms.

Mr. Speaker, I am pleased that this legislation has strong requirements regarding executive compensation.

Mr. Speaker, the act provides that the second $350 billion is conditioned on the use of up to $100 billion, but no less than $40 billion, for foreclosure mitigation, with a plan required by March 15, 2009. By that date, the Secretary shall develop, subject to TARP Board approval, a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than the required minimum $40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives: (1) Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor; (2) bringing costs of Hope for Homeowner loans down (beyond mandatory changes in Title V below), either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both; (3) program for loans to pay down second lien mortgages that are impeding a loan modification subject to any write-down by existing lender Treasury may require; (4) servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications; and (5) purchase of whole loans for the purpose of modifying or refinancing the loans, with authorization to delegate to FDIC.

In consultation with the FDIC and HUD and with the approval of the Board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in Homeowner Emergency Relief Act—maximize the net present value, NPV, of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure.

This bill requires persons who bring suit unsuccessfully against servicers for engaging in loan modifications under the act to pay the servicers' court costs and legal fees. It also requires servicers who modify loans under the safe harbor to regularly report to the Treasury on the extent, scope and results of the servicer's modification activities.

In addition to the above requirements, an Oversight Panel is required to report to Congress by July 1 on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, it includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans.

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve.

Treasury's authority to provide support for commercial real estate loans and mortgage-backed securities.

Treasury's authority to provide support to issuers of municipal securities, including through the direct purchase of municipal securities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securities.

In addition, more reforms are enunciated for Homeowners in Title V. The Home Buyer Stimulus provisions requires Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgages rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

Under this provision, Treasury has to make affordable rates available under this program available in connection with Hope for Homeowner refinancing program.

This legislation will give a permanent increase in FDIC and NCUA Deposit Insurance Limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to $250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In this economic climate it is critical for us to remember that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

I strongly urge my colleagues to join me in opposition to this resolution. The reforms of the bill that we voted upon just yesterday adds greater accountability and oversight to the EESA. I do not believe that the President should be fettered in his use of the monies allotted to his administration and the Treasury in the EESA. The previous administration was able to use the monies in an unfettered fashion, there is no articulable reason why the present administration must undergo a different process or procedure than its predecessor administration.

The SPEAKER pro tempore. Pursuant to the statute, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the joint resolution will be followed by 5-minute votes on motions to suspend the rules with regard to House Resolution 56 and House Resolution 58, both de novo.

The vote was taken by electronic device, and there were—yeas 270, nays 155, not voting 9, as follows:

[Roll No. 27]

YEAS—270

Aderholt	Boccieri	Cao
Adler (NJ)	Boehner	Capito
Akin	Bonner	Cardoza
Alexander	Bono Mack	Carney
Altmire	Boozman	Carter
Arcuri	Boren	Cassidy
Austria	Boustany	Castle
Bachmann	Boyd	Chaffetz
Bachus	Brady (TX)	Chandler
Barrett (SC)	Bright	Childers
Barrow	Broun (GA)	Coble
Bartlett	Brown (SC)	Coffman (CO)
Barton (TX)	Brown-Waite, Ginny	Cole
Berkley	Buchanan	Conaway
Berry	Burgess	Connolly (VA)
Biggert	Burton (IN)	Conyers
Bilbray	Buyer	Costa
Bilirakis	Calvert	Costello
Bishop (UT)	Camp	Courtney
Blackburn	Cantor	Crenshaw
Blunt		Cuellar

Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hoekstra
Holden
Hunter
Inslee
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Napolitano
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schauer
Schmidt
Schock
Schrader
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Speier
Stark
Stearns
Stupak
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Titus
Turner
Upton
Visclosky
Walden
Walz
Wamp
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NAYS—155

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Campbell
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inglis
Israel
Jackson (IL)
Jackson-Lee (TX)
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kirk
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McGovern
Meeks (NY)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis (CO)
Pomeroy
Price (NC)
Rahall
Reyes
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Sestak
Sherman
Sires
Smith (WA)
Snyder
Souder
Spratt
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—9

Boucher
Johnson, E. B.
Mollohan
Neugebauer
Skelton
Solis (CA)
Tanner
Tiberi
Young (AK)

□ 1322

Ms. SCHAKOWSKY, Messrs. MORAN of Virginia, BUTTERFIELD, YARMUTH, PALLONE, REYES, Ms. DEGETTE, Mrs. TAUSCHER, Messrs. SARBANES, PATRICK J. MURPHY of Pennsylvania, BERMAN, ABERCROMBIE, LEWIS of Georgia, Ms. KILPATRICK of Michigan, Messrs. DICKS, BOSWELL, MOORE of Kansas, KIRK, BRALEY of Iowa, MEEKS of New York, GRIJALVA, RAHALL, KENNEDY, GORDON of Tennessee, OBERSTAR, THOMPSON of Mississippi, RYAN of Ohio, Ms. CORRINE BROWN of Florida, and Ms. WATSON changed their vote from ''yea'' to ''nay.''

Messrs. SMITH of Texas, SCOTT of Virginia, COSTA, MCNERNEY, Mrs. DAHLKEMPER, Ms. KILROY, Mrs. MCMORRIS RODGERS, and Mr. JOHNSON of Georgia changed their vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

Stated against:

Mr. MEEK of Florida. Mr. Speaker, during the vote today on House Joint Resolution 3, rollcall vote No. 27, I inadvertently voted "yea." My intention was to vote "nay."

Mr. KIND. Mr. Speaker, during rollcall vote No. 27, I mistakenly recorded my vote as "yea" when I should have voted "nay." As American families and our economy continue to struggle, it is imperative that we give the Secretary of the Treasury the tools he needs to help put out economy back on track. With the improved accountability and transparency measures the House passed yesterday in H.R. 384, I believe that is necessary to release the second $350 billion for the Troubled Assets Relief Program.

NATIONAL SCHOOL COUNSELING WEEK

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 56.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 56.

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. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 28]

YEAS—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston

Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—16

Boucher
Gallegly
Garrett (NJ)
Johnson, E. B.
Marchant
Markey (CO)
Michaud
Mollohan
Neugebauer
Pingree (ME)
Skelton
Slaughter
Solis (CA)
Tanner
Tiberi
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1330

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MARKEY of Colorado. Mr. Speaker, I was unavoidably detained and missed rollcall vote 28 on H. Res. 56 titled, ''Expressing support for designation of the week of February 2 through February 6, 2009, as 'National School Counseling Week.''

If I had been present, I would have voted in favor of this resolution.

COMMENDING UNIVERSITY OF FLORIDA GATORS FOR WINNING BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 58.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 58.

The question was taken.

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

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 399, noes 5, answered ''present'' 7, not voting 22, as follows:

[Roll No. 29]

AYES—399

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—5

Altmire
Barton (TX)
Berry
Flake
Kingston

ANSWERED ''PRESENT''—7

Bishop (UT)	Culberson	Poe (TX)
Bright	Johnson (IL)	
Chaffetz	Matheson	

NOT VOTING—22

Ackerman	Marchant	Solis (CA)
Boucher	Michaud	Speier
Carney	Mollohan	Tanner
Gallegly	Neugebauer	Tiberi
Garrett (NJ)	Pingree (ME)	Wamp
Johnson, E. B.	Rogers (AL)	Young (AK)
Larsen (WA)	Skelton	
Manzullo	Snyder	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1338

Mr. MELANCON changed his vote from ''no'' to ''aye.''

Mr. MATHESON changed his vote from ''no'' to ''present.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on the afternoon of January 22, 2009, I was unable to vote due to illness and missed three rollcall votes. Had I been present, I would have voted ''nay'' on rollcall No. 27, H.J. Res. 3, a resolution to disapprove the use of the second $350 billion of the funds that were made available to the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008; ''yea'' on rollcall No. 28, on agreeing to H. Res. 56, expressing support for designation of the week of February 2 through February 6, 2009, as ''National School Counseling Week''; and ''yea'' on rollcall No. 29, on passage of H. Res. 58, commending the University of Florida Gators for winning the Bowl Championship Series National Championship Game.

ELECTING MEMBERS TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 80

Resolved, That the following named Members be and are hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Ms. Zoe Lofgren of California, Chairman; Mr. Chandler, Mr. Butterfield, Ms. Castor of Florida, Mr. Welch.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

Mr. CANTOR. Mr. Speaker, I object and would like the resolution to be read.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read.

The Clerk continued to read.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. Pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Regents of the Smithsonian Institution:

Mr. BECERRA, California

Ms. MATSUI, California

Mr. SAM JOHNSON, Texas

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend for yielding. I'm glad I am here for him to yield to.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business and 12 p.m. for legislative business.

On Wednesday, the House will meet at 10 a.m. for legislative business.

On Thursday and Friday, no votes are expected due to the House Republican Issues Conference.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by close of business tomorrow.

We also expect to consider the American Recovery and Reinvestment Act of 2009. We anticipate as well the Senate taking action on the Lilly Ledbetter Fair Pay Act. And if they do, our hope is to consider the legislation as early as next week.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman knows, the Democrat congressional stimulus bill will add nearly $1 trillion to the Nation's debt. That is roughly $2,700 in additional debt for every man, woman and child in the United States. Republicans are hopeful, Mr. Speaker, that this stimulus bill will be considered openly so as to ensure there is no waste of taxpayer dollars.

Unfortunately, Mr. Speaker, the public has not been given an extra day to review the congressional Democratic proposal prior to committee consideration. Further, committees are rushing as we speak to consider their respective portions of the bill, completing markups in a single day.

Mr. Speaker, as has been announced, we are going to be hastily considering the bill next week. I would ask the gentleman from Maryland, will all Members and the American people be given 48 hours to review the committee report prior to a vote next week as the House rules dictate?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding.

First let me say I appreciate the gentleman's comments. Clearly we have come into this Congress with an economy in crisis. That economy, very frankly, was not affected by anything the Democrats did over the last 2 years because, on economic policy, of course, we couldn't pass anything either through the Senate or over the President's veto. So the economic crisis that confronts us we believe is the result of 8 years of, in some respects fiscal irresponsibility and economic irresponsibility, and taking the referees off the field and with no regulation I tell my friend.

Having said that, I continue to believe the gentleman's point is a good point, a point with which I agree. It is my hope that the committee markups will be completed tonight, maybe early this morning. As you know, the Appropriations Committee yesterday had a full markup, adopted six Republican amendments and a number of Democratic amendments. I don't know what the amendment status is in Energy and Commerce or Ways and Means, but I expect all those markups to be completed late tonight. It is my hope that once those markups are complete, that by tomorrow night we will post the results on the Web and that they will be available not 48 hours, but either Friday night or Saturday so that we will have 4 days to review those items.

□ 1345

But I want to reiterate my hope and my expectation, to state it even more strongly, that you and the minority Members, the country, and the majority Members will have 48 hours to review the product that is reported out of the committee after their markups.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for his response. I appreciate the spirit in which he responds to the inquiry and will set aside the supposition that perhaps we have to rush because of some policies that were in place over the last 8 years and would point out to the gentleman that, again, it is his party that has served in the majority over the last 2 years building up to the current situation that we are in.

But I would ask the gentleman, specifically does he know what day the actual stimulus bill will be considered on the floor of this House?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. My expectation is it will be Wednesday.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, President Obama has actively solicited Republican ideas to be included in his stimulus package. I would like to ask the gentleman from Maryland, and I yield to him to respond to the question, will congressional Democrats allow all ideas to be considered as amendments on the House floor without restriction?

I yield.

Mr. HOYER. I thank the gentleman.

As the gentleman knows, a very large portion of this bill will be tax cuts. Almost half of this bill is going to be tax cuts for working Americans and for business. As the gentleman knows as a member of the Ways and Means Committee, rarely, if ever, I'm not sure that I can remember a Ways and Means tax bill that came to the floor as an open rule, which is what the gentleman suggests. So you would be shocked if I said, yes, that's the way the bill is going to come to the floor because your bills never come to the floor that way, whether they're Democratic Chairs or Republican Chairs.

So my expectation is it will not come as an open rule, but I do not want to prescribe right now exactly—I have not talked to the Chair of the Rules Committee nor have the markups been complete, so I don't want to prejudge what the rule will be. But I certainly understand the gentleman's proposition that you would like alternatives considered, perhaps not to the tax provision. I don't know your particular position. I do know the position of the Republican leadership of the Ways and Means Committee historically and the Democratic leadership of the Ways and Means Committee historically. There has been bipartisan agreement that once a tax bill is forged, amending it on the floor becomes very complicated and very risky.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would just respond by saying that perhaps because of the expedited nature of the process, given the severity of the crisis, that we would have an opportunity to change that tradition and open up Ways and Means bills. But I accept the gentleman's response, although I may not agree with the outcome.

Mr. Speaker, President Obama has asked that 40 percent of the stimulus bill be reserved for tax relief. Republicans agree on the need for fast-acting tax relief for families and small businesses. Unfortunately, it seems the Democrat majority in its proposal includes far less tax relief than what President Obama requested. Some estimates say there is only 10 percent tax cuts. The estimates that I have had that seem reasonable and accurate is that there is only 33 percent of this proposed bill that includes tax cuts and the rest, the 66 percent, is just pure government spending.

I'd also note that the nonpartisan Congressional Budget Office reported that less than half of the spending on infrastructure in the congressional Democrat proposal will be spent by the end of 2010. That hardly seems stimulative. By contrast, Mr. Speaker, our position would be tax cuts can have an immediate impact.

So I would like to ask the gentleman from Maryland, the majority leader, will Democrats allow amendments to be considered for a vote on the floor that increase the tax relief in this bill, as President Obama has requested?

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

I'm not sure that President Obama has requested specifically what you suggest he requested. He did say that he wanted a very significant portion of this bill to be tax cuts for working Americans. He promised that in his campaign. He promised that he was going to give 95 percent of taxpayers in America a tax cut. This bill will do that. And I'm not sure of the exact percentage, but I think probably between 30 and 40 percent. You're correct in that approximate range.

I think, as I have said before and maybe being redundant, as you know, and you're a member of the Ways and Means Committee, we appropriators sometimes felt constrained by this rule that your committee had, but, nevertheless, your committee has generally felt that tax provisions are very complicated and need to be worked on carefully and, once proposed, should be voted either up or down.

I don't think that your representation that President Obama's saying that it ought to be amended on the floor is necessarily accurate, I tell my friend. But he does want and we will have and you will have the opportunity and every Member of this House will have an opportunity to vote for a tax cut for 95 percent of the taxpaying public. Not only in terms of individuals but also significant tax cuts for those in business to try to make sure that they can be more successful, that they can have an increased investment tax credit, and that they can have a lookback provision for applying to profits they made in the past, significant losses that are occurring now. The reason for that, obviously, is to try to keep them in business, keep those jobs able to remain with those businesses. So I can tell the gentleman that he's going to have a very significant tax cut for the American taxpaying public to vote for or against.

Mr. CANTOR. I thank the gentleman.

It's my understanding that the President has said he expects Washington to act differently, that we should and owe it to the public to have an open and transparent process, up-or-down votes in the light of day. That's simply our request, Mr. Speaker, that we be given an opportunity to propose and vote on our tax relief. Obviously, there are differences in what types of tax relief are appropriate in terms of a stimulus bill, and that's being the spirit of my question.

Mr. Speaker, the House just voted to stop the administration from spending another $350 billion in bailout funds. However, I would like to clarify the outcome of that vote for the people that elect us. Last week the Senate voted to allow the additional $350 billion to be spent. Therefore, the House and Senate are in disagreement about whether the $350 billion should be spent or not under the TARP program.

So I would like to clarify, even though the House voted against the $350 billion, the administration will still be allowed to spend that money. And I would ask the gentleman, is that correct?

And I yield.

Mr. HOYER. That is correct.

Mr. CANTOR. I thank the gentleman.

Mr. HOYER. Essentially, if I might clarify for our Members and their constituents, obviously the vote today was symbolic and everybody knew it was symbolic. Symbolic to the extent that the Senate voted last week, as the gentleman pointed out, to defeat a resolution of disapproval. Under the statute that was passed by this House and Senate and signed by President Bush, the process is that those funds are now available for expenditure because the House and Senate did not pass resolutions of disapproval. Very frankly, President Bush had indicated, if we had done this earlier, he would have probably vetoed such a resolution.

I want to say to my friend that, in a bipartisan way, President Bush sent this request to the Congress. He indicated he sent it to the Congress at the request of President Obama. They both agreed that this request was necessary. So our two leaders, elected in 2000, 2004, and 2008, have said that given the crisis that confronts us, they believe that this money is absolutely essential if they are to have the ability to stabilize the economy. Secretary Paulson believed that was necessary, who was the Secretary of the Treasury under President Bush. Secretary Geithner, who was just confirmed by the Senate, has said he believes that is necessary.

So I say to my friend that the legislation passed, signed by President Bush, provided for a process which said that if either House voted against a motion for disapproval, the money would go forward. And as the gentleman has pointed out, in light of the Senate action, the money will, in fact, be available to President Obama and Secretary Geithner to try to continue to stabilize this economy, which is in such crisis.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, yesterday the House passed a bill to provide further restrictions on this next $350 billion that, as the gentleman points out, the Senate has approved. Yet it is my understanding that the Senate has no intention of taking the House bill that was passed out yesterday.

So I would like to ask the gentleman, do you expect the bailout restrictions as passed by the House yesterday to become law?

Mr. HOYER. I would hope they would. I voted for it. I believe that they were a response to what we have seen is a lack of transparency, a lack of as much accountability as the taxpayer has the right to expect, and also the failure of the TARP funds already approved to help average people around this country who are faced with losing their homes, having their mortgages foreclosed on. The legislation that we passed yesterday, in a bipartisan vote, as you know, was legislation which said we ought to have greater accountability, greater transparency so the American public knows how their money is being spent and also that we need to have a greater focus on Main Street, not exclusively on Wall Street. I think the American public are for that legislation. I would hope the Senate would pass it.

Very frankly, I will tell my friend one of the problems that it has in the Senate is that there is a large number of Members in your party, I believe, who are not for money being diverted to mortgage relief. I disagree with that as a policy, but the issue is whether they can get 60 votes to take it up. I tell the gentleman I'm hopeful that they will.

In addition, as I said on this floor in response to Congresswoman FOXX, it is my understanding that Chairman FRANK and President Obama have had discussions and that President Obama believes that conditions and transparency and focus on helping people whose mortgages are at risk is something that his administration is going to follow whether or not that legislation is passed into law.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I'd just like to say in closing that I would hope that the standard of transparency and openness that should be applied to the expenditure of the TARP moneys can be applied to the conduct of the proceedings of this House over the next 2 years during the 111th Congress. I think we owe it to the American people. We owe it to the American people to know what the Members that they elect are doing, what they're voting on, which is why I again say to the gentleman I hope that the proceedings next week on this unprecedented amount of money in the bill that is currently being marked up, this unprecedented amount can come to this floor in the most open, transparent way possible, giving the minority, the Republicans on this side of the aisle, the ability to make their proposals known, to have votes on those ideas because, after all, that is the spirit in which we would like to work not only with the gentleman and his party but certainly with the new President.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow; and, further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. LUJÁN). Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1400

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HEINRICH). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A RETURN TO JUSTICE FOR ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to applaud the bold leadership coming from our new administration. Today President Obama signed executive orders to put an end to destructive policies of the Bush administration. Americans and people all over the world will know, once again, that the United States rejects the use of torture and that we will proceed with the rule of law.

With his announcements this morning, President Obama is taking an important step for undoing the damage that has been caused over the past 8 years. The prison at Guantanamo Bay and the horrors at Abu Ghraib have so stained the honor of the United States that it will take years to regain the trust of the international community.

Under the past administration the world saw a White House that operated in secrecy and was all too eager to bend and break the rule of law when it was convenient to do so. Progressives fought every step of the way and demanded an end to torture and the closure of Guantanamo Bay.

President Obama is living up to his campaign promises, and he is signaling to the world a return to the very values that have led our Nation to be viewed as the greatest democracy on earth, our unyielding commitment to the rule of law and profound respect for human decency.

This Congress stands ready to help the administration. Whether it's bringing an end to prisons like Guantanamo or bringing our troops home from Iraq, we pledge to help the President forge a new path for America and for the world. Again, Mr. Speaker, I applaud the administration's bold move forward, and I will commit to supporting our renewed role as world leader for justice and human rights.

NEWS FROM THE SECOND FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I bring you news from the second front. The second front is the border war on the southern border of the United States between America and Mexico.

It is important that America understand that there is a violent atmosphere in Mexico, our neighbors to the south. It's a possibility that the government may collapse. There is chaos, there is high unemployment, and much of the blame goes to the drug cartels that are operating in Mexico. They are violent; they are mean; they have a lot of money; and it makes no difference who they kill that gets in their way to smuggle that cancer into the United States.

This should concern all of us. We cannot wait for the reaction of the violence along the Texas-Mexico border, especially, to come into the United States. We must be proactive and not wait for Americans to be killed before our country does something about it.

You know, our country protects the borders of other nations, nations that many Americans don't even know where they are on the map. But the first duty of government is to protect our Nation and protect our borders, especially from those narcoterrorists that come into the United States habitually.

Even the Department of Homeland Security now has actually admitted that there is a problem on the border. For so long, in my opinion, Homeland Security has done very little to protect our border in the southern part of the United States.

But Homeland Security has developed a plan involving the U.S. Northern Command to deploy the United States military to protect American citizens in the event the drug wars in Mexico spill into the United States.

Just last year, there were over 5,300 murders in Mexico, that's more murders in Mexico than the number of American troops killed in the wars in Iraq and Afghanistan put together, and it's all because of the drug cartels and the violence that has occurred there.

I have had the opportunity to be on the Texas-Mexico border and the border all the way to California that we have with Mexico. I have been there many times, and every time I go, it's worse. The violence is terrible.

There used to be a time when Americans would go to Nuevo Laredo across the river from Laredo. Not any more. The three drug cartels are fighting for turf in Nuevo Laredo to smuggle drugs into the United States.

I want to read, Mr. Speaker, a portion of a military report that I have obtained from November 25, 2008, from the United States Joint Forces Command. It states that Mexico ''bear[s] consideration for a rapid and sudden collapse,'' because ''its politicians, police, and judicial infrastructure are all under sustained assault and pressure by criminal gangs and drug cartels.'' ''Any descent by Mexico into chaos would demand an American response

based on the serious implications for homeland security alone.''

What this military report by our military says is the Mexican government could be on the verge of collapse because of the drug cartels. It should concern us that our neighbors to the south are having this problem. It's important to America that there be a stable government in Mexico and that we get a grip on the drug cartels and not wait for crimes to be committed in the United States, but immediately send our military to the United States-Mexico border so we can take care of those drug dealers that come into the United States.

A border sheriff once told me that the drug cartels that come into the country, have more money, have better equipment and more people than he has to fight them off. Now is the time to be prepared and send our military there to protect the integrity of the United States border.

It's important that we help Mexico, but, Mr. Speaker, I am not one that favors giving blanket checks to Mexico as we have done in the Merida Initiative, $1.5 billion we have sent down there in equipment and money. Unfortunately, it may happen that that equipment be used by the drug cartels against our border protectors. It's important that we reinforce this side of the United States border and be prepared for any action of the drug cartels that come across the border from Mexico and figure out other ways to help Mexico.

Border security is the number one issue in this country. It is time to secure our borders. The fight has already begun. We have to be engaged in this and protect the people of this country from the drug cartels.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 5 minutes.

(Ms. EDWARDS of Maryland addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING JOURNALIST LASANTHA WICKRAMATUNGA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, in 2006 I cofounded the Congressional Caucus for Freedom of the Press, and since then this bipartisan, bicameral caucus has sought to highlight the importance of free expression around the world. I rise today to honor Lasantha Wickramatunga, a brave journalist who was gunned down while driving to work in the Sri Lankan capital of Colombo.

Threats, attacks and murders of journalists are becoming all too common in Sri Lanka. Mr. Wickramatunga knew the dangers too well but courageously continued reporting. Recognizing his work might cost him his life, Mr. Wickramatunga wrote a letter to be published in the event of his assassination.

Today I will read excerpts of his letter which was published by his paper, The Sunday Leader, on January 11, 3 days after he was killed.

He wrote, ''No other profession calls on its practitioners to lay down their lives for their art save the armed forces and, in Sri Lanka, journalism. In the course of the past few years, the independent media have increasingly come under attack. Electronic and print media institutions have been burnt, bombed, sealed and coerced. Countless journalists have been harassed, threatened and killed. It has been my honor to belong to all those categories and now especially the last.

''Why then do we do it? I often wonder that. After all, I too am a husband, and the father of three wonderful children. I too have responsibilities and obligations that transcend my profession, be it the law or journalism.

''But there is a calling that is yet above high office, fame, lucre and security. It is the call of conscience.

''The Sunday Leader has been a controversial newspaper because we say it like we see it: whether it be a spade, a thief or a murderer, we call it by that name. We do not hide behind euphemism. The investigative articles we print are supported by documentary evidence thanks to the public-spiritedness of citizens who at great risk to themselves pass on this material to us. We have exposed scandal after scandal, and never once in these 15 years has anyone proved us wrong or successfully prosecuted us.

''The free media serve as a mirror in which the public can see itself, sans mascara and styling gel. From us you learn the state of your nation, and especially its management by the people you elected to give your children a better future. Sometimes the image you see in that mirror is not a pleasant one. But while you may grumble in the privacy your armchair, the journalists who hold the mirror up to you do so publicly and at great risk to themselves. That is our calling, and we do not shirk it.

''If I seem angry and frustrated, it is because most of my countrymen—and all of the government—cannot see this writing plainly on the wall.

''It is well known that on two occasions I was brutally assaulted, while on another my house was sprayed with machine-gun fire. Despite the government's sanctimonious assurances, there was never a serious police inquiry into the perpetrators of these attacks, and the attackers were never apprehended. In all these cases, I have reason to believe the attacks were inspired by the government. When finally I am killed, it will be the government that kills me.

''As for me, I have the satisfaction of knowing that I walk tall and bowed to no man. And I have not traveled this journey alone. Fellow journalists in other branches of the media walked with me: most of them are now dead, imprisoned without trial or exiled in far-off lands.

''As for the readers of The Sunday Leader, what can I say but Thank You for supporting our mission. We have espoused unpopular causes, stood up for those too feeble to stand up for themselves, locked horns with the high and mighty so swollen with power that they have forgotten their roots, exposed corruption and waste of your hard-earned tax rupees, and make sure that whatever the propaganda of the day, you were allowed to hear a contrary view. For this I—and my family—have now paid the price that I have long known I will one day have to pay. I am—and have always been—ready for that. I have done nothing to prevent this outcome: no security, no precautions. I want my murderer to know that I am not a coward like he is, hiding behind human shields while condemning thousands of innocents to death.

''That The Sunday Leader will continue fighting the good fight, too, is written. For I did not fight this alone. Many more of us have to be—and will be—killed before The Leader is laid to rest. I hope my assassination will be seen not as a defeat of freedom but an inspiration for those who survive to step up their efforts. Indeed, I hope that it will help galvanize forces that will usher in a new era of human liberty in our beloved motherland. I also hope it will open the eyes of your President to the fact that however many are slaughtered in the name of patriotism, the human spirit will endure and flourish. Not all the Rajapakses combined can kill that.

''People often ask me why I take such risks and tell me it is a matter of time before I am bumped off. Of course I know that: it is inevitable. But if we do not speak out now, there will be no one left to speak for those who cannot, whether they be ethnic minorities, the disadvantaged or the persecuted.''

These were the words he wrote in anticipation of his own assassination.

Mr. Speaker, I submit the entire text of his letter for the RECORD.

The following editorial by Lasantha Wickramatunga, was published in The Sunday Leader on January 11.

No other profession calls on its practitioners to lay down their lives for their art save the armed forces and, in Sri Lanka, journalism. In the course of the past few years, the independent media have increasingly come under attack. Electronic and print-media institutions have been burnt, bombed, sealed and coerced. Countless journalists have been harassed, threatened and killed. It has been my honour to belong to all those categories and now especially the last.

I have been in the business of journalism a good long time. Indeed, 2009 will be The Sunday Leader's 15th year. Many things have changed in Sri Lanka during that time, and

it does not need me to tell you that the greater part of that change has been for the worse. We find ourselves in the midst of a civil war ruthlessly prosecuted by protagonists whose bloodlust knows no bounds. Terror, whether perpetrated by terrorists or the state, has become the order of the day. Indeed, murder has become the primary tool whereby the state seeks to control the organs of liberty. Today it is the journalists, tomorrow it will be the judges. For neither group have the risks ever been higher or the stakes lower.

Why then do we do it? I often wonder that. After all, I too am a husband, and the father of three wonderful children. I too have responsibilities and obligations that transcend my profession, be it the law or journalism. Is it worth the risk? Many people tell me it is not. Friends tell me to revert to the bar, and goodness knows it offers a better and safer livelihood. Others, including political leaders on both sides, have at various times sought to induce me to take to politics, going so far as to offer me ministries of my choice. Diplomats, recognizing the risk journalists face in Sri Lanka, have offered me safe passage and the right of residence in their countries. Whatever else I may have been stuck for, I have not been stuck for choice.

But there is a calling that is yet above high office, fame, lucre and security. It is the call of conscience.

The Sunday Leader has been a controversial newspaper because we say it like we see it: whether it be a spade, a thief or a murderer, we call it by that name. We do not hide behind euphemism. The investigative articles we print are supported by documentary evidence thanks to the public-spiritedness of citizens who at great risk to themselves pass on this material to us. We have exposed scandal after scandal, and never once in these 15 years has anyone proved us wrong or successfully prosecuted us.

The free media serve as a mirror in which the public can see itself sans mascara and styling gel. From us you learn the state of your nation, and especially its management by the people you elected to give your children a better future. Sometimes the image you see in that mirror is not a pleasant one. But while you may grumble in the privacy of your armchair, the journalists who hold the mirror up to you do so publicly and at great risk to themselves. That is our calling, and we do not shirk it. Every newspaper has its angle, and we do not hide the fact that we have ours. Our commitment is to see Sri Lanka as a transparent, secular, liberal democracy. Think about those words, for they each have profound meaning.

Transparent because government must be openly accountable to the people and never abuse their trust. Secular because in a multi-ethnic and multi-cultural society such as ours, secularism offers the only common ground by which we might all be united. Liberal because we recognise that all human beings are created different, and we need to accept others for what they are and not what we would like them to be. And democratic . . . well, if you need me to explain why that is important, you'd best stop buying this paper.

The Sunday Leader has never sought safety by unquestioningly articulating the majority view. Let's face it, that is the way to sell newspapers. On the contrary, as our opinion pieces over the years amply demonstrate, we often voice ideas that many people find distasteful. For example, we have consistently espoused the view that while separatist terrorism must be eradicated, it is more important to address the root causes of terrorism, and urged government to view Sri Lanka's ethnic strife in the context of history and not through the telescope of terrorism. We have also agitated against state terrorism in the so-called war against terror, and made no secret of our horror that Sri Lanka is the only country in the world routinely to bomb its own citizens. For these views we have been labelled traitors, and if this be treachery, we wear that label proudly.

Many people suspect that The Sunday Leader has a political agenda: it does not. If we appear more critical of the government than of the opposition it is only because we believe that—pray excuse cricketing argot—there is no point in bowling to the fielding side. Remember that for the few years of our existence in which the UNP was in office, we proved to be the biggest thorn in its flesh, exposing excess and corruption wherever it occurred. Indeed, the steady stream of embarrassing exposés we published may well have served to precipitate the downfall of that government.

Neither should our distaste for the war be interpreted to mean that we support the Tigers. The LTTE are among the most ruthless and bloodthirsty organisations ever to have infested the planet. There is no gainsaying that it must be eradicated. But to do so by violating the rights of Tamil citizens, bombing and shooting them mercilessly, is not only wrong but shames the Sinhalese, whose claim to be custodians of the dhamma is forever called into question by this savagery, much of which is unknown to the public because of censorship.

What is more, a military occupation of the country's north and east will require the Tamil people of those regions to live eternally as second-class citizens, deprived of all self respect. Do not imagine that you can placate them by showering ''development'' and ''reconstruction'' on them in the post-war era. The wounds of war will scar them forever, and you will also have an even more bitter and hateful Diaspora to contend with. A problem amenable to a political solution will thus become a festering wound that will yield strife for all eternity. If I seem angry and frustrated, it is only because most of my countrymen—and all of the government—cannot see this writing so plainly on the wall.

It is well known that I was on two occasions brutally assaulted, while on another my house was sprayed with machine-gun fire. Despite the government's sanctimonious assurances, there was never a serious police inquiry into the perpetrators of these attacks, and the attackers were never apprehended. In all these cases, I have reason to believe the attacks were inspired by the government. When finally I am killed, it will be the government that kills me.

The irony in this is that, unknown to most of the public, Mahinda and I have been friends for more than a quarter century. Indeed, I suspect that I am one of the few people remaining who routinely addresses him by his first name and uses the familiar Sinhala address oya when talking to him. Although I do not attend the meetings he periodically holds for newspaper editors, hardly a month passes when we do not meet, privately or with a few close friends present, late at night at President's House. There we swap yarns, discuss politics and joke about the good old days. A few remarks to him would therefore be in order here.

Mahinda, when you finally fought your way to the SLFP presidential nomination in 2005, nowhere were you welcomed more warmly than in this column. Indeed, we broke with a decade of tradition by referring to you throughout by your first name. So well known were your commitments to human rights and liberal values that we ushered you in like a breath of fresh air. Then, through an act of folly, you got yourself involved in the Helping Hambantota scandal. It was after a lot of soul-searching that we broke the story, at the same time urging you to return the money. By the time you did so several weeks later, a great blow had been struck to your reputation. It is one you are still trying to live down.

You have told me yourself that you were not greedy for the presidency. You did not have to hanker after it: it fell into your lap. You have told me that your sons are your greatest joy, and that you love spending time with them, leaving your brothers to operate the machinery of state. Now, it is clear to all who will see that that machinery has operated so well that my sons and daughter do not themselves have a father.

In the wake of my death I know you will make all the usual sanctimonious noises and call upon the police to hold a swift and thorough inquiry. But like all the inquiries you have ordered in the past, nothing will come of this one, too. For truth be told, we both know who will be behind my death, but dare not call his name. Not just my life, but yours too, depends on it.

Sadly, for all the dreams you had for our country in your younger days, in just three years you have reduced it to rubble. In the name of patriotism you have trampled on human rights, nurtured unbridled corruption and squandered public money like no other President before you. Indeed, your conduct has been like a small child suddenly let loose in a toyshop. That analogy is perhaps inapt because no child could have caused so much blood to be spilled on this land as you have, or trampled on the rights of its citizens as you do. Although you are now so drunk with power that you cannot see it, you will come to regret your sons having so rich an inheritance of blood. It can only bring tragedy. As for me, it is with a clear conscience that I go to meet my Maker. I wish, when your time finally comes, you could do the same. I wish.

As for me, I have the satisfaction of knowing that I walked tall and bowed to no man. And I have not travelled this journey alone. Fellow journalists in other branches of the media walked with me: most of them are now dead, imprisoned without trial or exiled in far-off lands. Others walk in the shadow of death that your Presidency has cast on the freedoms for which you once fought so hard. You will never be allowed to forget that my death took place under your watch. As anguished as I know you will be, I also know that you will have no choice but to protect my killers: you will see to it that the guilty one is never convicted. You have no choice. I feel sorry for you, and Shiranthi will have a long time to spend on her knees when next she goes for Confession for it is not just her owns sins which she must confess, but those of her extended family that keeps you in office.

As for the readers of The Sunday Leader, what can I say but Thank You for supporting our mission. We have espoused unpopular causes, stood up for those too feeble to stand up for themselves, locked horns with the high and mighty so swollen with power that they have forgotten their roots, exposed corruption and the waste of your hard-earned tax rupees, and made sure that whatever the propaganda of the day, you were allowed to hear a contrary view. For this I—and my family—have now paid the price that I have long known I will one day have to pay. I am—and have always been—ready for that. I have done nothing to prevent this outcome: no security, no precautions. I want my murderer to know that I am not a coward like he is, hiding behind human shields while condemning thousands of innocents to death. What am I among so many? It has long been written that my life would be taken, and by whom. All that remains to be written is when.

That The Sunday Leader will continue fighting the good fight, too, is written. For I did not fight this fight alone. Many more of us have to be—and will be—killed before The Leader is laid to rest. I hope my assassination will be seen not as a defeat of freedom but an inspiration for those who survive to step up their efforts. Indeed, I hope that it will help galvanise forces that will usher in a new era of human liberty in our beloved motherland. I also hope it will open the eyes of your President to the fact that however many are slaughtered in the name of patriotism, the human spirit will endure and flourish. Not all the Rajapakses combined can kill that.

People often ask me why I take such risks and tell me it is a matter of time before I am bumped off. Of course I know that: it is inevitable. But if we do not speak out now, there will be no one left to speak for those who cannot, whether they be ethnic minorities, the disadvantaged or the persecuted. An example that has inspired me throughout my career in journalism has been that of the German theologian, Martin Niemöller. In his youth he was an anti-Semite and an admirer of Hitler. As Nazism took hold in Germany, however, he saw Nazism for what it was: it was not just the Jews Hitler sought to extirpate, it was just about anyone with an alternate point of view. Niemöller spoke out, and for his trouble was incarcerated in the Sachsenhausen and Dachau concentration camps from 1937 to 1945, and very nearly executed. While incarcerated, Niemöller wrote a poem that, from the first time I read it in my teenage years, stuck hauntingly in my mind:

First they came for the Jews
and I did not speak out because I was not a Jew.
Then they came for the Communists
and I did not speak out because I was not a Communist.
Then they came for the trade unionists
and I did not speak out because I was not a trade unionist.
Then they came for me
and there was no one left to speak out for me.

If you remember nothing else, remember this: The Leader is there for you, be you Sinhalese, Tamil, Muslim, low-caste, homosexual, dissident or disabled. Its staff will fight on, unbowed and unafraid, with the courage to which you have become accustomed. Do not take that commitment for granted. Let there be no doubt that whatever sacrifices we journalists make, they are not made for our own glory or enrichment: they are made for you. Whether you deserve their sacrifice is another matter. As for me, God knows I tried.

□ 1415

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO LANCE, INC.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

Mrs. MYRICK. I rise today in tribute to Lance, Inc., a snack food company that is based in my district. Lance is the number one seller of peanut butter crackers in United States grocery stores. It operates manufacturing plants in seven States. The company's products are in grocery stores, convenience stores, hospitals, schools, and vending machines all across the country, and they have not been affected by the nationwide peanut butter recall caused by the salmonella outbreak.

Lance self-manufactures 100 percent of the peanut butter for all of its products, which include eight varieties of peanut butter and snack crackers. Their manufacturing process is held to the highest standard, and the company regularly tests its products to assure continued consumer health and safety. Lance has also been reviewed and okayed by the Food Safety Division of the North Carolina Department of Agriculture to ensure utmost quality and safety.

Parents pack Lance crackers in their kids' lunches every day, and every day countless people grab a handful of Lance crackers as an on-the-go snack. This company is a trusted one because it has built its reputation on putting the consumer first.

The safety of Lance has not been compromised by this recall, and I urge consumers to continue to enjoy all of their favorite Lance products.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TARP: MORE OF THE SAME BAD POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the House of Representatives has spoken. We just disapproved sending out the next $350 billion through the President to Wall Street. Of course, since the Senate does not agree, the taxpayer money will go out the door again, to the U.S. Treasury, to be used however the U.S. Treasury Secretary sees fit. Too bad. Indeed, tragic for our people.

They say the definition of insanity is doing the same thing over and over again, expecting a different result. Yet, that is exactly what is being done as we ship out the next $350 billion of taxpayer money to Treasury to cover Wall Street's paper losses.

When will we have wise leaders who rise and understand that unless the mortgage foreclosure crisis tide is turned back, Wall Street will not heal. We must heal Main Street's mortgage real estate markets first. Congress is looking out of the wrong end of the telescope.

In the fall, some in Congress sent out the first $350 of taxpayer money, hastily crafted, for a completely opaque bailout ''plan'' that proponents argued would stabilize our economy. Has that happened? Yesterday, the Dow dipped below 8,000. Last month's foreclosure filings were up 40 percent from the previous year. And nearly 700,000 more jobs were lost last month alone.

Our economy is still suffering, with more jobs lost every day, while the promise of the bailout has been broken. The bailout money was given through a hasty process, without enough thought, without any guidelines, and the proper Federal regulators to do the job. The Federal Deposit Insurance Company, the Securities and Exchange Commission, and HUD, were sidelined as Treasury was moved into the driver's seat.

Taking advantage of Treasury's boon, Wall Street's gambling casinos used the money to buy up other banks to build up their reserves and get bigger, rather than unfreezing credit so that local markets could work, or engaging in foreclosure workouts, which is the real congressional intent of the original bill.

U.S. Treasury nominee, Tim Geithner—he is the gentleman who didn't pay his taxes—noted in his confirmation hearing that there were serious concerns about transparency, accountability, and the goals of the bailout program. But he didn't say how he was going to fix it.

How does the administration even know that it needs $350 billion more if it hasn't audited and doesn't know what happened to the first $350? Where did that money go?

Congress is taking the lazy man's way out, shirking the immense responsibility to appropriately and thoughtfully guide how the money is spent, ensuring our taxpayers' money is being used prudently.

When Secretary Paulson pushed for this additional bank bailout, he said, Well, the government might recoup some of its money. But now the truth becomes clearer. The Congressional Budget Office estimates that of the first $247 billion in bailout payments made just through last December, they are saying taxpayers already will end up footing over $64 billion, or 26 percent, of the bill. That is just where we are today.

So if we are on the hook for paying 26 percent of the first tranche, should the people paying the bill not be the beneficiaries of a comparable share of the total funds to do mortgage workouts at the local level? That would be about $180 billion. But the bill that passed the House last night commits as little as $40 billion to foreclosure workouts. In other words, the bottom line really doesn't add up.

The Treasury has been inappropriately charged with restoring the health of our markets. But their job is to sell U.S. debt on Wall Street and to collect our taxes. They really aren't designed to do bank regulation or examination or real estate lending or housing workouts or real estate accounting. That is

the job of the FDIC, with its bank examiners; and the SEC, with its accountants; and the Department of Housing and Urban Development.

America cannot really afford to pay this next $350 billion, just as we didn't pay for the first tranche. We borrowed it all. And we don't know if the Senate will take up the bill that the House passed last night to give some guidance on how those original dollars are to be spent.

So we know one fact is certain: Wall Street sure has a lot of power down here in Washington to put at the foot of the taxpayers the bill for all of their wrongdoing. Congress should not have sent out another $350 billion.

But what the gambling houses on Wall Street did was create money recklessly by leveraging mortgages way beyond what the underlying asset could return. And those banks are so powerful and arrogant and they breed such special relationships inside our Federal Government, they are not only spared the discipline rules of the market we must all live by, they are spared prosecution so far. They are so powerful, they repeatedly abuse their power, and then run to us, the taxpayers, about every 10 years, to bail them out of their excesses.

Wall Street banks do have special pull here in Washington through the Treasury and the Federal Reserve, their campaign contributions, and the revolving door between Washington and New York which, unless you have lived here, you really can't understand.

They consistently enrich themselves by indebting the American people for their excesses. They have committed crimes much larger than the last excesses this time from the old savings and loan crisis of the 1980s and 1990s, and they put those losses on the American people too, and it became the third largest component of our long-term debt.

The Wall Street bankers, meanwhile, make plenty of money enriching themselves. You know what? They win on both ends because they end up selling the U.S. Government debt through bonds that they issue. It's a win-win for them and it's a loss-loss for us.

I just want to say, Mr. Speaker, in closing, that we should use the proper agencies to restore rigor to our market—the FDIC and the SEC, with their examination powers and their accounting powers—and we shouldn't just put the money down the blind hole at the U.S. Treasury that leads directly through a tunnel to Wall Street.

WHERE IS TARP MONEY BEING SPENT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the House of Representatives just a few minutes ago voted to disapprove the $350 billion in additional funds for the TARP bailout. But because of the way the original bill was passed, that won't do a thing to stop it.

That money is going to be given to the administration and it's going to be spent. We don't know where the $700 billion is going. We know where part of it is going, but we certainly don't know where most of it's going.

That means the American taxpayers have given $700 billion to the Congress of the United States and we have ceded the authority to spend that money to the administration without any real oversight. We don't know where that money is being spent and, as a result, we have abnegated our responsibility to oversee the power of the purse and make sure we are spending the money of the taxpayers wisely.

In addition to that, not knowing where we are going to spend it, where they are spending the $700 billion, next week we are going to have another $825 billion bill that is going to come to this Congress, and we are not going to know what that bill is until the mark-up is finished tomorrow, which means that we will probably get the information on it Saturday, and Monday will be the first day that Congress will really take a hard look at it.

So we will have the afternoon of Monday, and Tuesday, and then vote on Wednesday on an $825 billion supplemental stimulus package. That means in the last 3 or 4 weeks we will have spent almost $1½ trillion of taxpayers' money and we don't know where it's going. We are ceding that authority to the executive branch. And it's an abnegation of our responsibility, for the most part. We know where some of it's going, but not all of it, not most of it. And it really, really bothers me.

When we come down here and speak, Mr. Speaker, we know from time to time there's an awful lot of young people that watch us in the gallery. And there's a lot of young people and parents watching from at home. And the thing that bothers me is we are spending this money like it's going out of style, without any accountability, and we are spending it in such large numbers that it has to have a long-term, terribly inflationary impact on the economy of the United States of America.

People in this country don't really know what hyperinflation is. But after World War II, Germany, people would get money and they would have to take a wheel barrel full of money to the store to buy bread or meat or something to live on, and if they didn't do it that day, the money would devalue that day and it would be worth less the next day.

I don't think that's going to happen here in the United States. But what will happen, in my opinion, is we will have very strong inflation like we had back in the seventies under Jimmy Carter when he was President. We had inflation that ran 14 percent. We had unemployment that was 10, 11, 12 percent. Because of that, the economy was really floundering. And so they brought in Mr. Volcker, who is once again in the administration.

Mr. WOLF. Will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague.

Mr. WOLF. I want to acknowledge what the gentleman is saying is accurate. I have here a $100 billion bill, a Zimbabwe bill, which was printed by the Federal Reserve in Zimbabwe in June or July of 2008.

So what the gentleman is saying, this $100 billion will not even buy a loaf of bread.

Mr. BURTON of Indiana. A $100 billion piece of currency won't buy a loaf of bread. That's what happens when you have hyperinflation. It destroys the economy of a country. And we are spending this money so rapidly and without any accountability that it really scares me. These young people who watch us and who hear us talk, they are the ones who are going to have to deal with this in the long-run because if the currency devalues, that means the cost of everything is going to go up and they are going to have to pay for it.

What happened back in the seventies was it got so bad that they brought Mr. Volcker in, who's in this administration now, and he raised interest rates to 21½ percent. Well, boy, that put the hammer on the economy. It slowed down inflation all right, but it increased the problems with unemployment, and it hurt the economy so desperately that Mr. Carter was saying, My gosh, we had to do with less. We had to handle our lives in a much more simple fashion because we couldn't afford to live well again.

And then Ronald Reagan came in and said the way to stimulate the economy is to cut taxes to give the American people more of their money back and let them spend it, to cut the taxes on business so there was more money for investment.

And, because of that, we came out of that recession and we had about 8 or 9 years of very positive economic growth. In fact, it was one of the longest periods of economic growth in the history of this country. But now we are spending money more rapidly than we did in the past. It's unbelievable the way they are going to have to print money to deal with this problem.

And so I am very concerned, and I am going to be down here talking about this a lot, that we have to do something to stop the spending, to control the spending, to be more accountable, because if we don't, there will be hyperinflation, there will be a rubber band effect on the economy, because once it gets so high, they are going to have to raise interest rates so high that you can't buy anything on time. And then the economy will go into a nose dive.

It just will not work. It's going to be very horrible for this economy long term if we continue down the path we are on. There needs to be accountability. And what we have done in the

last couple of months and we are going to do this next week is not going to solve the problem. It's only going to make it worse.

□ 1430

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. SCHWARTZ) is recognized for 5 minutes.

(Ms. SCHWARTZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

H.R. 104

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, on Tuesday this country saw a marvelous event that occurs every 4 years, which is the inauguration of a President of the United States who was elected by the people and who assumes power because of the vote of the people. That is the essence of democracy and what America is foremost at, not revolutions, not juntas, but elections, the rule of law and not terror or violence.

Just as we celebrated that great event with more people than ever here in Washington to witness it, it is important that we reiterate to the American public that we are a Nation of laws and not a Nation of men. It is for that reason that I joined with the chairman of the Judiciary Committee, JOHN CONYERS, as a cosponsor of H.R. 104, which seeks to set up an independent commission to investigate the Bush administration policies for having a claim of unreviewable war powers, for actions they took or might have taken that did damage to the United States Constitution and to the laws of this Nation. No person is above the law, no person should be considered above the law, and a commission of this sort is important to fulfill the duties of the Congress, which is an independent and separate branch of government, and to see if laws were violated.

There are many Americans that feel that there were violations of the law by the administration in the process of leading us to the war in Iraq and information that was given or not given to this Congress, that the PATRIOT Act and uses of that PATRIOT Act in investigating Americans and listening to phone conversations or interrupting other messages without securing subpoenas or going through the proper due process also violated the law.

In the Judiciary Committee we looked at several of these violations. We tried to subpoena individuals such as Harriett Myers and Karl Rove, and they rejected compliance with subpoenas. This is another area where we need to go forward, and we need to see that when a congressional committee issues subpoenas, that they are responded to by the executive and not under some blanket executive power. Harriett Myers, a private citizen, refused to comply. Karl Rove also refused to comply.

Torture, as used and defined in international law, was used by this administration. Attorney General Designate Eric Holder stated that water boarding is torture; and the former Vice President Dick Cheney said that they used water boarding and seemed somewhat boastful of it.

Again, if we use these type of tactics of torture of people detained without due process in particular, but with due process or not, we subject our own soldiers to such treatment, and that is a danger and a violation of the international laws that we should not allow.

It is important that we look into the activities of the Justice Department that were politicized during the days of Alberto Gonzales and others. Monica Goodling told us in the Judiciary Committee, after being given a grant of immunity, that partisan associations of candidates played a role in the hiring of career officials in Justice. And the Justice Department's Office of Inspector General and Office of Professional Responsibility issued a joint report, concluding the Bush Department of Justice officials violated departmental rules and Federal law in considering political affiliations for the hiring of career attorneys.

There are many areas for investigations. I hope that the Congress will pass H.R. 104, and allow us to look into these and guarantee the American public that we are a Nation of laws and not a Nation of men, and, regardless of the position you hold, you are held to standards.

Just behind me there are words carved into the desk of the Clerk, and they include ''justice.'' There is liberty, there is justice, there is tolerance, and other virtues. Justice is the highest.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQI CHRISTIANS FACE EXTINCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, ''The Christian owner of a car repair shop was killed execution-style in Mosul, police said Saturday, raising concerns about the possibility of new attacks against religious minorities in the northern city.'' This chilling excerpt was taken from a recent AP story, which went on to say that the attack ''followed a pattern of violence and intimidation that sent thousands of Christians fleeing from their homes in Mosul this fall.''

This is not the first time that we have seen targeted killings. We need to look no farther than the 2008 kidnap and murder of Archbishop Rahho of Mosul, an Assyrian Christian of the Chaldean Church, or Youssef Adel, an Assyrian Christian priest who was fatally shot in a drive-by attack in April of 2008.

These high-profile killings are indicative of wider-scale persecution and fear experienced by this suffering community. The numbers tell the story.

According to the U.S. Commission on International Religious Freedom, Iraqi's Christian population has fallen from as many as 1.4 million in 2003 to between 500,000 and 700,000 at present. The report says that, ''While Christians and other religious minorities represent only approximately 3 percent of the pre-2003 Iraqi population, they constitute approximately 15 percent and 20 percent of registered Iraqi refugees in Jordan and Syria respectively, and Christians account for 35 and 64 percent, respectively, of all registered Iraqi refugees in Lebanon and Turkey.'' What we are witnessing here is the tragic extinction of an age-old faith community.

The patriarch Abraham came from a city in Iraq called Ur. Isaac's bride, Rebekah, came from northwest Iraq. Jacob spent 20 years in Iraq, and his sons, the 12 tribes of Israel, were born in northwest Iraq. A remarkable spiritual revival as told in the book of Jonah occurred in Nineveh. And the events of the book of Esther took place in Iraq, as did the accounts of Daniel in the Lion's Den.

For months, I unsuccessfully urged the Bush administration to develop a comprehensive policy to address the unique plight of Iraq's struggling ethno-religious minorities, specifically the Christian community. We have pressed for one person in the embassy to work on these. The Religious Freedom Commission has also asked for things like this, but now we are seeing that the creation and filling of this position must be, must be, among Secretary Clinton's first priorities.

In July of 2008, the U.S. Conference of Catholic Bishops Migration & Refugee Services said this about the minority religious community: ''These groups, whose home has been what is now Iraq for many centuries, are literally being obliterated, not because they are fleeing generalized violence but because they are specifically and viciously victimized by Islamic extremists and, in some cases, common criminals.''

These minority communities face marginalization or even extinction. U.S. policy must reflect the unique political and security reality of these minority communities. I urge Members of

Congress, and I want to compliment Congresswoman ESHOO from California who has been very active on this, but other members, to weigh in with the newly confirmed secretary and ask her to take dramatic action to save the Iraqi Christians.

An article in Christianity Today by Philip Jenkins described what is happening in Iraq this way: ''What we are seeing then is the death of one of the world's greatest Christian enterprises.''

Just this week a delegation of Chaldean bishops urgently appealed to Pope Benedict XVI for the church to create a strategy to prevent Christians from leaving the region. I urge people of faith to stand, and I urge Members of Congress to press the secretary to appoint one person to deal with this issue.

And, lastly, I say where, where; oh where, oh where is the church? Oh where, oh where is the Christian church in the West when the Christians in Iraq are being slaughtered?

[From the Associated Press]

CHRISTIAN KILLED IN NORTHERN IRAQI CITY

(By Sameer N. Yacoub)

BAGHDAD.—The Christian owner of a car repair shop was killed execution-style in Mosul, police said Saturday, raising concern about the possibility of new attacks against the religious minority in the northern Iraqi city.

The body of the 36-year-old man, who was shot in the head, was found Thursday, according to police and hospital officials, speaking on condition of anonymity because they were not authorized to talk to the media.

Another Christian man, an engineer in the city's water department, was kidnapped in early January but was released four days later after his family paid a $50,000 ransom.

Nobody claimed responsibility for the killing or the kidnapping, but they followed a pattern of violence and intimidation that sent thousands of Christians fleeing from their homes in Mosul in the fall.

Bassem Balu, an official with the Democratic Assyrian Movement, sought to maintain calm, saying the motives for this week's killing were not yet known. The movement is the largest Christian party.

''For the time being, I do not think that this will slow the return of the Christians to Mosul,'' he said. ''I hope that this murder won't signal the start of a new campaign against the Christians in Mosul.''

Some Mosul residents have filtered back since the fall exodus, but others remain with relatives in the safer countryside or have sought refuge in neighboring Syria despite government pledges of financial support and protection.

Reflecting the continued fear, Christian candidates running for the Jan. 31 provincial elections have not been campaigning in Mosul but were limiting their activities to Christian areas outside the city.

Saad Tanyous, one of the candidates seeking a seat on the provincial council, said Christians were not even putting posters on the walls in Mosul.

Christians have frequently been targeted amid the fierce sectarian fighting that broke out after the 2003 U.S.-led invasion, although the attacks have ebbed with a sharp drop in overall violence.

Churches, priests and businesses of the generally prosperous, well-educated community have been attacked by militants who denounce Christians as pro-American ''crusaders.''

In an exodus which began after the 1991 Gulf War and escalated dramatically after the U.S.-led invasion in 2003, Iraq has lost more than half its Christian population of some 1 million.

The body of Paulos Rahho, the Chaldean Catholic archbishop of Mosul, also was found in March following his abduction by gunmen after a Mass.

Mosul, 225 miles northwest of Baghdad, remains one of the most dangerous cities in Iraq despite security gains.

Gunmen also killed two Iraqi soldiers on a foot patrol in the city Saturday afternoon, police said.

Tensions have been rising ahead of the provincial elections, which are aimed at more equitably distributing power and stemming support for the insurgency.

Haider al-Ibadi, a Shiite lawmaker from Prime Minister Nouri al-Maliki's Dawa party, condemned Friday's assassination of candidate Hashim al-Husseini south of Baghdad.

''This crime should not go unpunished and we call upon security forces to chase the killers as soon as possible and put them on trial,'' he said, calling for stepped-up protection for candidates.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUNSET MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. Mr. Speaker, I know that another legislative day has come to an end and that sunset approaches fast in Washington, DC. So tonight, I want to stand before this House with what I call a Sunset Memorial.

You see, it is January 22, 2009, in the land of the free and the home of the brave. And before this sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That is just today, Mr. Speaker. That is just today, 36 years to the day from Roe versus Wade. That is more than the number of innocent lives lost on September 11th in this country, but it happens every day.

It has now been exactly 36 years to the day since the tragedy called Roe versus Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own unborn children. Some of them, Mr. Speaker, cried and screamed as they died. But because it was amniotic fluid going over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common, Mr. Speaker. First, they were just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever, Mr. Speaker.

Yet, even in the glare of such tragedy, this generation still clings to a blind invincible ignorance while history repeats itself over and over again and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it is time for those of us in this chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness, and not its destruction, is the chief and only object of good government.'' The phrase in the 14th Amendment capsulizes our entire Constitution. It says, ''No state shall deprive any person of life, liberty, or property without due process of law.''

Mr. Speaker, protecting the lives of our citizens and their Constitutional rights is why we are all here. The bedrock foundation of this republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with unalienable rights, the rights of life and liberty and the pursuit of happiness.

Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world, Mr. Speaker. It is who we are. And yet today, another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So, Mr. Speaker, let me conclude this part of my remarks, this sunset memorial, in the hopes that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that it is time we stood up together again and looked to the Declaration of Independence; and, that we remember that we are the same America that rejected human slavery, and marched into Europe to arrest the Nazi Holocaust; and, we are still the courageous and compassionate Nation that can find a better way for mothers and their unborn babies than abortion on demand.

And, Mr. Speaker, it is such an appropriate time to discuss these things. Only a few hours ago, probably no more than 200 yards from this well, President-Elect Barack Obama put his hand down on the same Bible that Abraham Lincoln was sworn in and took his oath to the Presidency, and he took an oath that made him President Obama. And I just would remind the country somehow that we need to ask ourselves

again, why do we respect Abraham Lincoln the way we do? Why have we made a monument to him down at the Potomac River? Because, you see, generations from now they will still be talking about Barack Obama putting his hand on the Lincoln Bible.

□ 1445

And I think that the significance of it and the symbolism is powerful beyond words. But many voices will also ask, did he hold in his heart those same truths that Abraham Lincoln held in his heart when he put his hand on the Bible? And when he found the courage as President of the United States in the days of slavery and the humanity within himself to reach out to slaves that the Supreme Court said were not human and that the tide of public opinion didn't recognize as protectable under the law, I can say to you, Mr. Speaker, this is one Republican that somehow hopes that history will find that Barack Obama found an epiphany in his own heart and soul and recognize that these little unborn children look to him now for help. And I hope that somehow he can recognize that just as Abraham Lincoln was a good steward of the deliverance and the hope that was so necessary to protect innocent life in the days of slavery, that somehow Barack Obama will understand that it is now in his place to have the hope and deliverance in his own heart for these little unborn babies.

Mr. Speaker, I hope if nothing else that at least the President now can remember that the Bible in which he laid his hand, the pages beneath his hand, had the words written in red, inasmuch as you have done unto the least of these My brethren, you have done it unto Me.

It is still not too late for us to make a better world and for America to be the one that leads the rest of the planet, just as we did in the days of slavery, from this tragic genocide of murdering 4,000 of our own children every day.

Now, Mr. Speaker, as we consider the plight of the unborn on this 36th anniversary of Roe v. Wade, maybe we can each remind ourselves that our own days in this sunshine of life are all numbered and that all too soon each one of us will also walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day, may that day be the day when we will finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny little American brothers and sisters, from this murderous scourge upon our Nation called ''abortion on demand.'' It is January 22, 2009, 36 years to the day since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This, in the land of the free and the home of the brave.

Now, Mr. Speaker, since it is January 22, and since we have made a great transition in this country, I feel as if it is also appropriate for me tonight to say some words in tribute to one George Walker Bush who had the courage, the commitment and the compassion in his soul to stand up for these little babies who couldn't stand up for themselves. A few days ago, George Bush made his last Presidential speech. When he had finished, he graciously wished the Nation and the next President success. He said good night. And then he asked for God to bless America and all Americans. And he walked down the steps from the podium in the hall in the White House as President of the United States of America for the very last time.

And President Bush may be gone from us now, but there will always be so many of us who deeply honor him, as I try to here this moment, for the man he is and the President he has been to America.

As with many great Presidents, it will take a broader and more developed perspective of history for most to truly comprehend the purpose and impact of the Bush administration. Mr. Speaker, I believe history, if it's unbiased, will be very kind to George Bush, not only because of his achievements, but because of the obstacles that he overcame.

In his Presidency, George Bush faced the catastrophic disaster of September 11, the deadliest terrorist attack or any other enemy attack against America in her entire history. He faced the calamity of Hurricane Katrina, one of the five deadliest storms to ever strike American soil. And then President Bush faced a worldwide financial crisis demonstrated by the largest 1-day drop in the Dow Jones in the history of the Nation.

Now, Mr. Speaker, any sane mind knows President Bush did not cause any of those disasters to happen. And any honest mind knows that his response to those disasters was due to trying to do what he truly thought was the right thing for the country instead of what was right for him politically.

There are, indeed, so many tangible threads to the noble legacy of President George W. Bush. President Bush, first of all, gave gallant and unwavering leadership to America, to our military forces and freedoms's march in the world. The men and women in our Armed Forces were honored to call President Bush their Commander in Chief. He implemented the largest reorganization of our national security apparatus in the history of our country. And for 7 years, the deadly 9/11-scale terrorist attacks against our country that all the experts said would follow September 11 were prevented.

The American people may never fully know the number of attacks on America that were thwarted because of the intelligence gleaned under the leadership of President George W. Bush. We may never know how many lives have been spared because, in those uncertain and fearful days following 9/11, President George W. Bush had the courage to defend us all from the virus of jihadist terrorism, whose proponents believe it is the will of God for America to be wiped from the face of the Earth.

Mr. Bush proactively protected America by taking the fight to the terrorists. He dismantled their networks and toppled two dangerous regimes in Afghanistan and Iraq. Their collective population of 50 million now live in a freedom that they have never known before. How can any of us forget the blue-tipped fingers on the hands held high in celebration by millions of Iraqis who had voted for the very first time in their lives in a nation that has not known freedom since before it was called Babylon, Mr. Speaker? I truly believe one of the great legacies of President Bush will be the kindled light of liberty in the eyes of those who once recognized that their future could only be an ever darkening, hopeless oppression. And now they are free.

Throughout his war on terrorism, and our war on terrorism, President Bush often had to walk like a knowing lion, like a knowing lion, Mr. Speaker, through the chattering of hyenas and endure the incessant insults and thoughtless criticisms of those whose vision only reached to the selfish partisan advance of the moment. But if those critics do not devour themselves in the meantime, Mr. Speaker, some day they may face the bared teeth of an enemy that will make us all wish the lion still walked among us.

But because President Bush did not capitulate to the voices of surrender and appeasement to terrorists, some of which came from this very Chamber, Mr. Speaker, today victory in Iraq has come, and a beachhead of freedom in the Middle East has been gained. And if that beachhead is maintained and protected in the days ahead, it may serve to inspire liberty in other nations in the Middle East and turn the whole of human history in freedom's direction, that because George Bush was once President of the United States of America.

President Bush was willing to fight, not because he hated what was in front of him, but because he loved what was behind him. He loved America. He loved freedom. And he loved the innocent.

Mr. Speaker, he was indeed a man of deep, abiding conviction and compassion. He launched the PEPFAR initiative, the President's Emergency Plan for AIDS Relief, and treating malaria victims which has brought lifesaving treatment and care to more than 10 million people worldwide, mostly mothers and their babies, who would otherwise never have had it. Mr. Speaker, I personally saw his tears when he looked at the pictures of children born in Third World countries with their faces severely deformed. I saw his tears again when he stood in the White House and watched John

Roberts be sworn in as Chief Justice of the United States Supreme Court because he knew, Mr. Speaker, that the Constitution and its protections of the basic human rights of life, liberty and property for all of God's children would be safe in the hands of Chief Justice John Roberts.

Mr. Speaker, I believe the noble and faithful legacy of George Bush will be borne for generations to come by the judicial fidelity of John Roberts and Sam Alito to the plain and timeless meaning of the United States Constitution. Posterity will never be able to thank him enough.

President Bush also advocated fearlessly for human rights and for religious freedom for the literally one-third of the world's population that lives under oppression and human rights abuses. He doubled funding for veterans and worked to protect free trade and enacted the largest tax relief in an entire generation. He supported numerous successful democratic revolutions in countries such as Lebanon, Ukraine and Georgia, all in the belief that the surest hope for peace and the protection of human dignity is still through liberty inherent to every person.

And Mr. Speaker, even though, as we talked about earlier, unborn children could never vote for George Bush, he stood unequivocally for their right to be born and to one day walk in the warm sunlight of freedom in America like the rest of us.

Now, Mr. Speaker, there are many reasons I will remember President George W. Bush. I will remember him for his courage. I will remember him for his patriotism, for his love of freedom, for his thankful heart and his commitment to human dignity and protecting, once again, those innocents that could not protect themselves. I will remember him because he vowed to keep us safe, and he did. I will remember him because he saw the greatness in America. And the greatness of America always lived in his own heart. I will remember him because he recognized that indeed there is a good and evil in this world. I will remember him because he rejected the liberal intelligentsia's posture that there was moral equivalence between murdering innocents to advance an ideology and liberating the innocent to advance freedom. I will remember him because he had both courage and conscience. And moreover, he had the courage to follow his conscious. I will remember him because he brought honor and dignity to the White House. I will remember him as a man who loved and honored his Savior, his wife Laura, his daughters Jenna and Barbara, his mother and father and brothers, his entire family. He loved his family with all of his heart, Mr. Speaker. And I will remember him for loving and holding the entire human family as his very own.

But the most touching thing I will forever remember him for, Mr. Speaker, was his tender and compassionate heart toward those whose only plea was mercy. It is something that God remembers about him, too, Mr. Speaker.

Like George Bush, Winston Churchill was used of God to protect the world from falling under the sway of a hateful ideology for what might have been generations. In the election that followed, the voters turned Churchill out of office. And when the press asked him, now what do you think, Mr. Churchill? He spoke words that I hope can speak to the heart of President Bush.

Mr. Churchill said, the only guide to a man in this life is his conscience; the only shield to his memory is the rectitude and sincerity of his own actions. And it is very imprudent to walk through this life without that shield, because we are all so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, no matter how the fates may play, we march always in the ranks of honor.

And Mr. Speaker, like Winston Churchill, in the hearts of so many of us, George Bush will always march in the ranks of honor.

Now there are so many things I wish I could say directly to this President as he honorably steps away from public life and embraces the next great task God has for him on this Earth. Mr. Speaker, if I could just talk to him face to face, I think I would just say something like this, I would say, Mr. President, I encourage you to remember that popularity has been and will always be history's pocket change. It is courage, it is courage and love for humanity that are history's true currency, and these will always be the transcending hallmarks of your Presidency.

Mr. Speaker, I would say, thank you, Mr. President, for protecting the citizens of the United States from the dangers of jihadist terrorism. I would say, thank you, Mr. President, for protecting my two little babies, Joshi and Gracie. Thank you that they will live in a brighter, more hopeful future because you were once President of the United States. And then, Mr. Speaker, I would simply say to him, Mr. President, don't worry too much about America. You left us strong in so many ways, in the ways that really count. And I hope you will remember the words quoted by one of the wisest and most loving and noble Presidents as he spoke of America in the last line of his own inaugural address. He said, an angel still rides in a whirlwind and directs this storm.

God keep you forever, sir.

That is what I would say to him, Mr. Speaker.

And with that, Mr. Speaker, I would like to yield to Congressman MIKE PENCE for such time as he may consume.

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

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, it is very humbling to follow words of such eloquence and passion. But I will do my best in a few minutes. The old book says if you owe debts, pay debts; if honor, then honor; if respect, then respect.

And when I heard that the gentleman from Arizona had organized a modest tribute to the 43rd President of the United States today on the House floor, I felt this was such a moment to pay a debt of honor and gratitude to a man with whom I did not always agree and as I sometimes would joke at home, he almost always noticed.

□ 1500

The time as a freshman I opposed the President's signature legislation, No Child Left Behind, the time I and other Republicans opposed other signature bills like the Medicare prescription drug entitlement, this was a President who would let you know when he had a difference of opinion, but always respectfully and never spitefully.

So I stand here today not as a vacuous apologist for George W. Bush. I have occasionally been referred to as a thorn in the flesh to the Bush administration, being a cheerful conservative on Capitol Hill who was fighting against big government spending during the Bush years, but I come here today, among other cherished colleagues, like the gentleman from Iowa, simply to say I truly believe that this Nation owes a debt of gratitude to George W. Bush.

I am struck, and I expect I will quote with attribution the gentleman from Arizona's missive about popularity being the pocket change of history. It is a wonderful line because it is my judgment, as Mr. FRANKS just suggested, that when the fullness of time arrives and the American people are able to see the contribution of this good and decent man in the context of history, they will know that George W. Bush served this Nation with integrity and with courage and was in effect the kind of President that America needed during such a time as this.

And I say that, and I told the President not long ago that it was one of the greatest privileges of my life that the first 8 years of my career in public service would coincide with his 8 years in the White House. I sensed a little emotion in his eyes when I said that, and the bear hug that followed gave evidence of it. But again, it was not because I always agreed with this President. It was because I saw when it mattered most, George W. Bush did what he thought was right, regardless of what the polls said, regardless of what may have been in his personal interest.

I want to cite two specific examples and then close with a word about the fundamental character of the Presidency and what character means to the office.

The two occasions that will always be burned into my mind because I lived

them, I was here that day and in those days, were in effect a day in September 2001 and another day in the latter days of 2006 and early 2007.

In September 2001, I scarcely need to say to you, Mr. Speaker, or anyone looking in about the service this President rendered to America. In what at least matched her darkest hour, as the buildings fell, as the smoke was still rising from the Pentagon, as I had made my way home to hug my small children at our residence in Arlington, Virginia, and had worked my way back into this closed city for official meetings, as I crossed the 14th Street bridge, the two Marine One helicopters blew past me maybe 50 feet off the deck, and our President went back to the White House that day. Shoulders back, he stood tall. A few days later he would literally stand amidst the rubble of September 11 at Ground Zero and drape his arm over a firefighter and speak into a bullhorn words that would echo American resilience around the world, and the Nation was no longer afraid.

I won't add any more to that because it seems to me in that moment when my great grandchildren look back at these times, more than any other aspect of George W. Bush's career, he will be judged in that moment and he will not be found wanting.

You talk about approval ratings, I think it was following that moment that a man who left office as one of the least popular Presidents in our history was for a time the most popular President in American history. But I can assure you, having spoken to him about it privately, none of that mattered to him. It didn't matter to him that he was unpopular. He did what he thought was right for the American people, and he did it with courage.

The second instance, and then I will close. I was called over to the White House, I believe it was in early 2007. His party has just experienced devastating losses in the midterm elections. A few of us who survived were invited over to the White House for a meeting with the President. Everyone who was anyone in the punditocracy of this town thought that the President would announce a retreat from Iraq.

The President called myself and about 15 other Members into the Cabinet Room, members of the Foreign Affairs Committee and the Armed Services. He looked at us across the table and said I have counseled with this general I am going to put in charge. His name is Petraeus. He says he has a new idea about how we can put things back together in Iraq. And he said I am going to give him what he is asking for, and I am going to put him in charge because, and he said words I will never forget, ''I've decided not to lose.''

As I told the President personally a year later, I believe in the fullness of time when the history of this time is written, that will go down as one of the most courageous decisions by an American President in a time of war. All public opinion suggested, all of the polling, rather, that was out, suggested a majority of Americans were ready to get out, regardless of the cost. Let it go to seed, forget about the sacrifices that have been made, but this President decided not to lose. And he looked for a way to make it work and he went to the American people. And as is undeniable today, the surge worked.

I believe the gentleman from Iowa recently mentioned that more people have died in accidents in Iraq since last summer than have died in combat-related violence. Is it still a dangerous place; certainly. Are there challenging days ahead; of course. Is there lethal enemy there and in the region; yes. But it is not the way it was in 2006, and that is because of the character and resilience of this man.

So on those two occasions we saw character. I believe, even though I disagreed with the President on the bailout last fall and again today on the floor, I disagreed with the spending record, in those moments, the character that shown through was a service to the Nation, and my family was safer as a result.

Last thought. It has been a long time since the 1990s and people forget how embarrassed the American people were by what happened in the Oval Office by the predecessor of this President. And I have no desire to revisit the sordid and lurid tales that were displayed before our children during the last administration. But to me, the essence of the Presidency is character, and George W. Bush showed the courage of his convictions in defending this country and he also showed through his fealty to his wife, through his integrity in office, the administration of what it is to provide good and decent government and to be an example to the American people and to our families and our children. For that we owe him a debt, and I am pleased to rise today to pay some small amount toward that.

Mr. FRANKS of Arizona. I thank the gentleman from Indiana.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman from Arizona. It is an honor to stand here. And I reflect upon the time that Bob Hope and Sammy Davis, Jr., and others were on Johnny Carson's program. George Gobel was sitting there, and he looked around at the famous folks that were on either side of him, and he had this look of discomfort on his face. And finally he uttered: Did you ever think that the whole world was a tuxedo and you were a pair of brown shoes?

Well, I am the brown shoes here on this floor today. As I listened to Mr. FRANKS and Mr. PENCE, MIKE PENCE who inspired me through the lens of the C–SPAN camera well before I came to this Congress, and TRENT FRANKS who has continued to inspire me on a daily basis since I did arrive in this Congress with him in January of 2003.

We are here today, and it is a great privilege, Mr. Speaker, to address you and continue with the subject, and that is, let me say, the capping of some of the contemporary dialogue on the history of the Presidency of George W. Bush and the things that he has done and contributed.

Now some have said and called for a long period of honeymoon in this new administration because that's what we do in a free country. Well, it is what we should do in a free country, respect for the office, reverence, the sense of a new beginning. However, that is not something that George W. Bush ever experienced, was not one minute of a honeymoon.

From the moment that the polls closed on election night, the churning began. And in the morning it carried on for 37 days while we sorted out, through a recount process and a Supreme Court, both the Florida Supreme Court and the United States Supreme Court came forth with rulings from all of those days that unfolded, 37 days, President Bush has been under attack from the left, that developed a visceral hatred for him that I could never connect with any rational thought process. I just couldn't track the logic. So that has been an anchor that he has had to drag and deal with. That was, I think, the hyenas that were referenced by Mr. FRANKS, how this lion walked among them.

I am here to say thank you to President Bush for the things that he has done when he has had his steady hand on the till of leadership, and especially with our national defense.

I wasn't here in this town on September 11, 2001. I came the next Congress, not that one. I was here for the beginnings of the liberations of Iraq. I was here for more completion of the buildup in Afghanistan. I have made six trips to Iraq and two to Afghanistan. I have engaged myself in our foreign policy as much as I can possibly do so. I have looked at the 50 million people between Iraq and Afghanistan that breathe free today that had not breathed free before and would unlikely have ever breathed free if it had not been for the solid, bold, courageous leadership on the part of President Bush, our Commander in Chief, who said our enemies will hear from us soon, and they did.

I know there were Iowa guard troops on the ground in Afghanistan, as well as many others, who guarded the polling places and guarded the pathways to the polling places in a land on real estate that had never seen an election before. Today, they have a government that is elected of, by, and for the people, controlled by the people. It is a long pathway to see Afghanistan where we would like to see it. But, Mr. Speaker, it is positioned today in such a fashion that we can see some light at the end of that tunnel and we can define the people in Afghanistan as free and in control of their own destiny, however precarious it might be with the enemies from without who are infiltrating within.

We need to continue to face those enemies with the vigor and the courage and the patriotism and the nobility that our military from Commander in Chief on down have done so each and every day since the beginning of the operations in Afghanistan.

In Iraq, Mr. Speaker, I'm going to make this statement. This statement is a general thank you to our Commander in Chief who issued the order to liberate Iraq and sent troops in March 19, 2003, and that is, Mr. President, I have looked at the metrics in Iraq and I have examined the statistics that come from there.

□ 1515

I have evaluated the benchmarks that were imposed upon the President, Mr. Speaker—and with regard to the President, whom I hope catches this message—that the 18 benchmarks that were imposed upon the President—and he had to essentially sign the bill in order to maintain the funding to continue the operations—those 18 benchmarks, Mr. Speaker, 16 of them are all completely or substantially achieved.

The 17th benchmark is provincial elections, which are scheduled for—and we have no reason to believe they won't come off like the two previous elections in Iraq and the ratification of the constitution in Iraq—that date is January 31, just a few days from now. When that date is achieved, we will be able to say, analytically and objectively, 17 of the 18 benchmarks set by this Congress have been all completely or substantially achieved. The remaining benchmark is one that couldn't be possibly achieved in the time frame that we have had, and that is the one that sets up the Iraqi Security Forces to be completely independent from U.S. coalition support. That means no communications, no intel, no logistics, and no munition support coming from the United States other than that that they would write a check for and buy from us on the marketplace or the world. That's not something that you can do in a day or week or month or a year, Mr. Speaker; it's something that takes years to stand up a military that has that capability.

There are 609,000 Iraqis today in uniform stood up defending the security in that country, and they've done so in such a fashion that sectarian deaths in Iraq that were so serious that they numbered on a monthly basis more than 2,000 in a single month—and I take you back to about December of 2006, I believe that number was about 2,300 sectarian deaths—and as the surge began and unfolded, those sectarian deaths wound down to the point where there was a point last May where they actually were so low that they were statistically insignificant. Today, the sectarian deaths have been reduced by at least 90 percent.

Mr. Speaker, American deaths in Iraq. If you have a son or a daughter that is serving in Iraq today or are concerned about their safety—and this gives no solace to the people who have lost family members there, that solace we offer to them in our prayers—but statistically, as we have troops that are deployed to Iraq, they have been, since the first day of July of last year, at greater danger of being killed in an accident than by the enemy. That has held up from the first day of July on, it stands today, and I pray it will stand for a long time. And I would like to see those numbers of course get to zero. But whenever you have men and women and machines moving, there are accidents. We lose an average of 510 Americans a year on-duty deaths, 510. That's in greater numbers now than the incidents of death in Iraq due to the enemy.

So we have made a lot of progress in the country. The Iraqis are governing much of their own country. The provinces that they have taken over the security have been significant. And additionally, we have handed over the security of the Green Zone to the Iraqis on the first day of January, and it hardly made the news.

Mr. Speaker, we have won the war in Iraq. George Bush's courage did that, the decision he made did that. When he got advice from his Joint Chiefs of Staff, the advice, which was, ''we can achieve this victory, Mr. President; the advice that we have is let's redeploy from there.'' And the political advice was, ''declare victory and retreat from Iraq.'' That was the echo of the incessant advice that came from the political advisors. And the military advisors didn't say ''declare victory,'' they just simply said, ''let's deploy out of there, we can't win this war.''

President Bush looked for a way. And I sat in the Oval Office when he pointed at the picture of Abraham Lincoln and he said, Abraham Lincoln went through seven generals before he found his general. I've not been there yet, I think I've found my general, General Petraeus. The leadership that it took to have the courage to declare for victory in the face of all the advice for defeat echoes in me on this day with the leadership that it took for Abraham Lincoln, when every member of his cabinet, when called together to ask for their advice on whether to sign the Emancipation Proclamation, every member of the Cabinet said, Mr. President, no. Don't sign it because you don't rule over the slaves. You can't free the slaves because we don't occupy the south. They do. They will decide whether or not the slaves are free and they're not going to be released.

Mr. President, the next Cabinet member said, we have people fighting for the Union that don't care about slavery. You're sending a message that they won't like. So don't sign the Emancipation Proclamation. I could go on with a series of reasons or excuses, but in the end, after every Cabinet member said to Abraham Lincoln, don't sign the Emancipation Proclamation, President Lincoln said, ''Well, gentlemen, the I has it,'' and he signed the Emancipation Proclamation. And today, we give great honor to the liberation of the people who were created in God's image, all of them, those born and those not yet born, because Abraham Lincoln understood the sanctity of human life.

President Bush made a similar decision when he said we are going to declare for victory in Iraq and we are going to go forth with a surge. It took that same kind of courage in the face of advice to the contrary, and today we see Iraqis milling the streets in relative freedom, building their country together. And it is a country that I couldn't even go to a place like Ramadi or Fallujah a year and a half ago because it was too dangerous, even with security. But I've been back to those places and walked the streets of each of those towns and heard the Mayor of Fallujah declare, ''We are a city of peace.''

There is a victory achieved in Iraq, and it's a victory that George W. Bush deserves credit for. And this is also a man with a profound moral understanding of when his life began, at the instant of conception. And he has faced this issue with a number of big decisions in the Oval Office, decisions that had to do with the executive order that supports the Mexico City policy that forbids U.S. taxpayer dollars from being extorted from our pro-life citizens—of which I am one—to fund abortion services in foreign countries. That's an executive order that's balanced precariously perhaps on the desk of President Obama today. This man who called out for unity may not be doing so if he signs that executive order.

President Bush supports the Mexico City policy. It has protected millions of lives around the world and has protected the conscience of American taxpayers. President Bush burned many hours examining the embryonic stem cell research and finally decided the existing lines would be allowed to be utilized, but there would be no new lines that would interrupt innocent human lives with U.S. taxpayer dollars. It was a difficult and careful decision that he made. It has protected the lives of many little embryos. And I have held some of those snowflake babies in my arms—yes, they are people, they're warm, they're bubbly, they giggle, they laugh, they love just like the rest of us, having been frozen for 9 years as an embryo. President Bush understood that. There is a real humanity in this man. This is a pro-life President.

And right now, I can tell you that he's our last pro-life President so far, the most recent pro-life President. This is the man who appointed Justices Roberts and Alito, which resulted in justices that understand the text and the original understanding of the Constitution, who ruled to uphold the ban on partial birth abortion which has saved lives in America, and it is one legislative victory that we have here.

And this is the 36th anniversary of Roe v. Wade. It is a profound time. So I want to say, in conclusion, Mr. Speaker, I want the message to be echoed to President Bush, thank you for the people in Iraq and Afghanistan, that they can go to the polls and vote and breathe free air and direct their national destiny and become our allies in this quest for freedom, the right of every man and every woman and every person to be free, the right to life that every man and every person has. And I ask, Mr. Speaker, that the President also be thanked for his stance for life and freedom.

I yield back to the gentleman from Arizona and thank him for his indulgence.

Mr. FRANKS of Arizona. I thank the gentleman from Iowa.

Mr. Speaker, it has been an absolute honor to serve with STEVE KING in this body. He and I came in as freshmen a little over 6 years ago. And time has a way of getting away from all of us, but I just want him to understand what a hero I think he is.

Today has been sort of a remembrance of heroes. We've talked a lot about George Bush, we've talked a lot about Abraham Lincoln. In a sense, it is so appropriate to do that on January 22, isn't it? Because we are reminded that, just as America was used after 6,000 years of rampant slavery in the world, we were the ones that had a moral conflict with it. And yes, we had a little disagreement called the Civil War over it, but we were used of God to change this tragedy of slavery, and now it is at least discredited all over the planet. And I believe that this country will be the country that will lead the world to discredit this tragic practice of killing our children before they're born.

And so, Mr. Speaker, I would just suggest, on this January 22, 2009, that all Americans remember what makes us special. And what makes us special is because we once held these truths to be self-evident: That all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. And that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That's what made us special once. And if we look back to those great foundational truths that made us the greatest Nation in the world, our best days are still to come.

God bless George Bush. God bless Abraham Lincoln. God bless every little unborn child trying to come to this country and to walk in the freedom of American liberty. And God bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today on account of illness.

Mr. TANNER (at the request of Mr. HOYER) for today on account of eye surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. EDWARDS of Maryland, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SCHWARTZ, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mrs. MYRICK) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mrs. MYRICK, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. COHEN, for 5 minutes, today.

ADJOURNMENT

Mr. FRANKS of Arizona. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 23, 2009, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

212. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's Green Procurement Program Strategy, pursuant to Section 888 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on Armed Services.

213. A letter from the General Counsel (OFHEO), Federal Housing Finance Agency, transmitting the Agency's final rule — Freedom of Information Act (RIN: 2590-AA05) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

214. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Flood Insurance (RIN: 2590-AA09) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

215. A letter from the Program Manager, Department of Health and Human Service, transmitting the Department's final rule — Office of Public Health and Science: Institutional Review Boards; Registration Requirements (RIN: 0940-AA06) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

216. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations, (Grand Island, Nebraska) [MB Docket No.: 08-213] (RM-11500) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

217. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting notification that the Department intends to impose additional foreign policy controls on reexports to Iran and exports and reexports to certain parties pursuant to Executive Order 13382; to the Committee on Foreign Affairs.

218. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-30; Introduction [Docket FAR 2009-0012, Sequence 1] received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

219. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2004-038, Federal Procurement Data System (FPDS) [FAC 2005-30; FAR Case 2004-038, Item I; Docket 2008-0001; Sequence 6] (RIN: 9000-AK94) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

220. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2000-305, Commercially Available Off-the-Shelf (COTS) Items [FAC 2005-30; FAR Case 2000-305; Item II; Docket 2000-0001; Sequence 1] (RIN: 9000-AJ55) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

221. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2001-004, Exemption of Certain Service Contracts from the Service Contract Act (SCA) [FAC 2005-30; FAR Case 2001-004; Item III; Docket 2007-0001, Sequence 6] (RIN: 9000-AK82) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

222. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-003, Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts-Section 844 of the National Defense Authorization Act for Fiscal Year 2008 [FAC 2005-30; FAR Case 2008-003; Item IV; Docket 2008-0001, Sequence 08] (RIN: 9000-AL13) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

223. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-023; SAFETY Act: Implementation of DHS Regulations [FAC 2005-30; FAR Case 2006-023; Item V; Docket 2007-0001; Sequence 8] (RIN: 9000-AK75) received January 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

224. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Buffalo, NY, and Pittsburgh, PA, Appropriated Fund Federal

Wage System Wage Areas (RIN: 3206-AL71) received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

225. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Commerce in Explosives-Amended Definition of ''Propellant Actuated Device'' (2004R-3P) [Docket No.: ATF 10F; AG Order No. 3032-2009] (RIN: 1140-AA24) received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

226. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Decision-Making Authority Regarding the Denial, Suspension, or Revocation of a Federal Firearms License, or Imposition of a Civil Fine (2008R-10P) [Docket No.: ATF 27P; AG Order No. 3030-2009] received January 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

227. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Establishing U.S. Ports of Entry in the Commonwealth of the Northern Mariana Islands (CNMI) and Implementing the Guam-CNMI Visa Waiver Program [USCBP-2009-0001 CBP Dec. No. 09-02] (RIN: 1651-AA77) received January 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

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 Mrs. MALONEY (for herself, Mr. DAVIS of Illinois, Mr. WOLF, Mr. HOYER, Mr. CLAY, Mr. TOWNS, Ms. DELAURO, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. SARBANES, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. FATTAH, Mr. FILNER, Ms. MCCOLLUM, Ms. WOOLSEY, and Mr. LYNCH):

H.R. 626. A bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, Mr. JONES, Mr. KANJORSKI, Ms. WATERS, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. CAPUANO, Mr. ELLISON, Mr. DAVIS of Tennessee, Mr. CLEAVER, Mr. GEORGE MILLER of California, Mr. OBEY, Mr. DEFAZIO, Mr. HINOJOSA, Mr. MCGOVERN, Mr. YARMUTH, Mr. OLVER, Ms. EDWARDS of Maryland, Mr. COURTNEY, Ms. DELAURO, Mr. KENNEDY, Mrs. LOWEY, Mr. BRADY of Pennsylvania, Mr. CHANDLER, Mr. LOEBSACK, Mr. PASCRELL, Mr. BISHOP of New York, Mr. FILNER, Mr. CARNAHAN, Mr. WEINER, Mr. MARKEY of Massachusetts, Mr. GRIJALVA, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. MORAN of Virginia, Ms. SUTTON, Mr. HINCHEY, Ms. BORDALLO, Ms. LEE of California, Mr. WELCH, and Mr. HIGGINS):

H.R. 627. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Financial Services.

By Mr. ISSA (for himself and Mr. SCHIFF):

H.R. 628. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 629. A bill to provide energy and commerce provisions of the American Recovery and Reinvestment Act of 2009; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. FRANKS of Arizona, Mr. DANIEL E. LUNGREN of California, Mr. GALLEGLY, Mr. JORDAN of Ohio, Mr. POE of Texas, Mr. HARPER, Mr. COBLE, and Mr. ROONEY):

H.R. 630. A bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes; to the Committee on the Judiciary.

By Mr. MATHESON:

H.R. 631. A bill to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency; to the Committee on Science and Technology.

By Mr. DOGGETT (for himself, Mr. BILIRAKIS, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mr. SIRES, Ms. CLARKE, Mr. ORTIZ, Mr. SNYDER, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. VAN HOLLEN, Mr. PRICE of North Carolina, and Mr. JOHNSON of Georgia):

H.R. 632. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes; to the Committee on the Judiciary.

By Mr. HUNTER (for himself, Mr. BILBRAY, and Mr. ISSA):

H.R. 633. A bill to prohibit the use of funds to transfer enemy combatants detained by the United States at Naval Station, Guantanamo Bay, Cuba, to the Naval Consolidated Brig, Miramar, California, or the Camp Pendleton Base Brig, Camp Pendleton, California, or to construct facilities for such enemy combatants at such locations; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTLETT, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CAO, Mr. CHAFFETZ, Mr. COLE, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. MARIO DIAZ-BALART of Florida, Mr. EHLERS, Mr. ELLSWORTH, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Mr. GRAVES, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HARPER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. INGLIS, Mr. JORDAN of Ohio, Mr. KING of New York, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATOURETTE, Mr. LATTA, Mr. LINDER, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCHUGH, Mrs. MCMORRIS RODGERS, Mr. MICA, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OBERSTAR, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. PUTNAM, Mr. RADANOVICH, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SCALISE, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. TERRY, Mr. TIAHRT, Mr. TIBERI, Mr. THOMPSON of Pennsylvania, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. WITTMAN):

H.R. 634. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 635. A bill to establish the National Commission on State Workers' Compensation Laws; to the Committee on Education and Labor.

By Mrs. BACHMANN (for herself, Mr. LAMBORN, Mr. PAUL, Mr. PITTS, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mr. BOOZMAN, Mr. TIAHRT, Mr. BARTLETT, Mr. MCCOTTER, Mr. ROE of Tennessee, Mr. JORDAN of Ohio, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. FORBES, Mr. SMITH of New Jersey, and Mr. HERGER):

H.R. 636. A bill to amend part A of title IV of the Social Security Act to allow funds provided under the program of block grants to States for temporary assistance for needy families to be used for alternative-to-abortion services; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 637. A bill to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Natural Resources.

By Mr. CUMMINGS:

H.R. 638. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports; to the Committee on Ways and Means.

By Ms. ESHOO (for herself and Mr. ISSA):

H.R. 639. A bill to amend the National Security Act of 1947 to revise reporting requirements related to security clearances; to the Committee on Oversight and Government Reform, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 640. A bill to require the President to transmit to Congress a report on every program of the Federal Government that authorizes or requires the gathering of information on United States persons in the

United States, established whether in whole or in part pursuant to the ''all necessary and appropriate force'' clause contained in the Authorization for Use of Military Force (Public Law 107-40); to the Committee on Foreign Affairs.

By Mr. FLAKE:

H.R. 641. A bill to limit the authority of the Secretary of Agriculture and the Secretary of the Interior to acquire land located in a State in which 25 percent or more of all land in the State is already owned by the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. FLAKE:

H.R. 642. A bill to provide opportunities for continued recreational shooting on certain Federal public land; to the Committee on Natural Resources.

By Mr. FORTENBERRY (for himself and Mrs. MCMORRIS RODGERS):

H.R. 643. A bill to encourage and assist women to carry their children to live birth by providing services, during and after pregnancy, that will alleviate the financial, social, emotional, and other difficulties that may otherwise lead to abortion; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. HINCHEY, Mr. RAHALL, and Mr. PASTOR of Arizona):

H.R. 644. A bill to withdraw the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in House Rock Valley from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Natural Resources.

By Mr. HASTINGS of Florida:

H.R. 645. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Ms. JACKSON-LEE of Texas, Mr. ACKERMAN, Mr. PAUL, Mr. FARR, Mr. DEFAZIO, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. KUCINICH, Mr. GRIJALVA, Mr. NADLER of New York, Ms. SCHAKOWSKY, Mr. FILNER, and Ms. KILROY):

H.R. 646. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. ORTIZ, and Mr. CUELLAR):

H.R. 647. A bill to authorize the International Boundary and Water Commission to reimburse State and local governments of the States of Arizona, California, New Mexico, and Texas for expenses incurred by such a government in designing, constructing, and rehabilitating water projects under the jurisdiction of such Commission; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HONDA, and Ms. BORDALLO):

H.R. 648. A bill to establish the Commission on Women's Business Ownership; to the Committee on Financial Services, and in addition to the Committees on Oversight and Government Reform, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JORDAN of Ohio (for himself, Mrs. BLACKBURN, Mr. LAMBORN, Mr. BOOZMAN, Mrs. MCMORRIS RODGERS, Mr. BURTON of Indiana, Mr. PITTS, Mrs. BACHMANN, Mrs. SCHMIDT, Mr. INGLIS, Mr. SCALISE, Mr. WESTMORELAND, Mr. BRADY of Texas, Mr. TERRY, Ms. FOXX, Mr. MCHENRY, Mr. GUTHRIE, Mr. LATTA, Mr. ALEXANDER, Mr. ROGERS of Alabama, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. CAO, Mr. LINDER, Mr. POSEY, Mr. HARPER, Mr. OLSON, Mr. GINGREY of Georgia, Mr. PRICE of Georgia, Ms. FALLIN, Mr. HERGER, Mrs. LUMMIS, Mr. CANTOR, Mr. THOMPSON of Pennsylvania, Mr. MCKEON, Mr. SHIMKUS, Mr. BISHOP of Utah, Mr. FLEMING, Mr. KING of Iowa, Mr. PENCE, Mr. MARCHANT, Mr. LUETKEMEYER, Mr. GARRETT of New Jersey, Mr. BARTLETT, Mr. SMITH of New Jersey, Mr. FORTENBERRY, and Mr. SENSENBRENNER):

H.R. 649. A bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Energy and Commerce.

By Mr. KAGEN:

H.R. 650. A bill to amend the Internal Revenue Code of 1986 to increase the credit amount for new qualified alternative fuel motor vehicles weighing more than 26,000 pounds and to increase the credit for certain alternative fuel vehicle refueling properties, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York (for himself and Mr. PASCRELL):

H.R. 651. A bill to provide for certain tunnel life safety and rehabilitation projects for Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. KING of New York:

H.R. 652. A bill to amend the Public Health Service Act to establish a comprehensive national system for skilled construction workers to assist first responders in disasters; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 653. A bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE of California:

H.R. 654. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. WU, Mr. PAUL, Mr. EHLERS, Mr. BAIRD, Mr. HONDA, and Mr. CASTLE):

H.R. 655. A bill to increase assessment accuracy to better measure student achievement and provide States with greater flexibility on assessment design; to the Committee on Education and Labor.

By Mr. PLATTS:

H.R. 656. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. SIRES (for himself, Mr. PAYNE, Mr. PALLONE, Mr. HOLT, Mr. PASCRELL, Mr. ADLER of New Jersey, Mr. FRELINGHUYSEN, Mr. LANCE, Mr. LOBIONDO, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. ROTHMAN of New Jersey, and Mr. GARRETT of New Jersey):

H.R. 657. A bill to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Bishop Ralph E. Brower Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. SIRES (for himself, Mr. ROTHMAN of New Jersey, Mr. PAYNE, Mr. ORTIZ, Mr. CARDOZA, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. STUPAK, Ms. WOOLSEY, Mr. SHERMAN, Mr. PASTOR of Arizona, Ms. LEE of California, Mr. COURTNEY, Mr. WU, Mr. SPACE, Mr. ACKERMAN, Mr. GRIJALVA, Mr. DEFAZIO, Mr. CONNOLLY of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MCGOVERN):

H.R. 658. A bill to amend title 39, United States Code, to modify the procedures governing the closure or consolidation of postal facilities; to the Committee on Oversight and Government Reform.

By Mr. BILBRAY (for himself, Mr. ISSA, Ms. DELAURO, Ms. SUTTON, and Mr. FILNER):

H. Con. Res. 25. Concurrent resolution supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''; to the Committee on Energy and Commerce.

By Mr. PENCE:

H. Res. 78. A resolution electing certain minority members to certain standing committees; considered and agreed to.

By Mr. ISSA:

H. Res. 79. A resolution honoring the life, service, and accomplishments of Lieutenant General Victor H. Krulak, United States Marine Corps; to the Committee on Armed Services.

By Mr. LARSON of Connecticut:

H. Res. 80. A resolution electing Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. ELLSWORTH (for himself, Mr. DAVIS of Kentucky, Mr. DICKS, Mr. RAHALL, Mrs. GILLIBRAND, Mr. DONNELLY of Indiana, Mr. ROSS, Mr. SHULER, and Mr. BRADY of Texas):

H. Res. 81. A resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program directed at constructing environmentally preferable commercial, public, or private buildings; to the Committee on Agriculture.

By Mr. POE of Texas (for himself, Mr. COSTA, Ms. EDWARDS of Maryland, Mrs. MALONEY, Mr. MOORE of Kansas,

Ms. ROYBAL-ALLARD, Ms. MATSUI, Mr. MARCHANT, Mr. MORAN of Virginia, and Ms. LORETTA SANCHEZ of California):

H. Res. 82. A resolution raising awareness and encouraging prevention of stalking by establishing January 2009 as ''National Stalking Awareness Month''; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PLATTS:

H.R. 659. A bill for the relief of certain aliens who were aboard the Golden Venture; to the Committee on the Judiciary.

By Mr. WAMP:

H.R. 660. A bill for the relief of Carlos Espinal Castillo-Reynolds; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Ms. PINGREE of Maine.

H.R. 21: Ms. ZOE LOFGREN of California, Mrs. CHRISTENSEN, and Mr. BRADY of Pennsylvania.

H.R. 31: Mr. MARKEY of Massachusetts.

H.R. 80: Mr. MOORE of Kansas, Ms. LEE of California, Mr. VAN HOLLEN, and Mr. GEORGE MILLER of California.

H.R. 100: Ms. ROS-LEHTINEN.

H.R. 131: Mr. LATTA and Mr. MCCLINTOCK.

H.R. 138: Mr. BOOZMAN.

H.R. 141: Mr. MCHUGH.

H.R. 155: Mr. SESSIONS, Mr. REICHERT, and Mr. GRAVES.

H.R. 156: Mr. MOORE of Kansas.

H.R. 176: Mr. FILNER.

H.R. 179: Ms. WASSERMAN SCHULTZ.

H.R. 186: Mr. ACKERMAN.

H.R. 206: Mr. WOLF and Mr. GOODLATTE.

H.R. 207: Mr. HOLT, Mr. MCCAUL, Mr. ORTIZ, Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, Mr. PASTOR of Arizona, Mr. ETHERIDGE, Mrs. CAPPS, Mr. CARSON of Indiana, Mr. SMITH of New Jersey, Mr. SESTAK, and Mr. WHITFIELD.

H.R. 208: Mrs. MYRICK, Mr. MOORE of Kansas, Mr. LATHAM, Mr. COURTNEY, Ms. HERSETH SANDLIN, Mr. YOUNG of Florida, Mr. BOUCHER, Ms. SCHWARTZ, Ms. ROS-LEHTINEN, Mr. BOOZMAN, Mr. ADLER of New Jersey, Mr. BUCHANAN, Mr. SOUDER, Mr. BOSWELL, and Mr. GRAVES.

H.R. 213: Mr. KING of New York, Mr. CARSON of Indiana, Mr. CRENSHAW, Mrs. MYRICK, and Mr. JORDAN of Ohio.

H.R. 216: Mr. BURTON of Indiana, Mr. BARTLETT, Ms. FOXX, Mr. PAUL, Mr. BOOZMAN, Mrs. MYRICK, Mr. CRENSHAW, and Mr. TAYLOR.

H.R. 235: Mr. SESTAK, Mr. WEXLER, Mr. MCNERNEY, Mr. HOLDEN, Mr. RAHALL, Mr. SCHOCK, Ms. FOXX, Mr. TIBERI, and Mr. WESTMORELAND.

H.R. 240: Mr. WHITFIELD and Mrs. MYRICK.

H.R. 305: Mr. MOORE of Kansas, Mr. JONES, Mr. MORAN of Virginia, Mr. RAHALL, and Mr. SERRANO.

H.R. 333: Mr. HOLT and Mr. TERRY.

H.R. 336: Mr. CONYERS.

H.R. 343: Mr. MCHUGH.

H.R. 347: Mr. SESTAK.

H.R. 362: Mr. WILSON of Ohio and Ms. JACKSON-LEE of Texas.

H.R. 366: Ms. PINGREE of Maine.

H.R. 385: Ms. ROS-LEHTINEN.

H.R. 386: Mr. ETHERIDGE, Mr. ISRAEL, and Mr. REYES.

H.R. 388: Mr. SNYDER.

H.R. 420: Mr. MCHENRY.

H.R. 430: Mr. CALVERT and Mr. MILLER of North Carolina.

H.R. 433: Mrs. MILLER of Michigan, Mrs. MYRICK, and Mr. ROHRABACHER.

H.R. 461: Mr. BISHOP of New York.

H.R. 470: Mr. POE of Texas, Mr. RADANOVICH, Mr. MCCLINTOCK, Mr. ADERHOLT, Mr. PAUL, Mr. WAMP, Mr. HENSARLING, Mr. OLSON, Mr. LATTA, Mr. DEAL of Georgia, Mr. BRADY of Texas, Mr. WESTMORELAND, Mr. POSEY, Mr. FLEMING, Mr. BISHOP of Utah, Mr. BURGESS, Mr. SMITH of Nebraska, and Mr. THORNBERRY.

H.R. 482: Mr. BOSWELL.

H.R. 502: Mr. PITTS and Mr. YOUNG of Alaska.

H.R. 510: Mrs. BLACKBURN, Mr. PETERSON, and Mr. CHILDERS.

H.R. 515: Mr. MILLER of North Carolina, Mr. GRIFFITH, Mr. WEINER, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. BERRY, Mr. NADLER of New York, Mr. PALLONE, Mr. HASTINGS of Florida, Ms. BEAN, Ms. SCHAKOWSKY, Mr. WU, Mr. KISSELL, and Mr. MITCHELL.

H.R. 521: Mr. GENE GREEN of Texas.

H.R. 565: Mr. WILSON of South Carolina.

H.R. 569: Mr. FRANK of Massachusetts.

H.R. 579: Mr. MCNERNEY and Mr. MASSA.

H.R. 581: Mr. LOBIONDO.

H.R. 593: Mr. BACA and Mr. PASTOR of Arizona.

H.R. 610: Mr. GRIJALVA.

H.R. 618: Mr. DAVIS of Illinois, Mr. FILNER, Mr. RUPPERSBERGER, and Mr. BERMAN.

H.R. 622: Mrs. BLACKBURN.

H.R. 624: Mr. SNYDER, Mr. ACKERMAN, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, and Mr. MOORE of Kansas.

H.J. Res. 3: Mr. ROHRABACHER and Mr. MACK.

H.J. Res. 11: Mrs. BLACKBURN and Mr. ROGERS of Alabama.

H. Con. Res. 18: Mr. MCCAUL.

H. Con. Res. 20: Ms. WOOLSEY, Mr. FILNER, Ms. SLAUGHTER, and Mr. SESTAK.

H. Res. 31: Mr. KISSELL, Mr. GENE GREEN of Texas, and Mr. MELANCON.

H. Res. 36: Mr. NADLER of New York, Mr. GUTIERREZ, Mr. BOCCIERI, Mr. SESTAK, Mr. CONNOLLY of Virginia, Mr. HOLT, and Ms. KIRKPATRICK of Arizona.

H. Res. 67: Ms. BORDALLO, Mr. OLSON, Mr. BILBRAY, Mr. HARE, and Mr. BARTLETT.

H. Res. 70: Mr. MEEKS of New York, Mr. POSEY, Ms. BERKLEY, Mr. BUCHANAN, Mr. WILSON of South Carolina, Mr. MACK, Mr. ROHRABACHER, Mr. DUNCAN, Mr. JORDAN of Ohio, Mr. HASTINGS of Florida, Mr. SCHAUER, Mr. KLEIN of Florida, Mr. COLE, Mr. SOUDER, Mr. SHUSTER, Mr. HELLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. HERGER, Ms. ROS-LEHTINEN, Mrs. CAPITO, Mr. PAULSEN, Mr. CASSIDY, Mr. PETERSON, Mr. JACKSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, Mr. HARE, Mr. WITTMAN, Mr. REICHERT, Ms. WATSON, Mr. WHITFIELD, Mr. HALL of Texas, Mr. KINGSTON, and Mr. MEEK of Florida.

H. Res. 75: Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS of California, Mr. CAMPBELL, Mrs. BONO MACK, Mr. NUNES, Mr. ROHRABACHER, and Mr. CROWLEY.

H. Res. 76: Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Ms. WASSERMAN SCHULTZ, and Mr. MICHAUD.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

12. The SPEAKER presented a petition of the American Bar Association, relative to a resolution stating the official policy of the Association; to the Committee on Financial Services.

13. Also, a petition of the American Bar Association, relative to a resolution containing the official policy of the Association; to the Committee on the Judiciary.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, who has given Your servants diversities of gifts, bless all who love and serve humanity. May this time of change help us remember the importance of making Your priorities our own.

Lord, give wisdom and strength to our lawmakers as they seek to build bridges of consensus for the good of our land. Strengthen them with the assurance that the purposes of Your providence will prevail. Light up their small duties and routine chores with the knowledge that glory can reside in the common task. Reward them with Your peace and joy.

Lord, we ask Your rich blessings upon our Senate pages who will be leaving us tomorrow.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each during that period of time. The Republicans will control the first 30 minutes and the majority will control the second 30 minutes.

Following morning business, the Senate will resume consideration of S. 181. There will be 60 minutes for debate equally divided and controlled between Senators MIKULSKI and HUTCHISON. At approximately 11:30 a.m., the Senate will proceed to a rollcall vote in relation to the Hutchison amendment. There have been a number of other amendments laid down. Senator ENZI, it is my understanding, and Senator SPECTER have laid down some amendments. We are going to do our best to dispose of those as quickly as possible today and move on to other things.

We have a number of nominations we have to consider. We have at least one important piece of legislation we must deal with before we get to the economic recovery legislation. So we have a lot to do. We are going to do our best to not have a lot of procedural problems, and I am hopeful we can finish this legislation very quickly today and move on to other matters.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Arizona is recognized.

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. KYL. Mr. President, for nearly half a century, the Equal Pay Act of 1963 and the Civil Rights Act of 1964 have made it clear that discrimination on the basis of sex with regard to compensation paid to women and men for substantially equal work performed in the same establishment is illegal. As do my colleagues on both sides of the aisle, I strongly support both of these antidiscrimination laws.

Unfortunately, some of my colleagues are misleadingly stating in the debate about the legislation pending that it is about pay discrimination. That is not true. The only issue is the length of time of the statute of limitations that will apply in such cases.

In the case Ledbetter v. Goodyear Tire & Rubber Company, the Supreme Court considered the timeliness of the civil rights title VII sex discrimination claim that was based on paycheck disparities between a female plaintiff and her male colleagues. Under title VII, a

plaintiff must file suit within 180 days of the alleged unlawful employment practice. In this case, the plaintiff attempted to argue that each paycheck constituted a new violation of title VII and consequently restarted the 180-day clock. The Supreme Court disagreed with that argument and held that:

A new violation does not occur, and a new charging period does not commence, upon the occurrence of subsequent nondiscriminatory acts that entail adverse effects resulting from past discrimination.

In other words, the Court held that the plaintiff's suit had not been filed in a timely manner since the 180-day statute of limitations had long since passed.

In the Ledbetter case, the Supreme Court restated its support for and the rationale behind a statute of limitations, stating they:

Represent a pervasive legislative judgment that it is unjust to fail to put the adversary on notice to defend within a specified period of time and that the right to be free of stale claims in time comes to prevail over the right to prosecute them.

In creating a 180-day statute of limitations period, Congress sought to encourage the prompt processing of all employment discrimination cases.

Now, there are some additional commonsense reasons why virtually every criminal and civil law articulates a timeframe within which the charge or the complaint must be filed. The loss of evidence, which is more likely to occur with the passage of time due to loss of documents, cloudier memories, or even death can have a significant impact on the defendant's ability to mount a fair defense in the case.

The other side has raised an interesting point, because information about an individual's paycheck is frequently a private matter, and the idea is, well, there was no way this plaintiff could have known she had, in fact, been discriminated against. So the argument is that there should be in effect no statute of limitations along the lines of the act today of 180 days but, rather, should be tolled with each succeeding check.

While everybody agrees with the argument, the point is there is already an answer to this and it has been in the common law for hundreds of years. It has been in statutory law, and it has been adopted by courts. It is the doctrine of equitable tolling, which essentially is, when you should have become aware of something, that is when the statute begins to run. When an employee did not know and could not be expected to know about certain facts relating to alleged discrimination, then the Equal Employment Opportunity Commission, the EEOC, and the courts may ''toll'' or freeze the running of the clock as it relates to the filing of the deadlines.

In fact, there is a U.S. Supreme Court case square on point called Cada v. Baxter Health Care Corporation in which the Supreme Court clearly established the doctrine of equitable tolling which in the Court's words:

Permits a plaintiff to avoid the bar of the statute of limitations if, despite all due diligence, he is unable to obtain vital information bearing on the existence of his claim.

That has always been the law.

Senator HUTCHISON has introduced an amendment—an alternative to the bill that is before us—which preserves the balance between an employer's need for certainty with the right of an aggrieved employee to file a valid claim of discrimination. It does this by preserving the existing 180-day filing period for standard claims while offering employees the right to assert claims beyond the filing period in situations where they were unaware of the discrimination or where there were impediments to discovering the discrimination—exactly the allegation in this particular case. In essence, the Hutchison amendment codifies the doctrine of equitable tolling, which is the remedy to the alleged injustice in the Ledbetter holding, and makes sure that such tolling is applied more uniformly.

Unfortunately, the majority legislation goes far beyond the remedy to the particular problem I have just discussed. It arguably provides the greatest expansion of the Civil Rights Act since 1964. It does this in three specific ways. First, it effectively eliminates the statute of limitations, as I said, by imposing this arbitrary paycheck rule which eviscerates the statute of limitations. Second, it expands the class of people who may file a claim by applying the statute to ''affected persons'' without defining what the limitation on affected persons is. So this class expansion would allow not only the aggrieved plaintiff or employee but any spouse, children, or other individuals who might claim to be affected by the discrimination to file a claim. Finally, the expansion would not just apply to sex discrimination but to all protected classes of multiple employment laws covering civil rights, age, disability, and so on. So it is a much broader statute than is being portrayed by some who are simply saying this is about employment discrimination and changing the statute of limitations.

So I wish to stand with all Members of this body who I am sure agree that we need to have laws such as the Civil Rights Act to protect our Nation's citizens. I believe Senator HUTCHISON's amendment strikes the right balance between the needs of employers for certainty and the need of an aggrieved employee to file a valid claim alleging discrimination. I hope my colleagues will be supportive of the Hutchison amendment as a good-faith attempt to combine these two doctrines and in a way that has already been blessed by the U.S. Supreme Court in the Cada decision.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Arizona as usual for his very clear explanation of the issues. He is one of the legal scholars in the Senate with a great deal of experience. There is no need for me to go through the details of what he has just explained, so let me think about it and talk about it in a little bit different way.

On Tuesday, a couple million people here and millions all over the world watched an eloquent ceremony from our Nation's Capital, the very moving speech by President Obama, and were reassured by his eloquence in a time of difficulty for our country. Among all of the difficulties we have, of course, the most important seems to be—or is—our economic troubles. The new President promised he would make his first order of business to get this economy moving again, get people working again, and to create new jobs. So it then becomes extremely important to say that is what the new President said, and we agree with him.

I think we agree with that on the Democratic side and on the Republican side. The Democrats are in charge of the Congress, so it is important to see what their priorities are for fulfilling the President's promise to get the economy moving again. Would it be cutting payroll taxes so people have more money in their pockets? Would it be building new roads and bridges to try to create new jobs quickly? Would it be to extend unemployment benefits? Would it be new investments in energy research and development? All of those, one might expect, would be priorities. The President has talked about many of those ideas. But no, it is none of those.

The first priority of the new Democratic Congress, which was already passed by the House and brought to the floor of the Senate without even being considered by a committee, and which we are debating today, is a trial lawyer bailout. Let's give our friends the trial lawyers a big bailout as the first order of business in our effort to help the economy. That is exactly what the Democrats' bill does.

Why does it do that? The bill Senator KYL talked about attempts to regulate a solution that is fair to employees and fair to business about a pay discrimination lawsuit, whether you are a woman or whether you are a man. You need to have a reasonable amount of time for the employee to file the cause of action, the act of discrimination, but you have to have a reasonable amount of time for the employer to know that the chances of that lawsuit being brought are limited. That is a part of every aspect of our law, and we call it the statute of limitations. You cannot sit in your backyard for 20 or 30 years with a cause of action in your pocket and then run up to the courthouse and say: Oops, I should have brought this 30 years ago, but I noticed now all the witnesses are dead, nobody is around to defend this; I am going to bring it now. That is, in effect, what we are talking about today.

We have differences in our responses to the Supreme Court decision about

what the reasonableness of a statute of limitations on a cause of action on pay discrimination might be. On this side of the aisle, Senator HUTCHISON's amendment on which we will be voting on later this morning says: Let's expand the current law and say that an employee should bring the lawsuit, not just within 180 days as the Supreme Court and the law now says, but whenever that employee could have known or reasonably should have known about the lawsuit. So that gives the employee even more fairness than the law exists today.

On the other side of the aisle the solution is: Let's, in effect, abolish the statute of limitations and have never-ending lawsuits.

What would the effect of this be in practical terms? I can speculate what the effect will be. I think it means that employers will have to keep more records. We are not talking about General Motors and General Electric here. They have big staffs who already keep lots of records and big law firms, in effect, that work for their companies. We are talking about the shoe shop owner, the filling station owner, and the small business owner who works 10 or 12 hours a day every day of the week. We are talking about the men and women in America on whom we are relying to create the largest number of jobs to spur the economic recovery that our new President talked about and that we all want.

What are we saying to them? We are saying: Mr. and Mrs. Small Business Person, we want you to keep a lot more records. That means you might have to spend money you are earning to hire an employee to keep records going back interminably so you can defend a lawsuit. We want you to be careful about pay for performance, rewarding one person over another person, because under the law proposed by that side, years later, some son or daughter or relative of that person may say: Somebody wasn't fair to mama or daddy and bring a lawsuit after everybody is gone, particularly whoever knew about whatever this situation was.

So employers and small business people will be discouraged from being more competitive by saying to one employee over another employee that we are going to have pay for performance, which is never easy to do. The legitimate complaints, people who are real victims of real pay discrimination, also are going to be hurt. The Equal Opportunity Employment Commission had 75,000 or so claims and most of them were not meritorious. That means everybody is delayed in terms of the meritorious claims, and this will open the floodgates and slow justice for the real victims.

It will mean, if you are a small businessman in America and this law passes, if Senator HUTCHISON's amendment is not adopted, you better get ready to hire a recordkeeper, you better get ready to pay some settlements to lawyers because, for the interminable future, a lawyer and someone who used to work for you or is a relative of that person may come in and allege pay discrimination, even though it was 25 years ago and they knew it all the time.

What does that mean for you? You better set aside $25,000, $50,000, $200,000 of money that you could use to hire more people or pay a dividend or get the economy moving again to bail out the trial lawyers.

I am disappointed with the proposal on the other side of the aisle. I fully support Senator KAY BAILEY HUTCHISON, who has a proposal that I hope we adopt at 11:30 this morning that is fair to employees and that is fair to small businesses.

I would think the majority would have something better to offer the American people in response to the new President's eloquent suggestion that it is time to get the economy moving again than a bailout for their friends, the trial lawyers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT of Utah. Mr. President, I rise to comment with respect to the proposed Lilly Ledbetter legislation, and I bring the perspective of a small employer, for I have presided over firms with as few as half a dozen employees. I have been fortunate enough to see some of those firms grow to larger firms. Indeed, one firm I joined as the fourth employee in the history of that firm ended up listed on the New York Stock Exchange. So I have seen the travails employers go through as they deal with growth situations and creating jobs. The company with which I was involved grew from the original four employees to a staff of 4,000.

One of the challenges that comes with a company that is growing that rapidly and creating that number of jobs is you are always involved with change. You are always involved with uncertainty. It is not the same thing as presiding over a company that has been established for 60 or 70 years and has a degree of stability. Every month is a new adventure, a new challenge, and you are constantly changing your employee base. As new people are hired, the old people sometimes get resentful of the new people and say: We were here at the beginning; why aren't we getting these promotions? And you have to explain to them that the company has changed and we need new talents, we need to bring on board new skills, and, quite frankly, the small group that was with us in the beginning has to be augmented with new people.

There are resentments, there are concerns, and occasionally there are discrimination cases filed.

But if we were to take the position of the underlying legislation that says if there was genuine wage discrimination in a circumstance, everyone who was involved in writing a paycheck after that discrimination has committed the discrimination again and has effectively reset the clock for the statute of limitations.

As I consider the impact of this on a business, I realize this, in a way, is the asbestos fight all over again. We saw in the asbestos fight companies that were taken down for actions that occurred outside the company on the part of those who worked in other companies that were acquired decades later. Let's put it specifically.

Let's assume a business had a situation where there was, in fact, wage discrimination that took place. The individual against whom this discrimination was practiced did nothing with respect to it but continued to stay employed and continued to receive the paycheck.

Under the Lilly Ledbetter legislation, the clock would be reset for the statute of limitations. The individual who performed the discrimination, let us say, was discharged. The individual who supervised the situation was unaware that discrimination had occurred. The company in which it happened is later acquired by another company. And then the trial lawyers discover this had been going on years ago. They now sue the eventual company that acquired the first company for a great amount of money, perhaps even a class action suit is filed. You cannot prove what happened because all the people involved have disappeared. They have gone away. They no longer work for the company. They have no memory of what happened. It is decades later.

It doesn't matter. Under this legislation, the statute of limitations that is crafted to deal with a situation where there are no available witnesses anymore somehow magically, by virtue of this bill, keeps getting set again and again going forward.

The Supreme Court got this one right. The attempt on the part of those who want to curry favor with the trial lawyers have got this wrong. What will happen? Will more people who have had wage discrimination receive benefits? There is no guarantee that will happen. Will trial lawyers who are looking for causes of action receive fees? There is a pretty good guarantee that will happen. Will small and medium-size businesses that cannot afford legal fees be faced with enormous settlement charges? I am pretty sure that will happen. Will jobs be destroyed as a result of this, as they were in the asbestos case? I guarantee that will happen.

Here we are, in the worst financial situation any of us can recall, talking about a circumstance that would destroy jobs among small businesses and that would discourage employers who are struggling to create new jobs in medium-size businesses. We are talking about putting out billions of dollars in the name of a stimulus while simultaneously discussing legislation that would destroy jobs and create chaos among those who are trying to survive in this financial circumstance.

This is bad legislation on its face and bad legislation on its merits. But the timing of this proposal is atrocious. To be making these kinds of proposals in this kind of financial circumstance is incomprehensible to me, unless I assume that there are those who say the trial lawyers played an important part in the election; the trial lawyers need to be rewarded for the important part they played in the election; let's have a bill that will line the pockets of the trial lawyers and look the other way in terms of the economic consequences.

I compared this to the asbestos litigation. I was in the Chamber when we dealt with what are called strike suits, where trial lawyers would file lawsuits on behalf of clients who were, in fact, not aggrieved but were simply posing in behalf of a class that the trial lawyer himself had put together.

We passed that legislation. It was vetoed by President Clinton. It was the only Clinton veto that was overridden in this Chamber, as everyone was outraged at the behavior of the trial lawyers who brought these strike suits.

There are those who said: Oh, you still don't get it, you who are picking on the trial lawyers. They do wonderful things. I agree that the ability to file a grievance and have a trial lawyer carry it forward, even in a class-action suit, is a protection the American people need. But these lawyers were going far beyond anything that was good for the American people.

The position was summarized by Bill Lerach, known as the ''king of the trial bar,'' when he said: I have the ideal law practice. I have no clients. He is now in jail because his practices finally caught up with him, as it was finally demonstrated that the people on whose behalf he was suing were, in fact, not real clients. They were paid by him to pose as people who were aggrieved.

We saw those kinds of abuses that came out of that situation. We finally saw his law firm destroyed, and this man, and others like him from the trial bar, went to jail for their activities.

Let's not create another circumstance where there is a temptation to once again take advantage of people who have been legitimately hurt, but by manipulating the law in such a way as to maximize the return to the plaintiff's bar, we see the economy hurt.

The Supreme Court, as I say, got this one right. We should stay with the Supreme Court decision and not try to give special advantage to a special group simply because of their activities in the last election.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. We are in morning business, and currently there is 3 minutes 45 seconds left of Republican time.

Without objection, the Senator may speak for up to 10 minutes.

ROE V. WADE

Mr. BROWNBACK. Mr. President, today is a sad day. We had a wonderful inauguration a couple of days ago, phenomenal crowd, a great celebration, and a peaceful transfer of power took place. It was amazing. I was there on the front steps of the Capitol watching it, participating in it, excited about the first African-American President of the United States; an amazing thing to take place within one generation of Martin Luther King's marches and what he did in this country. My State has been a big part of all of those things and what has taken place. Today is a sad day, though. Today, 36 years ago, the Supreme Court's ruling in Roe v. Wade banned all impediments to having an abortion in the United States and said abortion is a constitutional right that the individual carries in the United States and that it cannot be infringed upon, cannot be limited. It did later limit some of that and gave a few places where the State could act to limit—most recently partial-birth abortions, where the Supreme Court has recently ruled that the State can limit partial-birth abortions. And there were a few minor areas in the Roe decision, but overall it made a constitutional right to abortion. That was 36 years ago.

The reason I say it is a sad day is there have been roughly—and nobody knows for sure—40 million children who are not here today because of that decision. It ratcheted up, escalated up substantially the number of abortions in the United States that took place after that. It moved forward to the point that most estimates are that one in four pregnancies in the United States will end in an abortion and a child dying. And it even gets worse from that point. When you look at children with special needs, such as Down syndrome children, the number is somewhere between 80 to 90 percent do not make it here, as I have stated on this floor previously, as they are aborted and they are killed because of their genetic type. They get a test, the amniocentesis test, which says they have an extra chromosome, and generally because of that extra chromosome they are aborted and they are killed, even though the fact is, if they would get here on the ground, life and the prospects for a Down syndrome child now have never been better. Life expectancy, quality of life issues, if that is your measure, have never been better than they are now. Plus, the families who have a Down syndrome child look at those children as the centerpiece of the family, an amazing person. Yet somewhere between 80 to 90 percent of these amazing people never make it here, and that is because of what happened 36 years ago this day in the Supreme Court of the United States.

That is why there will be hundreds of thousands, primarily young people, marching today in Washington, DC. They will get no mention. There will be very little press, if any, outside of some of the religious press that will be there. But outside of that, they will get virtually no coverage. There will be hundreds of thousands of young people here marching and asking for a change and something different, something that I hope President Barack Obama would embrace. He was empowered on the legs of young people and young enthusiastic minds looking for change, looking for something different. That same young generation is the most pro-life demographic in our country today. That age group that is below the age of 25 is the most pro life. They are looking for something different. They are looking for a sanctity of life. They are looking for us to protect all innocent human life. They are looking for us to work to make all human life better, whether that is a child in the womb or a child in Darfur. Whether it is somebody in prison or somebody in poverty, they want that person's life to be better.

That is a beautiful pro-life statement. It is one that we need to see mirrored. It is one we need to see acted upon. It is one we need to see happen, rather than the repealing of things such as Mexico City language which says we can now use taxpayer dollars to fund groups overseas that work and support and fund abortion. Yet apparently that is what the Obama administration is going to do, it is going to repeal Mexico City language and say that taxpayer dollars can now be used for these purposes that most Americans disagree with. That is not the change people are looking for. Those are chains to the past. Those are things that bind us to a culture that doesn't affirm life, that doesn't see it as sacred and beautiful in all its places and dignity in every human life no matter who it is. Those are ones that say quality of life is your measure, as to whether you should be the recipient of such a gift of life.

It is a sad day. It is a tough day. I hope it is a day that doesn't go on as far as our having many future annual recognitions of the Roe v. Wade decision but, rather that in the future we will be a life-affirming place and that we will say, in a dignified culture every life at every place in every way is beautiful and it is unique and it is amazing and it is something that should be celebrated and it should not be killed. When we move to that, that will be real change. That is the sort of change that people can look at and say, that is what I want my country to be like.

You know, the sadness doesn't stop with the death of the children. We are now seeing more and more studies coming out about the impact on people who have abortions. In August this past year, 100 scientists, medical and mental health professionals, released a joint statement that abortion does indeed hurt women. The Supreme Court of the United States concluded some women do regret their abortions and can suffer severe depression and loss of

self-esteem. These professionals have officially confirmed these facts. They say the number of women adversely affected by abortions cannot be overlooked by the medical community.

In looking at this in our own family situation, every one of our children is incredibly precious. If I think of one of them not being there, it is one of those stunning sort of thoughts of despair, and yet to think of the 40 million who aren't here and of the stunning amount of despair there must be in a number of people's lives and hearts as they think, I made that decision fast, or I did that under a lot of pressure, or I didn't think I had another choice. But other choices did exist. People want to adopt, and people want to adopt Down syndrome children. As TED KENNEDY and I recognized, in my bill we got passed last year on prenatally and postnatally diagnosed diseases, which established a list of people who wanted to adopt Down syndrome children or children with special needs—some people look at a child in that situation and say, I can't handle that, and I understand. But there are people who believe they can handle it and they want to take a child and raise it.

So I hope as we look forward, we will work together and say, this is something that shouldn't be happening the way it is in the United States and we want to make it different. I hope we will recognize these young people who are marching out here now, who are hoping for change, and understand the change they want is quite valuable, it is beautiful, it is life affirming, and that ultimately it is going to happen.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. DURBIN. Mr. President, this is truly a historic week in Washington. Those of us who were among the millions who were on the Mall a few days ago witnessed a moment in history which I am sure we will talk about, and future generations will refer to, for a long time. Someone during the course of this lead-up, the few days of preinaugural activities, said it was the third chapter in America's social history.

The first chapter was when Thomas Jefferson announced, then wrote, that all men were created equal, endowed by their creator with certain inalienable rights, but living in a time when even in his own household there was slavery. That was the first chapter. In the second chapter, they referred to, of course, Abraham Lincoln, who said it is worth blood and war to fight for this right of equality and to preserve this union dedicated to that principle. And, of course, what happened this Tuesday was the third chapter, a graphic validation of the fact that America has made dramatic progress toward equality.

There is so much more to do, and I am particularly honored that the man who now leads our Nation is one whom I served with as a colleague in the Senate, a person I encouraged to run, and a person who I think has grown immeasurably to the position he has reached today.

America has so much faith in Barack Obama and what he can bring, but he is the first to caution us that we face unparalleled challenges. You have to go back 75 years to Franklin Delano Roosevelt, who came to the Presidency in the midst of the Great Depression, when the economic plight of the United States was even worse than today. People had lost hope, they had lost their savings, and they had lost their jobs. There was gloom across America. That man, with braces on his legs, staggering to the podium, brought a new confidence to the American people. He began a turnaround that literally took years but eventually succeeded in restoring the faith and the economy of America.

When Barack Obama took to the podium just last Tuesday to give his inaugural address, his message was reminiscent, telling America that we are facing difficulties that will require our best efforts on a bipartisan basis. We have to work together. All of the division in this Chamber and across Capitol Hill notwithstanding, the American people are tired of it. They expect us to come here and achieve something. They understand the momentous challenge we face.

President Obama spoke 2 days ago of gathering clouds and raging storms. He said we are in the midst of a crisis, and he spoke about our Nation at war on two fronts and our economy in disrepair.

Yesterday, I think we took an important step forward in addressing one of those challenges. It was the right, under the Senate rules, of the minority side to ask for a rollcall on the appointment of Senator Clinton as our new Secretary of State. I understand that and I respect it. I believe the fact that they allowed that rollcall to be brought to the floor in a timely basis is consistent with this new attitude that we will not give up the traditions of Congress, the traditions of our Government, but will understand that we face a special urgency in dealing with issues. The vote last night on the Senate floor was 94 to 2 in favor of the confirmation of Hillary Clinton as our next Secretary of State. I am so happy she is going to have that responsibility, and I know she will do an excellent job.

Today, President Obama has asked us to take up a measure of similar urgency. It is a measure known as the Lilly Ledbetter Fair Pay Act. You may have heard some of the debate on the floor, and the debate has been an important one. I do not question those who oppose this. I understand that they do not favor discrimination. But I have to say that I disagree with them.

We, those of us who I believe will show a majority vote for this measure, believe that when there is discrimination in the workplace, whether it is in pay or age or gender discrimination, that is not American, that is not consistent with our values, and that the person who is wronged, the person who is the victim should have an opportunity to come to court for justice.

The Lilly Ledbetter case is a classic illustration. This woman, working in a Goodyear tire plant in Gadsden, AL, after 15 years, nearing retirement, in the management ranks, came to learn she had been underpaid for the same job the males at her establishment were being paid more. Naturally, when she learned this, after years of doing the same work for less pay, she believed it was unfair. I did too. Anyone would. She took her case to court asking for compensation, asking that the company pay for their discrimination.

The case went through the courts and eventually ended up across the street at the U.S. Supreme Court, and they came up with a decision which was nothing short of incredible. They said that from the first moment when the first discriminatory paycheck was given to Lilly Ledbetter, she had 180 days to file a claim. That overlooks the obvious: People who work in private sector jobs don't know the pay of the person at the next desk in a position similar to their own. It is not published. There is no way they would know it. In this case, to hold Lilly Ledbetter to an unreasonable standard to filing this case so quickly after the first discrimination is to overlook the obvious. The discriminatory activity continued beyond that first paycheck, and Lilly Ledbetter, when she brought this case, brought it within 180 days of the discovery of this discrimination. What we are doing through the leadership of Senator MIKULSKI is to finally right this wrong, and President Obama has asked us to send this to his desk. I hope we do it and do it quickly.

Then we are going to shift to an even larger undertaking as we work to address the troubles of our economy. We have to do this boldly and quickly—no excuses. It is a grim beginning for that administration in the fields of jobs, health care, and housing. Rarely has a new President been immediately confronted with an economic situation so grim.

This is just a sampling of the headlines, the job cut headlines, across the United States of America from Washington; St. Louis; Portland, OR; Hartford, CT; Detroit—all across the United States. We know these stories. Americans continue to wake up to headlines like these every day—another company decides to lay off or close.

Then, of course, we know what this toll means to us in terms of daily statistics. This is another one of these statistics which are hard for us to absorb; to think that 17,000 Americans will learn today that they have lost their job, and 17,000 tomorrow, and 17,000 the day after. That is what happened in December—over 500,000 Americans lost their jobs, and sadly, they think in this month of January the number may be 600,000. At the same time, 11,000 Americans lost their health care coverage. They were told the company is in trouble, sales are not good, the people who run the company are going to have to cut back on benefits. Health care, one of the more expensive benefits, is one of the first to go. Mr. President, 17,000 out of work, 11,000 lost their health care. But then another 9,000 will go home and open the mail and be told they are facing foreclosure, they are about to lose their home. Think about that—17,000 losing their jobs, 11,000 losing their health insurance, and 9,000 losing their homes. You can understand the gravity of the economic crisis that faces us.

We are in the midst of one of the greatest economic crises since the Great Depression. For the middle class, working Americans, the current situation is hard to bear because they have gained so little over the past 8 years. It is not as if you are losing a job that was giving you a paycheck that allowed you to keep up with the pace of the cost of living. For the last 8 years, the average American family smack dab in the middle of the middle class has been falling further and further behind. We know why. For a time, the cost of gasoline was up over $4 a gallon. We know the cost of utilities has gone up, the cost of daycare, the cost of health care, and wages have not kept pace. While some have pronounced prosperity over the last 8 years, the reality is that for real families facing the real world, prosperity has not been there despite their best efforts, and they have fallen further and further behind.

Eight years ago, we celebrated the turn of a new millennium with hope and optimism. Most people believed they and their children would be better off in the future. Those hopes have been shaken.

Unemployment has risen from 5.6 million people—that was 3.9 percent in December of 2000—to over 11 million people today, 7.2 percent. That is a doubling of the number of unemployed people over the course of the last administration. Mr. President, 5.5 million more Americans are unemployed today at the dawn of the 21st century.

Median or middle household income for working-age households—those headed by someone under the age of 65—has actually decreased over the last 8 years by $2,000 adjusted for inflation. For those in the middle class who still have a job, workers are earning less for every hour they contribute.

The number of Americans not covered by health insurance has increased from over 38 million people—13.7 percent of our population—in 2000 to over 45 million people—15.3 percent of our population—in 2007, and the number obviously will grow when the statistics are reported for 2008. At least 7 million more Americans are uninsured than at the beginning of the decade.

In the year 2000, we first heard the phrase ''subprime mortgage'' spoken on the floor of the Senate and around our Nation. The boom and bust of irresponsible lending since that time has left us with a record number of foreclosures across America. In just the last 2 years, individual foreclosure filings have risen 226 percent.

I have looked at maps of the great city of Chicago which I am honored to represent. Many people who travel know Midway Airport. Midway Airport is surrounded by bungalows—which is kind of a traditional house for the city of Chicago—neat little brick bungalows, one after the other, that people are so proud to have. You see the backyards with the little swimming pools, the above-ground pools, as you fly into Midway, and the well-kept lawns. Many of these families are second or third generation, from Ireland and Poland and all over the United States. They come into this area because middle-class families see this as a great place to live and work in the city of Chicago.

Then somebody showed me a map. They took the ZIP code around this Midway Airport and they put in little red dots for every home under foreclosure in each block. There were maybe four or five blocks that did not have a home in foreclosure in that solid, middle-class neighborhood in the middle of the city of Chicago. It clearly is a situation almost out of control.

Some of the experts, such as Credit Suisse, predict that between 8.1 million and 10 million American families will lose their homes in the next 4 years.

I will just tell you point blank, I do not think we can come to grips with this recession, that we can really turn this economy around, until we do something bold, dramatic, and comprehensive about mortgage foreclosures. We have waited patiently for too long. We kept saying to the banks: We know you are going to lose a fortune when a home goes into foreclosure. Do the bankers want to start cutting the grass? Do they want to start making sure the place looks good for a real estate showing? Of course not. They are in the financial business. We say: Why doesn't the banking business step up and start to renegotiate the mortgages so people have a fighting chance?

I got on a plane flying back to Chicago just 2 weeks ago, and a flight attendant said: Senator, I need to talk to you. She came over and knelt down in the aisle next to me once the flight was underway and said: I want to tell you my story. I am a single mom. I have three kids, two in high school. I live in a suburb of Chicago. This is my job. It has been tough. Airlines have struggled, wages have not increased. But I keep coming to work because this is how we keep our family together. I am underwater with my mortgage.

Do you know what that means? That the value of her home currently is less than the principal balance of her mortgage. She is underwater.

She said: I am paying over 6 percent on my mortgage, and if I do not get this mortgage interest rate lower, I don't know what to do. Senator, what should I do?

You know, I can give her advice but not very good advice. I can tell her: If you go into foreclosure, maybe the bank will come in and talk to you, maybe you can renegotiate the mortgage. If you go any further along, though, who knows. You may end up losing the house and your kids will be out in the street.

That is the literal truth of life for many people in America. We have to do something about that. We have waited so long for the banks to get it together, to renegotiate these mortgages, and it has not happened.

I like Henry Paulson, our former Secretary of the Treasury. I really do. He has been a good friend, and I know he has tried through a crisis. But every time I bring this up to him, he says: We are going to try to do it on a voluntary basis. But it has not worked. He set up a plan called HOPE, and the plan was supposed to encourage banks to renegotiate mortgages. They said: Our goal is 400,000 mortgages are going to be renegotiated. At the end of the day, fewer than 400 were renegotiated.

We have to do more and, sadly, we are not. I hope we address this and address it soon.

I see the minority leader, the Republican leader is on the floor, and I know he wanted to speak at 10, so I am going to bring these remarks to a close by just saying this. We have to act and act quickly. We have to act together, Democrats and Republicans. We cannot do this alone. All Democratic votes cannot reach the magic number of 60 in the Senate Chamber. We need to hope that some of the Republicans who understand the gravity of this economic crisis in their own States and in our Nation, who understand the need to move quickly—which we hear from, basically, economists of all political stripes and backgrounds—who stood and listened to our new President challenge us to step up and act and act quickly—we need to hope they will join with us.

Then, in return, we have a responsibility in the majority, as President Obama has said, to listen to constructive suggestions and ideas, to try to put together a package that represents the best of Democratic thinking, the best of Republican thinking. That is what I heard then-President-elect Obama say to Senator MCCONNELL at a meeting we had just a few weeks ago.

It is in that spirit, with that approach, that I think we can start to

solve these problems. But we have to get moving on it. We have to do it now. We have to do it with a sense of urgency.

Senator REID, the Democratic majority leader, has said that before we leave in the middle of February—I think the date is February 14—we need to pass this economic recovery and reinvestment plan. That means rolling up our sleeves and getting down to business. I know we can do it. I know the American people expect nothing less from this Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Republican leader is recognized.

LILLY LEDBETTER FAIR PAY ACT

Mr. MCCONNELL. Mr. President, we have heard a lot of debate over the past few days on the question of fairness. Every Member of this body supports equal pay for equal work. I could not find anybody who does not support that.

But this so-called Ledbetter bill is a trial lawyers' bailout. It is not about fair pay.

Pay discrimination has been illegal since 1963. Let me say that again. Since 1963. This bill is about effectively eliminating the statute of limitations on pay discrimination. It unfairly targets business owners who, in many cases, will no longer have the evidence they will need to mount a just defense.

As we all know, job creators have enough to worry about these days. We should not add the threat of never-ending lawsuits. Republicans have a better idea to ensure fairness in the workplace. Senator HUTCHISON has crafted a commonsense proposal that says the clock should not run out on someone who has been discriminated against until he or she discovers the alleged discrimination. That is fair to both sides.

If we are going to grow our economy, we need to focus on legislation that will create jobs, not put undue hardships on job creators. So we will have an opportunity to vote on the Hutchison amendment, which is absolutely fair to anyone who has been discriminated against in the workplace but also does not create a plaintiffs' lawyer bailout, which is what is at stake if we pass this bill without the Hutchison amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, we are now in the 1 hour that has been determined to be equally divided to conclude the debate on the Hutchison amendment to the Lilly Ledbetter Fair Pay Act. It is the intention for us to be able to conclude the bill today, and we want to thank our colleagues for their cooperation in offering amendments, and we are willing to debate them.

We have heard much debate already—Mr. President, in our enthusiasm to move ahead, I neglected to say that we yield back our time in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time is yielded back. Morning business is closed.

LILLY LEDBETTER FAIR PAY ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate shall resume consideration of S. 181, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Pending:

Hutchison amendment No. 25, in the nature of a substitute.

Specter amendment No. 26, to provide a rule of construction.

Specter amendment No. 27, to limit the application of the bill to discriminatory compensation decisions.

Enzi amendment No. 28, to clarify standing.

Enzi amendment No. 29, to clarify standing.

The PRESIDING OFFICER. Under the previous order, there will be now be 60 minutes of debate equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Senator from Maryland, Ms. MIKULSKI, or their designees.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Well, thank you very much, Mr. President. It was in my enthusiasm that I neglected a few parliamentary housekeeping tasks.

On April 23, when we had the vote in the Senate to vote on the Lilly Ledbetter Fair Pay Act, we lost it by two votes. On that day, I said we would continue our fight and that we needed to—we the women of America and the men who supported us—square our shoulders, suit up to fight for a new American revolution. I called upon the other women of America to put their lipstick on and be ready to go. Well, today is ''go day.'' And we are actively debating this amendment.

One of the arguments that is often made is that this Fair Pay Act we are advocating could trigger either needless and enormous volumes of lawsuits or it creates a shifting ball of the statute of limitations. Both of those criticisms are false.

First, the Lilly Ledbetter Fair Pay Act will not trigger more lawsuits. Because this bill the Democrats are advocating—and, oh, by the way, it is a bipartisan bill. We have over 54 cosponsors; Republicans are joining with us. It does not in any way trigger enormous lawsuits, because it simply restores the law, with greater clarity, that existed before the outrageous Supreme Court decision.

We were not flooded with volumes of lawsuits on wage discrimination. There was an orderly process that occurred.

The other is this floating statute of limitations argument. Well, that is a foggy term. But I tell you what is foggy is the Hutchison amendment.

Now, I so admire the gentlewoman from Texas. We have worked together, as I said, on many issues. I know her intentions are good, but her language is flawed. I should say, not her language, but the language of her amendment. It is foggy.

Let me go on to this a little bit. The amendment does not address the fundamental problem of the pay discrimination case, Ledbetter v. Goodyear, which created unreal and strict limitations for filing pay discrimination claims. It also fails to recognize that pay discrimination, unlike other kinds of discrimination, is repeated each time a worker receives an unfair paycheck.

I want to repeat that. The Hutchison amendment fails to recognize that pay or wage discrimination, unlike other forms of discrimination, is repeated each time someone receives an unfair paycheck. Instead, the Hutchison amendment creates a new confusing standard that requires workers to either be subject to the Ledbetter rule or prove they had no reasonable suspicion of discrimination when the employer first decided to pay them.

Well, you have to prove a negative. That is almost impossible. From the day you walk onto the job or the day your coworker who gets a raise, when the guys get it and the girls do not, you would have to be snooping around and creating a very hostile workplace, branded a troublemaker, because you were saying, well, you would have to every week say, well, what did you get paid, Mr. UDALL? What did you get paid, Mr. TESTER? What did you get paid?

Well, I know we get paid the same pay, and I know we are doing the same, equal work. But that is not true in the workplace. So we believe the Hutchison amendment actually creates more fog than solutions.

I want to continue the debate on this. I note that the gentlewoman from Texas has not come in, but I see the gentleman from South Carolina.

Mr. GRAHAM. Mr. President, I wish to speak on her time.

Ms. MIKULSKI. What I would recommend is kind of rotating back and forth every 5 minutes. That way everybody gets a chance to speak, everyone gets a chance to debate, and everyone will get a chance to vote at 11:30.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, if you would let me know when 4 minutes has expired.

I thank the chairwoman for allowing me to speak. I wanted to make the RECORD clear. I am not in a fog about the Hutchison amendment. I think it makes a lot of sense. The reason I am on the floor is I have a pretty good reputation of making sure that people have a fair day in court. There is nothing more important in a free democratic society than to be able to take your cause to court and have your day in court. But what we are doing here, in my opinion, is creating a statutory statute of limitations that we have not seen before, that, quite frankly, does not make a whole lot of sense to me, if we pass the bill that came out of committee.

Let me tell you why. The ability to create a job in America and keep a job here is very much at risk. The way we regulate, the way we litigate, and the way we tax will determine if the business will create a job in America or go somewhere else. We are on the verge, in my opinion, of having a taxation system, a regulatory system, and a litigation system that is going to drive people out of business and leave this country.

Quite frankly, if we go down the road this bill is charting, we are going to make it harder to do business in this country and we will not enhance fairness. The whole concept of the Hutchison amendment is that you have 180 days from the time you knew or should have known you are being discriminated against.

The Supreme Court case has a ruling that says you had 180 days from the event. That does not seem quite fair to me. But this idea that you could realize discrimination or know of it for 20 years and file a lawsuit 20 years later, based on the last paycheck, is not fair to the legal system, and not fair to business, because a lot of the people have left.

So this is not foggy at all to me. I think a fair process would be that within 180 days of the time you knew or should have known you are being discriminated against in the workplace, you should file a lawsuit to preserve the evidence, to allow people to come in and testify with a fresh memory of what is going on.

That is not what we are doing here. We are allowing people to file lawsuits decades, potentially, after they knew or should have known they were being discriminated against, and that would create legal chaos.

So we are not advancing fairness, we are creating a system that is going to make it harder to do business. And for those employees in the workplace who count on their employer opening the door, they are going to lose, and the people who have been discriminated against in a legitimate way are not going to be enhanced.

So to the Senator from Texas, I am not in a fog at all about what you are trying to do. I think you are trying to do a reasonable thing; that is, to protect the rights of people who have been discriminated against in a fair way, or have a claim that they think they may have been discriminated against in a fair way: 180 days from the time you knew or should have known of the act of discrimination, not decades after you knew or should have known.

I think this is the right balance. And if we do not watch it as a Nation—we live in a global economy. I want regulations that protect the air and the water and the worker. I want a taxation system that collects a fair amount from the American people to run this Government on which we all depend. I want a legal system that gives everybody their day in court with no bias, a fairminded jury or judge deciding the claim. If we don't watch it and we go down the road of this bill, we are going to make it hard to do business in America, harder than it ought to be, harder than fairness requires, and we are going to shut out some businesses because the ability to do business in this country is at risk in a global economy if we overtax and overregulate and we have unfair litigation rules. The idea is to be fair and balanced.

The Hutchison amendment achieves that, and the base bill does not. I will be supporting the Senator from Texas, opposing the bill coming out of committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from South Carolina. I believe he laid it out very well. I am very concerned about the broadening aspects of the underlying bill. As I have said on many occasions, Senator MIKULSKI and I have worked on so many issues to advance the cause of women, the rights of women, fair treatment of women. I would like to be able to support her bill, and I support the concept of her bill.

My concern is in two major areas: One is the inability for a legitimate defense to be raised if a person waits when they should have known there was discrimination, to be able to address that immediately or within a reasonable amount of time. I want people to be able to raise the issue.

I have heard of company policies. I have worked in a place where it was company policy that one didn't talk about pay. That was when I was making $600 a month. Maybe there was discrimination there. If there is a company policy or a feeling in the company that if you talk about pay, you are going to be punished or maybe even fired, then that makes the statute of limitations not function at that point. That, then, is a policy that is discriminatory. That is what we are trying to do: give the right of the plaintiff to show that he or she could not have known, didn't know, and could not have known.

The second area that is of great concern to me is the expansion of the right of the plaintiff to go beyond the plaintiff himself or herself, to allow a person affected by the alleged discrimination to file suit, which could even occur after the person is not even there or is dead. That is putting into our system a possibility that the person might not have filed the claim on their own, didn't file it, might not have wanted to, might have believed it wasn't the right thing to do, or might have believed there were other areas that made up for what the person might have thought was not right in one particular area, such as the area where he or she worked or the amount of pay.

I think you have to have a right yourself, but when it is a tort in our English law, in our American law, that does not accrue to another person generally. There are specific exceptions to that, but in general the tort claim goes with the person against whom the tort is committed. It should be that way in a discrimination area as well. So adding the ability for someone to sue on behalf of someone who isn't suing for something that happened to the person who isn't suing is a trail that is going to go way beyond the fairness that we try to put into our legal system.

I hope we can pass my amendment. I hope we can keep working on this bill. I wish there had been a markup in committee because there might have been more of a capability to shape this bill so that it would be something that would meet the test of adding to a plaintiff's claim, cause of action, opportunities, but without producing such an unfair disadvantage to anyone to be able to defend by having a statute of limitations that is not effective and by increasing the capability of someone to make a claim on behalf of someone who has chosen or doesn't make the claim.

I hope our colleagues will look at this issue. I hope we will be able to keep working on this matter. I would vote for this bill if my amendment passes. It will be a much harder decision if my amendment does not pass because I know the struggles of small business. I have great admiration for people who are in small business. I have been in small business myself. I know many times margins are very thin, and you want to make sure you know what your liabilities might be and that you have the ability to plan for that. We want business to thrive. We want business to keep employees. We don't want to do anything that causes fewer people to be employed because of greater potential liabilities. We don't want to do anything that adds

to the instability of the job market today. We want to help our businesses get through this time by keeping people working. I am afraid the underlying bill will be a deterrent in that respect.

I appreciate those who have spoken for this amendment. I hope we can continue to work on it together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, how much time remains in the debate?

The PRESIDING OFFICER. The Senator from Maryland controls 25½ minutes. The Senator from Texas controls 19 minutes.

Ms. MIKULSKI. Mr. President, I would like to comment on the arguments that have been made by the advocates for the Hutchison amendment. First, let me say this: If you are a business and you want to avoid a lawsuit, there is one clear remedy that does not require statutory action, and that is called give equal pay for equal or comparable work. If you don't want to end up in court, you don't want to end up at the EEOC, you don't want to end up with a tattered and tarred reputation, pay people equal pay. That is the way to avoid a lawsuit. Then you don't need a law.

But, no, there are those in our country who still think we are back in the 20th or 19th centuries, and we are not going to put up with it. We can talk about the 180-day rule and wage-setting decisions and so on. I am a pragmatic, pro-business, pro-fairness Senator. My grandmother ran a small bakery and was known as having the best doughnuts in Maryland—well, certainly in Baltimore. My father ran a small grocery store. We paid equal pay for equal work.

When we talk about small business, I know about small business.

I also know the Hutchison amendment would create more problems. For example, the discovery rule fails to hold employers fully accountable for ongoing discrimination. That is a very big deal. If workers suspect discrimination but delay filing the claim for fear of retaliation or hopes that things could be worked out without litigation, they should not be forced to suffer continued wage discrimination indefinitely. Wage discrimination continues with every new unfair paycheck. If harm is ongoing, the remedy should be as well, regardless of when a worker learned of it.

Doesn't this rule make things better for employers? No. The Hutchison amendment is very vague and foggy. The rule encourages premature claims which is going to increase litigation. Workers are going to feel compelled to file formal claims with the EEOC or take legal action for fear that they will be accused of delay. That is what the Supreme Court accused Lilly Ledbetter of. They didn't accuse Goodyear of discriminating in their paycheck. They accused Lilly Ledbetter of delay and Lilly Ledbetter lost out.

There is a new day coming, including on the Supreme Court. I can't wait for those votes. Workers will feel compelled, as I said, to file formal claims quickly.

The Hutchison amendment adopts an uncertain legal requirement that will increase litigation costs for workers and employers alike. It also creates an environment that is hostile. It means if you are a worker, you have to act on rumor or speculation. My gosh, this is like the French Revolution and letters of cachet, and it was rumored that they were not faithful to concepts of the Revolution. We can't have that in our workplace. We have to have a workplace that we are all in together. So the Hutchison amendment is well intentioned but deeply flawed in the very objective that it seeks to accomplish.

I hope we defeat the Hutchison amendment and move on with debating other amendments.

I also want to say to the Senator from Texas, if I may have her attention, we are going to have a vote, up or down, on her amendment. I will not move to table. I think she deserves a clear vote, the way we are talking about a new style of civility and openness and so on. At the conclusion, that would be the process, rather than going through a tabling motion. Is that agreeable with the Senator?

Mrs. HUTCHISON. I appreciate that very much from the Senator from Maryland, as always, because I would like an up-or-down vote. This is an amendment that is the decision on this bill. I appreciate that. This whole debate has been sort of the test. HARRY REID said we would be able to have amendments. Our leader said we would take up the amendments that would be relevant to this labor issue. I think everyone has performed admirably. I hope we can keep going. I thank the Senator very much.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 31

Mr. DEMINT. Mr. President, in the interest of time, I have filed three amendments. I know the majority leader wants to move this through, so I am going to call up one of them and not speak on it at this time during the discussion and debate of the Hutchison amendment. I ask unanimous consent to set aside the pending amendment and call up the DeMint amendment No. 31 and ask for its immediate consideration.

Ms. MIKULSKI. Withholding the right to object pending an inquiry, is it the Senator's purpose simply to call it up so we can consider it later today?

Mr. DEMINT. I just want to get it pending. I will not speak on it right now.

Ms. MIKULSKI. I have no objection.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for himself and Mr. VITTER, proposes an amendment numbered 31.

Mr. DEMINT. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities)

At the appropriate place, insert the following:

SEC. ___. RIGHT TO WORK.

(a) NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

Mr. DEMINT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 25

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that my amendment be reinstated for the debate and the vote as previously ordered.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mrs. HUTCHISON. Mr. President, I just want to say my distinguished colleague, the Senator from Maryland, said it is easy for an employer to know they will not have a liability; just pay equal. Simple: Pay equal. But let me give you an example of what an employer actually faces.

You take the situation where, say, an employer owns a bakery. One employee punches in at 8, leaves at 4, does an adequate job during that time, and that employee is paid one wage. Another employee always stays late when

there is a need to stay late for a reason and comes in early if the employer has a big order and needs help early, and the second employee is paid more than the first one. But the first one believes there is discrimination for some reason—age, race, gender—and, therefore, believes they have a claim.

That is not a situation where the employer should have to pay exactly the same to two different people when one goes the extra mile and one does not. This is just one example a person who has been in small business can tell you happens every day in every business in our country. The people who go the extra mile, who do a little more, should be able to be rewarded. That is what ownership of a business thrives on.

So I think to just say: Just don't discriminate, is to say, well, if one person is doing more, adding more to the business, and becoming more productive, we should have the ability as an employer to allow that person to make a little more or do something extra. So I do not think we want to get into a situation where you are only to pay the same wage for two different people who bring different things to the table. That is why we have lawsuits. It is why we have EEOC, to make those judgment calls.

So I am trying to make sure we keep an equal and level playing field so people who own a business who are struggling in this very tough economy have the ability to make the decisions that will keep those employees employed and make the judgment calls so that an owner—who is the one signing the checks, the one signing the loan applications, the one putting forth their whole livelihood and their family's security—also has a fair chance in any kind of a dispute to do what is best for the business and for the employees of the business.

Thank you, Mr. President. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I now yield 5 minutes to the Senator from Texas to speak on this issue. She has been an unabashed and——

Mrs. BOXER. The Senator from California, not Texas.

Ms. MIKULSKI. Excuse me. The Senator from California. It is the big State, with big gals here.

Mrs. BOXER. You got it.

Ms. MIKULSKI. The Senator from California has been such a longstanding and faithful advocate for those who have been left out and left behind and particularly an intrepid voice for women.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you so much, I say to Senator MIKULSKI.

The bill Senator MIKULSKI is urging us to vote for simply restores the law to what it was in almost every State in the country before the Supreme Court dealt us a very serious blow and said, in fact, you had to move from the minute the discrimination started.

Well, what if you had no clue you were being discriminated against, just like Lilly Ledbetter, who did not know until an anonymous note appeared from a male colleague, and he told her: The men who are doing the same work as you are getting paid far more. Well, she did not know that for years and years and years. Although the lower courts acted in the right fashion, the Supreme Court, in the tightest of decisions, destroyed what I consider to be the ability to recover damages when you have been blatantly and unabashedly discriminated against simply because you are a woman.

Now, I urge my colleagues to defeat these pernicious amendments that are coming. As to the one from my friend, Senator HUTCHISON, believe me, it is a wolf in sheep's clothing. If we adopt the Hutchison amendment, people such as Lilly Ledbetter simply would not be helped. The Hutchison amendment essentially adopts the flawed decision by the Supreme Court in the Ledbetter case. It creates a confusing new standard for employees. Let's not take my word for it or Senator MIKULSKI's word for it. Let's take the words of the National Women's Law Center. Their whole life has been spent fighting for women's rights.

What do they say? They say: Under the Hutchison amendment—and I am quoting—''employees are left without any remedy against present, continuing pay discrimination if they do not file a complaint within 180 days of the first day when they 'have or should have expected to have' enough information to suspect discrimination.''

Well, take Lilly Ledbetter. If you never met her, she is the most hardworking, direct individual I have ever met. She worked so hard for Goodyear Tire. She had no clue, no time to think about whether she was getting equal pay. She got up in the morning, she got dressed for work, and she worked hard, never suspecting her work would not be rewarded in an equal fashion to her male counterparts.

Under the Hutchison amendment, she is left out in the cold, and all those other women who have no clue. Sometimes discrimination is carried out in a way that you have no way of knowing that it is happening.

Now, in the Senate, we have open books. Everybody can see what I make, what my staff makes. It is clear. If there is any discrimination going on, you can ferret it out, figure it out, and, by the way, you have a cause to seek recompense. We do not have a situation as they do in the private sector where it is a totally private situation. So it could be you could be working for years and years and years and never know.

This bill on which Senator MIKULSKI is leading us is so important because it says every time you get a paycheck, that 180 days runs, so you have a chance to make up for this discrimination. So I say to my friends, you are going to see these amendments coming at you. Do not fall for them. Do not fall for them because they actually undermine, undercut, and destroy what we are trying to do for the women of America.

I say to my friend, Senator MIKULSKI, how proud I am to stand with her. She feels this issue in her heart of hearts. She is a working woman. She comes from a working-class family. I have to say, I came from a family where my mother never even went to high school. She could not graduate because she was forced to go to the workplace to support her parents. The thought of my mother working so hard every day and having someone in the workplace say: Don't worry about that little lady over there, she has no power, no clout; we can pay her less than we pay a man—and I am sure that occurred because this was a long time ago—the thought of my mother in the workplace being discriminated against and not having the opportunity to do anything about it really sets me off.

I think about all the moms out there in the workplace and I think about the grandmas in the workplace. I think about single women in the workplace. They have a right to be protected.

Vote no on Hutchison; vote no on Specter; vote yes on the underlying Mikulski bill.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I control the time.

Mr. President, I now yield 5 minutes to the Senator from Montana, a very good friend on this issue.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Thank you, Mr. President.

I thank the Senator from Maryland for her leadership on this issue. This is a critically important issue in this country today.

I would also like to welcome the Senator from New Mexico in the Chair. It is good to see you there.

Mr. President, I rise today in support of the Lilly Ledbetter Fair Pay Act. It is a fair, commonsense piece of legislation that honors the hard work and dedication of a great Montanan, that Montanan being Jeannette Rankin, who was America's first Congresswoman, an outspoken peace activist and a champion of equal rights.

Congresswoman Rankin would have voted yes today because she fought so hard for equality and fairness.

Every employee deserves to earn the same pay for doing the same work, regardless of artificial timelines. Lilly Ledbetter worked at Goodyear Tire Company for 19 years, and she discovered she was being paid significantly less than her male colleagues for doing the exact same amount of work. A jury agreed. The jury awarded Ms. Ledbetter significant—significant—damages. The U.S. Supreme Court said

too much time had passed since her first paycheck, and the Court ruled that Ms. Ledbetter's claim was invalid and even took away that jury award. Thankfully, this legislation undoes that wrongheaded decision. It clarifies the law to make it fair to America's workers.

When he signed the original Equal Pay Act in 1963, President Kennedy said protecting America's workers against pay discrimination is ''basic to democracy.'' Forty-six years after President Kennedy signed that historic piece of bipartisan legislation, American women still make only 77 cents for every dollar a man makes for doing the same work. African-American workers make 18 percent less, while Latinos make 28 percent less for doing the same work. American Indians make even less.

Nearly 100 years after Jeannette Rankin came to Congress, we cannot ignore this kind of discrimination. We have a duty to speak out against pay discrimination and to make sure the law is clear. Hard-working Americans deserve nothing less than equal pay for equal work.

Mr. President, I urge all my colleagues to pass the Lilly Ledbetter Fair Pay Act.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator from Maryland controls 9 minutes 35 seconds. The Senator from Texas controls 13 minutes 24 seconds.

Mrs. HUTCHISON. Mr. President, I wish to reserve my time. There is another speaker coming down now on my side. The Senator from Maryland may wish to go forward or we may wish to wait and have the time equally divided.

Ms. MIKULSKI. Mr. President, while we are working this out, I suggest the absence of a quorum, with the time equally divided, while we establish our next steps forward.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, we are in the closing minutes of the debate on the Hutchison substitute. We know there is one more speaker besides the Senator from Mississippi. This is not going to be my last say for this bill, but I do wish to offer my concluding arguments on the Hutchison amendment.

First, I ask unanimous consent to submit for the record a Q&A on the question of the Hutchison amendment because when all is said and done, I wish for there to be a very clear record on congressional intent so we won't have the type of Supreme Court decisions that brought us here today.

So I ask unanimous consent to have a Q&A on the Hutchison amendment printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Q & A ON THE HUTCHISON AMENDMENT

Q: What does Senator Hutchison's amendment do?

A: The amendment doesn't address the fundamental problem of the pay discrimination case, Ledbetter v. Goodyear, which created unrealistic limits for filing pay discrimination claims. It also fails to recognize that pay discrimination, unlike other kinds of discrimination, is repeated each time a worker receives an unfair paycheck. Instead, the amendment creates a confusing new standard that requires workers to either be subject to the Ledbetter rule, or prove that they had no reasonable suspicion of discrimination when the employer first decided to pay them less than others.

Q: Would Senator Hutchison's amendment have solved the problems for Lilly Ledbetter?

A: No. The Hutchison amendment would have imposed additional burdens on Ms. Ledbetter and increased the costs of her litigation. It is impossible to show exactly when a worker would have known discrimination was occurring. Yet the Hutchison amendment forces workers to prove a negative—that they did not have information to suspect discrimination. This unnecessary requirement will lead to confusion and needless litigation. Goodyear argued that Ms. Ledbetter should have realized earlier based on workplace rumors that she was a victim of discrimination, even though they kept salaries hidden. Ms. Ledbetter would have had to spend time and resources litigating this issue, which has nothing to do with the real problem of discrimination.

Q: Isn't the Hutchison amendment a fair approach to the problem, since it gives a claim to workers who have no way of discovering discrimination within 180 days of an employer's pay-setting decision?

A: No. The discovery rule fails to hold employers fully accountable for ongoing discrimination. If workers suspect discrimination, but delay filing a claim for fear of retaliation or in hopes of working things out without litigation, they should not be forced to suffer continued pay discrimination indefinitely. Pay discrimination continues with every new unfair paycheck. If the harm is ongoing, the remedy should be as well—regardless of when a worker learned of it.

Q: Doesn't this rule make things better for employers?

A: Not at all. The rule encourages premature claims, which will increase litigation. Workers will feel compelled file formal claims quickly, for fear that they will be accused of delay, even if the only evidence they have is based on rumors or speculation. In addition, the amendment adopts an uncertain legal requirement that will increase litigation costs for workers and employers alike.

Q: Is there a better way of fixing the problem created by the Ledbetter case?

A: The bipartisan Lilly Ledbetter Fair Pay Act creates a fair, bright-line rule that workers and employers can easily understand, and which was applied by most courts and the EEOC under both Republican and Democratic Administrations before the Ledbetter decision.

Ms. MIKULSKI. Now, let's get to the facts. The difference between the Hutchison alternative and the Lilly Ledbetter bill is this: The Lilly Ledbetter Fair Pay Act restores the law to the way it was before the Supreme Court decision, Ledbetter v. Goodyear. The Hutchison alternative creates a whole new legal standard which regrettably is very vague and I am concerned will trigger a tremendous amount of lawsuits and further add to hostility and suspicion in the workplace. The issue of triggering more lawsuits as an argument for the Hutchison alternative is flawed because the Hutchison substitute will create confusion in the courts and for employers trying to interpret when employees should have known they were being discriminated against. The Ledbetter Fair Pay Act establishes a legal framework that had been accepted by nine appellate courts and the EEOC, and it has been a standard that has stood essentially the test of time.

Let's go to the statute of limitations. The Lilly Ledbetter Fair Pay Act says it is 180 days from the last unequal paycheck, not from the initial point of hiring or the initial point of a discriminatory pay raise. The Hutchison alternative goes 180 days from when employees have or should have been expected to have knowledge that they were being discriminated against. This ''expected to have'' is really what is so foggy. Also, as long as employers are discriminating, employees can get justice. Under the Hutchison alternative, employees have no remedy if the claim is not brought when they should have known. I don't know when you should have known.

Also, the Lilly Ledbetter Act gives workers a chance to figure out whether they are being discriminated against, approach the employer, and perhaps have an alternative dispute resolution on this before EEOC complaints, before going to court, and so on. I am concerned that the Hutchison amendment language ''should have known''—this ''should have known,'' where you would have to operate on rumor and speculation—will force many lawsuits as employees will sue before running out of time.

The Lilly Ledbetter Fair Pay Act also gives workers a chance to be able to resolve this. If an employer is currently paying women less than men, that is illegal. Under the Hutchison amendment, it forces employees to prove when they suspect discrimination. I have made that point over and over.

So in summary, I say to the private and nonprofit sector: If you don't want to be sued, don't discriminate. That is the best way to go. If you don't want to be sued, don't discriminate.

The other point I wish to make is that the Fair Pay Act doesn't only affect women, it affects anyone who might be discriminated against in wages. So that means yes for women, but this bill would cover you if you have been discriminated against on the basis of race, ethnicity, national origin, religion, and the traditional forms

of discrimination that regrettably we have dealt with. So this bill is not a women-only bill. We women certainly wouldn't discriminate against other people.

The Lilly Ledbetter Fair Pay Act takes us to where we need to be to fully implement the Civil Rights Act of 1964. If we have a dream, I have one too: that we pass the Lilly Ledbetter Fair Pay Act.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, we are 5 minutes away from voting. The last speaker on my side was not able to make it, so I wish to close on my amendment.

What some courts around our country do is allow a plaintiff to say that he or she knew or didn't know, allow the person to say why they didn't know, and let the plaintiff go forward to give their defense or to give this statement as the reason why the statute of limitations should be tolled. In many jurisdictions, this is accepted and the statute of limitations is tolled.

What my substitute does is codify this so every jurisdiction will allow the plaintiff to have a right to say: I didn't know, and here is why I didn't know, and I need to be able to toll the statute of limitations to have my rightful amount of pay or the job I have been denied. It codifies so that it is clear. It brings clarity to the law and a unification of all the districts' views that this plaintiff should be allowed to say: I could not have known, and that is why I didn't file my claim earlier.

The other part of my amendment that I think is very important is that it does not allow the added person who is not the person who alleges the discrimination to still file a lawsuit on behalf of that person who did not file the lawsuit. That is in the underlying bill. I think it is a huge increase in another area of litigation that we don't have in the law today. In fact, in most tort claims we don't allow that because it is important when a person has a claim that they make the decision to pursue that claim. Having another person who might claim to be affected by the discrimination against someone else really takes one into a whole other realm of ''he said, she said.'' Well, why would an heir be able to file when the other person didn't? Maybe the person is gone, maybe the person is dead, maybe the person did not want to make this claim or would have had they been alive and they could make the decision. It just adds an element of instability in the system that I don't think we have seen really in any other area of the law.

I want to have a fair judicial system. I want there to be more rights for the plaintiff to be able to come forward and sue for discrimination if they feel they have been discriminated against and to be able to say: I didn't know, I couldn't have known, our company doesn't let us talk about what we make, and have that before the court because I don't want anyone in this country to be discriminated against.

I also want a businessperson—a small businessperson, a big businessperson, anyone who is creating jobs in our country and trying to make it so that we keep our economy strong and keep jobs from being let go—I want that person to have a fair chance too. If you have a person who files a claim when the supervisor who is alleged to have made the discrimination is dead, that is a problem for the company to be able to make a defense, and that is what this whole case is about.

I believe Lilly Ledbetter was a good employee. I think she probably put forward her claim believing she had a discrimination, and I believe she probably did. I believe she started at a lower level, and even though she was increased at the same level every year as her peers, because she started out at the bottom or at a lesser level, that did cause discrimination.

If she had brought the claim in a timely way when she first knew or should have known because of a note that she received that was anonymous, then she probably would have been able to prevail.

I think she is a good and nice person, but we are setting a standard in the law that is going to make it very difficult for businesses to know what their liability is if a person claims something that happened 6, 8, 10 years ago. Not being able to have the records, not being able to have the witnesses, not being able to have the memories of people is going to be a significant deterrent for the employer to run the business.

I particularly have a place in my heart for small businesses because I know it is very difficult for a small business to make the salaries and the payroll and to put their livelihoods on the line.

I want to make sure we are fair to everyone. I want a person who is discriminated against to have a right of action. I do. I have said it before, I have been discriminated against. I know how it feels to be on the lower level when you know you are working harder. I know. But it is so important that also the person I am working for have a chance to defend with their witnesses and their records and let the court have everything to make a fair decision.

In America, one of the things we have prided ourselves on that was put in the Constitution by our Founding Fathers is fairness, justice. We are a country that prides itself on fairness and justice. We have to make sure we continue to have equal rights of plaintiffs and defendants to be heard, and that is what my amendment does.

If my amendment is adopted, I know we will add to the plaintiffs' capabilities, but with a fair right for the defense to make their case. And that is what our justice system should be.

I hope we will adopt this amendment. I hope we can keep working on this bill. I am sure there are other things we can do. I would like for us to talk about the ability to have a negotiation. I tolled the statute of limitations when a point is brought up and there is a negotiation, an arbitration going on between an employer and an employee. When we go to conference, if my amendment is adopted, and we can work something like that out, I will be for it. I think it is a fair point because we do want to have the total ability of the plaintiff to be able to make his or her case, and we want to keep people employed in this country, and we do not want there to be a deterrent for small businesses to keep the people they have employed so we can get the economy going again in this country and go back to the full employment we had maybe 2 years ago and try to make sure we don't have in any way a deterrent for people to know what their liabilities are and start pulling back.

I hope we can adopt my amendment and continue to work on this bill.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, we have now concluded the debate on the Hutchison amendment. It is time for change. It is time to turn the page rather than turn back the clock. It is time to defeat the Hutchison amendment and proceed with the bill. We have five pending amendments. We are fired up, and we are ready to go.

I yield back my time, and if the Senator does so, I will ask for the yeas and nays and then vote.

Mrs. HUTCHISON. Mr. President, I yield back my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is on agreeing to amendment No. 25 offered by the Senator from Texas, Mrs. HUTCHISON. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—40

Alexander	Collins	Hatch
Barrasso	Corker	Hutchison
Bennett	Cornyn	Inhofe
Bond	Crapo	Isakson
Brownback	DeMint	Johanns
Bunning	Ensign	Kyl
Burr	Enzi	Lugar
Chambliss	Graham	Martinez
Coburn	Grassley	McCain
Cochran	Gregg	McConnell

Murkowski	Shelby	Voinovich
Risch	Specter	Wicker
Roberts	Thune	
Sessions	Vitter	

NAYS—55

Akaka	Hagan	Nelson (NE)
Baucus	Inouye	Pryor
Bayh	Johnson	Reed
Begich	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burris	Landrieu	Shaheen
Byrd	Lautenberg	Snowe
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—2

Harkin	Kennedy

The amendment (No. 25) was rejected.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have been making progress on this bill. People are cooperating. While we have a lot of Senators in the Chamber, I have to add that we have a lot of work to do. I mentioned briefly yesterday, and I will say briefly again today, when the time is up, the vote is going to be cut off. It will affect Republicans and Democrats, but maybe we will get here in time to vote. We cannot hold up this place, we have so much work to do. We are going to finish Ledbetter today or tonight. Whatever it takes, we will finish that. I think we have set a good tone. I hope I do not have to file cloture on this tonight for a Saturday cloture vote. I don't want to do that. We have a lot of other things we can do that we can get done and not have to mess with the weekend.

I am in touch with the Republican leader, and I think we have a way of moving forward next week, but everyone who has amendments to offer on Ledbetter should do it today and we can finish this early this evening, late this afternoon, or sometime tonight.

We have other things to do. We have nominations we have to move. I spoke to the Republican floor staff today. They said they are hotlining a number of nominations. President Obama is getting very anxious on the nominations that have not been approved. He wants to get that done as quickly as possible, to get the country moving with the Cabinet spots being filled.

The manager of the bill, Senator MIKULSKI, is in charge of this legislation, as she is in charge of everything in her life. I appreciate her good work, and we are going to move this bill. She understands we are going to finish this bill today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Taking the lead from the majority leader, would now be an appropriate time to call up an amendment I have filed at the desk? I call up amendment No. 37.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. The only problem, I say to my friend from Georgia, is we do not have a copy of it. If we could see it, that would be terrific.

Mr. ISAKSON. The staff is copying it now.

Mr. REID. What we are trying to do, I say to Senator ISAKSON and the rest of the people in the Chamber, is, we have a number of amendments that have been filed. We want to try to set them up. We want to try to set up a process to get rid of the amendments that have already been filed. We certainly look forward to the Senator from Georgia offering the amendment.

I see no reason we should not go ahead and have the Senator offer that now. Everyone should be alerted we are going to have the managers of this legislation clear the decks after Senator ISAKSON offers his amendment. If people want to offer amendments after that, certainly that is appropriate. But we are going to get rid of these amendments either by tabling them or having votes on them after people have had enough debate on them.

Mr. ISAKSON. Will the leader yield for a question?

Mr. REID. Sure.

Mr. ISAKSON. Mine is a short amendment. I can summarize with a one-compound sentence explanation. Do you want me to do it now or later?

Mr. REID. I saw it. Just lay it down now.

AMENDMENT NO. 37

Mr. ISAKSON. Mr. President, I would like to lay down amendment No. 37, the Isakson amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 37.

Mr. ISAKSON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the application of the Act to claims resulting from discriminatory compensation decisions, that are adopted on or after the date of enactment of the Act)

On page 7, strike lines 11 through 20 and insert the following:

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on the date of enactment of this Act, except as provided in subsection (b).

(b) CLAIMS.—This Act, and the amendments made by this Act, shall apply to each claim of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, if—

(1) the claim results from a discriminatory compensation decision and

(2) the discriminatory compensation decision is adopted on or after that date of enactment.

Mr. ISAKSON. Mr. President, would it be appropriate now for me to give that one-line explanation or wait until the manager of the bill is back? Shall I go ahead now?

Mr. President, amendment No. 37 is very simple. It says the provisions of this legislation take effect on the day the legislation becomes law and is not retroactive, which is obviously the intent of everything we do. So any incident that occurred in the past could not be reopened for litigation, but any case after the day of enactment would be governed by the provisions of the law as they are in the new legislation. I think it is a simple, straightforward amendment, and I urge its adoption at the appropriate time.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. HARKIN. Madam President, it is unbelievable to me that more than four decades after the passage of the Equal Pay Act and the Civil Rights Act women are only making 78 cents on the dollar for every dollar a man makes. Discrimination takes many forms. Sometimes it is brazen and in your face, like Jim Crow and apartheid, and sometimes it is silent and insidious. That is what is happening in workplaces all across America today.

Millions of female-dominated jobs—social workers, teachers, childcare workers, nurses, and so many more—are equivalent in effort, responsibility, education, et cetera, to male-dominated jobs, but they pay dramatically less. The Census Bureau has compiled data on hundreds of job categories, but it found only five job categories where women typically earn as much as men, five out of hundreds.

Defenders of this status quo offer all manner of bogus explanations as to why women make less. How many times have I heard the fairy tale that women work for fulfillment but men work to support their families? This ignores, first of all, so many single women who work to support themselves and their families, and married

women whose paycheck is all that allows their families to make ends meet and educate their kids. It also ignores the harsh reality that so many women face in the workplace that they have to work twice as hard to be taken seriously or they get pushed into being a cashier instead of a more lucrative sales job. These acts of discrimination deny women fair pay, but they also deny women basic dignity.

Let me cite one example of what I am talking about. Last year, in a hearing before our Health, Education, Labor and Pensions Committee, we heard testimony from Dr. Philip Cohen of the University of North Carolina. Dr. Cohen compared nurses' aides, who are overwhelmingly women, and truckdrivers, who are overwhelmingly men. In both groups the average age is 43. Both require ''medium amounts of strength,'' and in some cases nurses' aides have to be stronger than truckdrivers. Truckdrivers now have power steering and power brakes and stuff like that. Nurses' aides have to pick up patients and turn them over and stuff like that. Nurses' aides on average have more education and more training than truckdrivers. But nurses' aides make less than 60 percent of what a truckdriver makes.

Given that this discrimination is so obvious and pervasive, you would expect that women would have no trouble obtaining simple justice through our court system, but in a major decision in June of 2007 in the case of Ledbetter v. Goodyear Tire & Rubber Company, the Supreme Court took us back. In a 5-to-4 ruling, the Court made it extremely difficult for women to go to court to pursue claims of pay discrimination, even in cases where the discrimination is flagrant. A jury acknowledged that Lilly Ledbetter, a former supervisor at Goodyear, had been paid $6,000 a year less than her lowest paid male counterpart. But the Supreme Court rejected her discrimination claim. Why? The Court held that women workers must file a discrimination claim within 180 days of their pay being set when they were first hired, even if they were not aware at the time their pay was significantly lower than their male counterparts.

That is important to note. The Court said you have to file your discrimination claim within 180 days of your pay being set when you are hired, even if you don't know, even if you did not know that your pay was significantly lower than your male counterparts.

As Justice Ginsburg said in a forceful dissent, this is totally out of touch with the real world of the workplace. In the real world, pay scales are often kept secret, employees are often kept in the dark about coworkers' salaries. Lacking such information, how can you determine when your pay discrimination begins? Furthermore, the vast discrepancies are often a function of time. If your original pay was just a little bit lower than your colleagues' pay, but you worked there for 20 years and you all get pay raises, you can see over 20 years that gap widens and widens and widens.

So what started out to be a small gap winds up being a big gap over a period of time. Now, in the case of Lilly Ledbetter, not only was she discriminated against for all of her lifetime of work at Goodyear because she started out at a lower pay scale, that gap widened over time, but she is also now going to be discriminated against for the rest of her life in terms of her pension. Because she is making so much less than her male counterparts, her pension is going to be less.

But Lilly Ledbetter did not get discriminated against once, she got discriminated against for over 20 years, and now for the rest of her lifetime in terms of the pension she gets. So what the Supreme Court decision means is that once that 180-day window for bringing a lawsuit is passed, this discrimination gets grandfathered in. This creates a free harbor for employers who have paid female workers less than men over a long period of time. Basically, it gives the worst offenders a free pass to continue their gender discrimination.

Think about it. Once the 180 days has passed, the employer is home free. So you hire women, you pay them a little bit less than their male counterparts, but they do not know that because you do not publish the coworkers' salaries. After 180 days, you are home free. You can continue that discrimination for the next 10, 15, 20, 25 years, and there is not a darn thing a woman can do about it under that Supreme Court 5-to-4 decision.

Well, now, I also heard several businesses were complaining that if we peg, if we peg the 180-day limit to the continued payment of discriminatory paychecks, which is what this bill before us does, they will keep accruing liability. So the companies will continue to accrue liability.

Well, there is a simple answer to that. They can stop the clock anytime they want. Go through the books one day, make sure all the women are being paid fairly. On that day, you stop sending everyone discriminatory paychecks. On that day, everyone gets a fair deal. On that day, you stop accruing liability.

The very thought that an employer would say: Well, we cannot have this bill, the Lilly Ledbetter bill we are talking about, because, gee, you know, after 180 days I keep accruing liability. Well, stop it. Stop paying the discriminatory pay. Go through your books, find out what the discrimination is, if it exists, and pay everyone fairly.

Ledbetter was a bad decision. As Justice Ginsburg says, it ignores the reality of today's workplace. I am glad to work together with Senator KENNEDY and Senator MIKULSKI, champions of this effort, to reverse the damage done by that decision.

This bill would establish that the unlawful employment practice under the Civil Rights Act is the payment, is the payment, of a discriminatory salary, not the original setting of the pay level.

It would be a great miscarriage of justice for this Senate to tell Lilly Ledbetter that her 20 years of discrimination, and the resulting loss of income in retirement, in her pensions should go unchecked because she did not have a crystal ball telling her what her coworkers were making at the time her pay was set. She had no way of knowing that.

While the need for the passage of this legislation is critical and immediate, it is not enough. It is not good enough to go back to the way the law worked 2 years ago, because at that time, women were still making only 78 cents on the dollar as compared to men. That should be intolerable in our society.

Moreover, if pay scales are kept secret, if there is not some transparency, how can women know if they are being discriminated against? That is why we need to pass the Fair Pay Act, which I have introduced in every Congress starting in 1996, the Fair Pay Act. Not only does that act require that employers provide equal pay for equivalent jobs, my bill also requires the disclosure of pay scales and rates for all job categories at a given company.

This will give women the information they need to identify discriminatory pay practices. This could reduce the need for costly litigation in the first place. Now, I am not saying a company has to publish the salary of every single person. That is not what I am saying. What our bill says, the Fair Pay Act says, is you have to make transparent what the pay scales are in categories, certain categories.

Now, I asked Lilly Ledbetter, when she appeared before our committee a year ago, I think it was, I asked her about the Fair Pay Act. I said: If you had had this kind of information when you first went to work, could you have negotiated for better pay and avoided the litigation? And she said: Yes. But she did not have that information. Well, there are countless more Lilly Ledbetters out there who are paid less than their male coworkers but will never know about it unless they have this kind of information. My Fair Pay Act amends the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on the basis of sex, race, national origin. Most importantly, it requires each individual employer to provide equal pay for jobs that are comparable in skill, effort, responsibility, and working conditions.

We know about the Paycheck Fairness Act. I support that also. But we have the Equal Pay Act that was passed in, I think, 1963—1963—which says that, if a woman has the same job as a man, equal pay for equal jobs, you have to pay them the same. That has been in law since 1963. To be sure, it has not been enforced enough, and that is why we need the paycheck fairness bill that is here, to enforce it more.

But the fact is, it has been the law since 1963, equal pay for the same job. What we now need to address 45, 49, 46 years later is equal pay for equivalent work because so many jobs in our society are kind of denoted as ''women's jobs.'' Are they crucial to our society? You bet they are.

But for some reason, because they are ''women's jobs,'' they get paid less. I used the example of a truckdriver. Philip Cohen, from the University of North Carolina, testified before our committee, and he gave this example. They did a large study. I will repeat it again for emphasis sake of truckdrivers and nurses' aides.

Truckdrivers, overwhelmingly men; nurses' aides, overwhelmingly women; medium age for all of them, 43. They both require median levels of strength. Truckdrivers do not need a lot of strength anymore; they have power steering and power brakes and everything else. Nurses' aides still have to lift people and duties such as that. So a median amount of strength is required. Nurses' aides actually have more education and more training than truckdrivers. Yet nurses' aides are paid less than 60 percent of what a truckdriver makes.

Why is that? Is it somehow nurses' aides are not as important as a truckdriver? I will be glad to debate that any day of the week. When you are ill or when you need long-term care, do you want a truck driver or a nurses' aide? Answer me that question. I think a truckdriver is important, I do not mean to denigrate them, but I am saying nurses' aides are every bit as important.

Childcare workers. What could be more important to our country than taking care of our country's youngest children? Mostly women, grossly underpaid, compared to male workers in terms of skill, effort, responsibility, and working conditions.

A lot of people say: Well, you know, we cannot—this is all nice pie-in-the-sky stuff. We cannot do it. But 20 States, 20 States have fair pay policies in place for their State employees, including my State of Iowa. I would point out the State of Iowa passed a fair pay bill for all State employees in 1985, when we had a Republican governor and a Republican legislature.

Oh, the sky was going to fall. This was going to cost our taxpayers enormous sums of money. Well, the sky did not fall. Women are making more money, and our State is better for it. I might point out that our neighbor to the north, Minnesota, not only has fair pay policies for their State employees, they have it for their municipal and local workers also.

Twenty States have done this for State employees. So, again, this should not be any kind of partisan issue. Some people say: We do not need any more laws, that market forces will take care of the wage gap. But experience shows there are some injustices the market simply will not rectify. That is why we did pass the Equal Pay Act in 1963, why we passed the Civil Rights Act, the Family and Medical Leave Act, and the bill that has my name on it, the Americans with Disabilities Act.

Were there market forces out there pushing to end discrimination against people with disabilities? No. But we did it. We are better off. That is the same way market forces are not going to take care of this, this issue of unequal pay for women in so many jobs in our country.

I guess now that we are on the Enzi amendment, which would eliminate the language saying that those affected by discriminatory pay practices can sue—well, I am glad about one thing, that my colleagues are acknowledging discrimination hurts everyone because it does. It hurts everyone in two ways. First, an injury to one is an injury to all. But, second, I defy you to find a person in America who does not have a woman in their family, a person of color, someone with a disability, someone who observes a different or any religious practice. That is the point we have been trying to make all along.

But this bill, as written, does not allow all those very indirectly affected parties to bring suit. This is patterned after language in the 1991 Civil Rights Act, and that legislation has not resulted in all the people who are hurt by discrimination to bring suit.

It has been interpreted all those years to mean the party directly injured by the discriminatory practice. However, if we strike this language, we risk failing to fix the full extent of the problem caused by the Ledbetter decision.

It is important to use precise language to make sure all the employees affected by discriminatory pay decisions by their employer are covered, not just the one who was discriminated against but all those employees affected.

I would like to close with a story from a woman from my State, Angie. She was employed as a field office manager at a temp firm, temporary workers firm. The employees there were not allowed to talk about pay with their coworkers. Only inadvertently did Angie find out that a male office manager at a similar branch who had less education, less experience, was earning more than she was.

Well, in this case, the story has a happy ending. She cited this information in negotiations with her employer, and she was able then to get a raise. But the experience left her feeling bewildered and betrayed, and this ultimately led her to quit her job. Had she not inadvertently found this out, she would have continued to have been discriminated against.

So I think there is a twofold lesson in this true story. The first lesson is that if we give women information about what their male colleagues are getting, they can negotiate a better deal for themselves in the workplace.

The second lesson is that pay discrimination is a harsh reality in the workplace. Not only is it unfair, it is also demeaning and demoralizing, and it should cease its existence in our society.

Individual women should not have to do battle in order to win equal pay. We need more inclusive national laws to make equal pay for equal work a basic standard and a legal right but also equal pay for equivalent work so that we don't discriminate against whole classes of people just because of the job they do. Childcare workers, social service workers, nurses aides, nurses, homemakers—why should people who are cleaning houses make less than janitors? People who clean houses are generally women and janitors happen to be men, but they are both doing the same kind of work.

We have to come to grips with this before we will ever really end discriminatory pay. The Lilly Ledbetter bill before us is a step in the right direction. But unless and until we pass the Fair Pay Act, which has been supported by the business and professional women of America since we first introduced it in 1996, until we pass that, discrimination against women will continue wholesale in America. We will continue to demean the kinds of jobs so important to us—childcare, nurses, nurses' aides, teachers, Head Start workers, the women who clean our homes, take care of our elderly in long-term care facilities. Go into any long-term care facility, go where your grandparents are or maybe your parents. Who is taking care of them? Nine times out of ten, it will be a woman. Their responsibilities are immense. Their effort, the training they need is important. They have to have all that. Yet they are making much less than their male counterparts in other parts of society.

The Lilly Ledbetter bill is important. We have to pass it, but we have to get the Fair Pay Act passed one of these years. As I said, I have been introducing it since 1996. Then they get the paycheck fairness bill up. We have to do that. That is important. Don't get me wrong, that is important. But the biggest discrimination in our society is the discrimination that occurs against women who have what has been denoted as ''women's jobs'' in our society. It is time to end that discrimination.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Madam President, it is great to see you as our Presiding Officer. I might call to the attention of the Senate again that the Presiding Officer, the junior Senator from North Carolina, has roots that go very deep in the State of Florida. Her

family is one of the prominent families of our State. The Senator happens to have been raised in Lakeland, FL, in Imperial Polk County. It is a delight to have her come join the Senate family.

I wish to address the matter before us, which is the Lilly Ledbetter bill. We have a chance, with passage of this legislation, which is going to occur perhaps tonight, to have it as a major first step in the legislative process that will ultimately go to the new President for his signature into law to right a wrong, to bring justice where justice has not been because of an insidious kind of discrimination, discriminating in the employment workplace, by paying women less than men for the same task that is performed.

You would think that back in the 1920s, with America finally coming to realize that American women had the right to vote, the course would have been set back then in removing that discrimination. But here it is in the new century, in the dawn of a new age, and we still have to confront this inequity. We will do that. It is too bad we had to do that now as a result of a 5-to-4 decision in the Supreme Court that, for technical reasons, said Mrs. Ledbetter could not be made whole financially because she did not know of the discrimination that had happened to her some 15 years before. Whatever that technicality was, it was unfortunate that the Supreme Court, in that 5-to-4 decision, struck down her ability to get compensation, to get recompense for the injustice that had been bestowed upon her. But since we are a government of three separate branches, where there has been a mistake made, we have the opportunity to correct it. So we are going to do that today here in the Senate. I am certainly going to be a part of it because I will be voting for this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Madam President, I ask unanimous consent that at 1 p.m. the Senate resume consideration concurrently of the pending Enzi amendments No. 28 and No. 29, that they be debated concurrently for 1 hour, and that the time be equally divided between Senators ENZI and MIKULSKI or their designees; following the use or yielding back of time on the Enzi amendments, the Senate resume consideration concurrently of the Specter amendments No. 26 and No. 27; that they be debated concurrently for 1 hour, and that the time be equally divided between Senators SPECTER and MIKULSKI or their designees; following the use or yielding back of time on the Specter amendments, the Senate proceed to votes in relation to the Enzi and Specter amendments in the order listed below:

Specter No. 26, Specter No. 27, Enzi No. 28, and Enzi No. 29; further, that no amendments be in order to the pending Enzi and Specter amendments prior to the votes; that there be 2 minutes of debate equally divided between the votes; and that all rollcall votes after the first vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Who yields time?

The Senator from Oklahoma.

AMENDMENTS NOS. 28 AND 29

Mr. INHOFE. Mr. President, I yield myself such time as I may consume from the Enzi time on the Enzi amendments.

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

Mr. INHOFE. Mr. President, today, I have stated several times, and I again state, I am in opposition to S. 181, the Lilly Ledbetter Fair Pay Act, and reinforce my support for Senator HUTCHISON's alternative, S. 166 and amendment No. 25, the title VII Fairness Act.

What we are told by the other side of the aisle is that the Lilly Ledbetter Fair Pay Act is about protecting the right of employees who may not know they have been discriminated against. But in reality, this bill represents a tremendous burden on employers and a boon for trial lawyers across the country. It is an overly broad and cumbersome approach, essentially eliminating the statute of limitations.

Senator HUTCHISON's alternative, on the other hand, takes a measured approach and applies a targeted remedy by allowing claimants to bring suit within the statute of limitations, which runs from the time they should be expected to have enough information to support a reasonable suspicion that they are being discriminated against. The rationale for statutes of limitation is to ensure fairness and balance—balance between access to the courts for aggrieved parties while allowing certainty for those who may be called to defend themselves. S. 181 clearly steps beyond this, greatly reducing confidence in the civil discovery process and forcing businesses to stage a defense on decisions that were made years—perhaps dozens of years—before the action was brought.

There have been a lot of amendments. I did vote in favor of the Hutchison amendment and feel that would be one that was a very reasonable compromise. Tomorrow in Oklahoma I will be meeting with voters in Clinton and Burns Flat and other areas in southern Oklahoma. It will be my unfortunate duty to tell them that this burden has been unfairly placed upon them and their businesses in this difficult economic time. But I will be proud to say that my vote did not contribute to the passage of S 181; rather, I stood with my colleague, Senator HUTCHISON, and we worked for a balanced approach that provides a remedy to those who have legitimate discrimination claims and at the same time allows employers, many of whom have never made a discriminatory compensation decision, to mount a defense based upon discovery of reliable evidence. I register my opposition to the Lilly Ledbetter Fair Pay Act because it is such a clear departure from previous legal principles.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

Mrs. LINCOLN. Mr. President, I rise this afternoon to speak about the bill that is before us, which is the Lilly Ledbetter Fair Pay Act.

It doesn't take a legal scholar to understand that the U.S. Supreme Court did get it wrong when they ruled against Lilly Ledbetter in 2007. In fact, I think the issue is rather simple. All I have to do is look out across my great State of Arkansas at the number of single mothers who are working hard to care for their families and who need equal pay and deserve equal pay.

In today's business environment, where women make on average 78 cents for every dollar their male counterparts make for the same work, it can be impossible for someone to know that they have been discriminated against until long after the fact. Employees are not privy to pay data in the workplace, as we are. Our pay is published, as well as for our staff, but in the regular workforce it is not published. In many instances, they can actually be disciplined or fired if they share pay information with one another.

In the case of Lilly Ledbetter, she was hired as a supervisor at a tire plant in Alabama nearly 30 years ago. For years, day upon day, she went to work next to her male counterparts working hard to do her job the best she could, doing the same job or an extremely similar job to what these gentlemen were doing. She received unequal pay for equal work to her male colleagues. She only discovered she was a subject of discrimination after she received an anonymous tip shortly before her retirement. Although an Alabama jury found in her favor, her employer appealed the decision and the U.S. Supreme Court ruled against her. In a 5-to-4 decision, they overturned years of precedent and said that she should have filed a complaint every time she received a smaller raise than the men she served alongside, even though she didn't know what they were making or if the pay was discriminatory. How could she know? She was not privy to that information, and she was prohibited from asking.

In her very spirited dissent, Justice Ruth Bader Ginsberg said that the majority clearly misinterpreted the law and that ''the ball is now in Congress's court'' to correct this inequity. It is in our court. It is in our court to ensure that the women of this country are going to receive the equal pay that is due to them for the job they do working alongside their male counterparts.

So that is why we are here today, to pass the Lilly Ledbetter Fair Pay Act. It is a responsible and fair piece of legislation which ensures that all employees, regardless of their race, color, religion, sex, or national origin, are treated the same. That is what we have just celebrated in the inauguration of a new President: the values we hold dear as a part of this great country, the blessing of being American, and that we would have the same opportunity to reach our potential—each of us as individuals—whether we are men or whether we are women.

I know in some of the business communities they are concerned that this bill will extend the statute of limitations and expose employers to numerous lawsuits. However, I reject those arguments, because this bill provides little incentive for employees to sit on claims with only a 2-year limit on back pay. In addition, it does not create new grounds for filing lawsuits. In fact, the Congressional Budget Office expects that it would not significantly affect the number of filings within the EEOC. So I encourage my colleagues to support this important piece of legislation.

When I first came to the Congress in 1992, I came to the House representing the eastern district of Arkansas, and I remember my campaign vividly. I was a young single woman at the time. People thought I was crazy, not only because of my age and my gender, but because of the fact that I was unmarried, and it was unheard of for a young single woman to be out there running for the Congress.

I remember sitting next to a distinguished banker in one of my hometown communities. He looked quite conservative, and sitting next to him I got a little nervous. He started asking me about some women's issues that would probably be before me at one time or another if I were elected to the Congress. He started to quiz me pretty heavily. I got nervous, but I came back with what I felt were strong and concise and well thought out answers. At the end of our conversation, he looked at me and he said: I have kind of been a little hard on you, but I wanted to know how you felt about these issues. I wanted to know how you truly, deep down felt about these issues, because I have three daughters who are in the workforce and one of them is a single mom. I want to know that you are going to be fighting for them and for their children.

So it is not just the women who are interested in what happens here; it is the fathers and grandfathers, it is the brothers of women who are out in the workforce doing their best, working hard to make a living for their families, to care for their children, or to help their aging parent. I found, when I came to the House and then to the Senate, my colleagues were always ready to work with me regardless of my gender or my age, if I came to the table prepared and ready to work hard, and if I was honest in where I was coming from on those issues and wanted to work hard to bring about results for the betterment of my constituencies in Arkansas. So I hope as we look at this, we will realize that is what we are talking about here: for American women across this great land who are working hard—many of them in the same job as a man; maybe supporting a family by themselves or taking care of an aging parent, financially and otherwise—that we would do the right thing, the thing this country is based on, which is equity and fairness and justice, and that we would provide for those women the reassurance that the principles we stand for are not lost in them or in their paycheck, but that we do see the importance of standing up and saying how important it is to who we are and what we stand for that they deserve to have that equal pay. It is a fair and responsible bill that restores the congressional intent and ensures that those responsible for discrimination are held accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. ENZI. Mr. President, can you tell me what the time agreement is?

The PRESIDING OFFICER. There is 1 hour equally divided for debate. The Senator from Wyoming has 26½ minutes remaining.

Mr. ENZI. Mr. President, I wish to call up amendment No. 28 and ask unanimous consent that as soon as we have disposed of amendment No. 28, that we will voice vote amendment No. 29 based on the decision of amendment No. 28, because there are two different sections of the law that say the same thing. So we have to have both pieces, but if one is acceptable, the other one ought to be acceptable. If one is not acceptable, the other one should not be acceptable. So I know it is a change in parliamentary procedure, but I am trying to speed things up by having as few votes as possible but still get the decisions made.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Amendment No. 28 is now pending.

Mr. ENZI. Mr. President, I have offered amendments Nos. 28 and 29 and they respond to the question many have asked about the underlying bill. Those of us who have looked at the bill have wondered what a particular provision means. This provision appears to greatly expand the number of people who can bring a Title VII lawsuit beyond those who have directly experienced discrimination.

As drafted, the bill extends the right to sue for employment discrimination, not only to the person who is discriminated against but also to any individual who is affected by application of a discriminatory compensation decision or other practice. This can clearly be read to include spouses, family members, and other individuals, depending on the employee's income or pension, or even more broadly. There is a lack of definition in this part of the bill. In this part of the bill that we are debating, I am trying to amend to add some clarity, and Senator SPECTER will be trying to amend if mine fails to again bring some clarity to this issue. These are steps to see how expansive we can make the trial lawyer bailout.

So S. 181 would not only allow decades-old claims to be suddenly revived, it doesn't even require that they be revived by the person who was discriminated against, even if that person won't bring the action or even if that person is no longer around. The language is so broad that the claim could be brought by virtually anyone. It is nothing more than an invitation to trial lawyers to litigate a situation compounded by the fact that such claims would be largely indefensible because of the passage of time, maybe not even having the person around who was discriminated against.

Do we really want to see employers forced to expend resources defending decades-old, stale claims that are not even being brought by the individuals who are the supposed objects of the discrimination?

What we are looking at here could be an exponential increase in lawsuits at a time when many employers are struggling to make their payroll and avoid laying people off. It was reported this week that a certain type of employment-related class of lawsuits have increased 99 percent over the last 4 years—just the last 4 years, a 99-percent increase. If enacted as drafted, this bill could make that increase seem minuscule.

Our new President has made some proposals intended to stimulate the economy. One proposal he made at one point was to offer a $3,000 tax credit to employers who create new jobs. Perhaps that was a great idea, but if you couple that with increased litigation liability such as that included in this bill, it will not only cancel each other out, it would make that tax credit seem minuscule, very small, particularly when you compare it to the cost of a lawsuit. A small businessman faced with a lawsuit that is going to cost him $20,000, $25,000, $100,000 to defend cannot afford the time or the money to do that and may work harder at a settlement and encourage people to do lawsuits that may not have the same merit we are trying to achieve in this bill. I can tell you as a former small businessman, I would rather not have the tax credit and not get sued any day—not that the two are even related.

I hope the bill's sponsor can explain why this provision should be included in the bill. It is the sort of question that might have been sorted out more easily if the bill had gone through the proper committee process. But the majority has opted to circumvent that process again. My amendments would strike the provision entirely.

I understand there might be some, and I am sure we will hear some explanation of it, where there might be some instances where there were special circumstances. But this bill goes well beyond just special circumstances. It opens it up dramatically.

I look forward to a debate and vote on my amendment later today.

We also will be voting on two amendments that Senator SPECTER has offered to improve the underlying bill. I will use some of my time to speak in favor of those amendments as well.

Senator SPECTER's amendment No. 26 shows there is justifiable concern among many Members that allowing individuals to go far back in time and claim that pay decisions made years ago were discriminatory does place unfair burdens on employers.

Senator SPECTER's amendment No. 26 provides a small measure of potential relief to employers who must face the daunting task of trying to defend decisions made in the distant past by individuals who may not be available and based on documentation that no longer exists. We will have to increase the amount of time that we expect people to keep all of their records if this bill goes through the way that it is.

Senator SPECTER's amendment makes it clear that an employer in those circumstances may still raise traditional equitable defenses to those claims, such as the defense of laches. For example, if an employer can demonstrate an employee knew or should have known the allegedly discriminatory nature of a pay decision made years ago, but lets the claim slip, then it may be barred if the employer is hindered in mounting a fair defense because of the passage of time.

The proponents of S. 181 have said repeatedly that it is not their intent to limit employers in their use of equitable defenses. Accordingly, they too should support Senator SPECTER's amendment. It would restore a small measure of fairness in employment discrimination litigation. I commend Senator SPECTER for offering it. I support the amendment in full. I urge my colleagues on both sides of the aisle to look at it and support it.

Senator SPECTER's amendment No. 27 has also offered another amendment to improve the underlying bill which deserves full and fair consideration from colleagues on both sides of the aisle. We know Senator SPECTER has been very involved in judiciary work and that he does reasonable amendments and is concerned about some of the implications of the bill.

He has offered another amendment to improve the underlying bill. I hope we will give that a careful look. I have been clear that I am troubled by the fact that this bill effectively eliminates the statute of limitations from employment discrimination claims since I believe that statutes of limitations do serve an important function. They speed recovery to the victims of discrimination, as well as ensure fairness in our legal process and accuracy in the resolution of disputed claims. The important role they play demands that any effort to change or eliminate the statute of limitations be carefully defined and clearly targeted at the precise problem the legislation purports to address. As presently drafted, S. 181 does not come close to achieving this standard. Senator SPECTER's amendment does much to correct this very problematic lack of precision.

The proponents of S. 181 have been careful to note that the concern which they seek to address by this legislation relates to ''discriminatory pay decisions.'' The language of the bill, however, is much broader. The bill would not only eliminate the statute of limitations with regard to discriminatory pay decisions, it would also do so with respect to any ''other practice.'' However, this legislation nowhere defines what is meant by ''other practice.''

Virtually all personnel decisions—promotions, transfers, work assignments, training, sales territory assignments—affect an individual's compensation, benefits, or their pay. It appears that the other undefined ''other practices'' language would extend liability far beyond simple pay decisions to include anything that might conceivably affect compensation. This would include claims of denied promotions, demotions, transfers, reassignments, tenure decisions, suspensions, and other discipline, all of which could be brought years after they occurred and years after the employee left employment, and, without my amendments, be brought by other people. The phrase could also potentially embrace employment decisions with no discriminatory intent or effect.

This result is plainly an overreach and goes far beyond the publicly stated aims of this legislation's proponents. Defending a claim based upon a pay decision made years and years earlier is a heavy burden. Reaching back years and years to defend the dozens of other personnel actions an employer takes every day is an impossible burden. Senator SPECTER's amendment limits the reach of S. 181 solely to discrete pay decisions and makes clear that S. 181 does not apply to any other personnel decisions. While I believe it does not cure all the ills which S. 181 creates, it does put this very problematic interpretation to rest, and I support his effort and amendment.

I heard many on the other side of the aisle state that S. 181 has been fully vetted because two hearings were held on it last year. I point out that the HELP Committee hearing was held before Senator HUTCHISON offered her alternative legislation, her ''better Ledbetter.'' Neither hearing covered this or any other alternative means to accomplish the goal on which we all agreed. If we had been able to explore alternatives in a hearing and have a markup—and a markup is a point I keep emphasizing—I believe we might have come to a change in the legislation that would more clearly state what is trying to be done and wind up with an agreement on both sides which would greatly reduce the amount of time that it takes to do amendments. The amendments, again, are done up or down rather than having slight revisions that could perhaps make them palatable to both sides.

Our side has turned in amendments that are relevant, that are designed to hopefully improve the bill, and do it in a way that it does not eliminate the purpose of the bill. There could have been a lot of constructive work in a committee markup, but that is not the choice, so we will continue to proceed and we have been proceeding with amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, I wish to thank the Senator from Wyoming, Mr. ENZI, for his cooperation in moving this bill on the floor. He has been a big help working with this side of the aisle and working with us and the respective leadership to line up these amendments so that we can actually offer them and discuss them, and we are going to be voting on them. I thank him for doing that.

Also, the distinguished Senator from Wyoming had a very content-rich presentation. He covered his amendments, the Specter amendments, and other comments. He even discussed the Hutchison amendment. What I am going to do is respond to sections 3 and 4 of the bill and his concerns about the words ''affected by.''

I oppose Senator ENZI's amendments to the Lilly Ledbetter Fair Pay Act. Those amendments strike the words ''affected by'' from sections 3 and 4 of the bill. These amendments, I believe, are not necessary, and I am concerned that they could lead courts to mistakenly read this legislation in too narrow a framework.

The Senator from Wyoming argues that his amendments are necessary because the bill somehow expands the category of persons who may sue for discrimination under the civil rights laws referenced in the bill. His concern and his claim is that the Lilly Ledbetter Fair Pay Act would allow spouses and other relatives of the workers who suffer discrimination to file their own lawsuits, claiming that they have been affected by the discrimination of their relative.

I appreciate his concern. What we want, though, is to assure him, and I say to my colleagues that his concerns are not valid, that if you look at the legislation, this argument ignores the

plain language of the existing statutes and the actual language in the Ledbetter bill.

I am going to sound like a lawyer for a minute, but bear with me. The Ledbetter bill amends title VII of the Civil Rights Act of 1964 which outlaws job discrimination based on race, color, national origin, gender, and religion. The Ledbetter bill also amends the Age Discrimination in Employment Act of 1967 and applies those amendments also to the Americans with Disabilities Act and section 404 of the Rehabilitation Act.

These laws make crystal clear that the only persons who can file under the act are those who have suffered discrimination on the job or the Federal entities charged with enforcing the civil rights laws, not the relatives or friends of these workers.

I am going to make it crystal clear, I say unabashedly for legislative intent, that these laws make it crystal clear that the only persons who can file a suit under the act of discussion today are those who have suffered discrimination on the job or the Federal entities charged with enforcing these civil rights acts, not the relatives or friends of these workers. The citations are 42 U.S.C. 2000e–5(f)(1); 29 U.S.C. 626(c)(1); 29 U.S.C. 791(g), 794(d); and 42 U.S.C. 12117(a).

I also wish to elaborate that the bill amends only the provisions of the respective statutes regarding timeliness of job discrimination suits and leaves unchanged current law regarding who may file a suit.

So the only thing we are dealing with is timeliness. Nothing in the Ledbetter bill would change the basic requirements that job discrimination suits under title VII, the ADA, the ADEA, or the Rehabilitation Act must be filed by the workers personally affected by workplace discrimination or by the Federal Government on their behalf.

In addition, for further clarification, the House Education and Labor Committee's report on this legislation states that the language in sections 3 and 4 of the bill is modeled on the text of section 112 of the Civil Rights Act of 1991, which was adopted with overwhelming support in both Chambers of Congress to overturn the Supreme Court's decision in Lorance v. AT&T. I repeat that decision: Lorance v. AT&T Technologies.

The Lorance fix has been around for nearly two decades, and it has not expanded the category of persons who can sue for job discrimination. Our bill will not change who may file the suit under the civil rights law it amends.

Finally, the Enzi amendments should be rejected because omitting the words ''affected by'' from the bill might actually lead a court to conclude that we intend the fix adopted in this legislation to be more narrow than the Lorance fix. Although the Ledbetter bill uses the term ''affected by,'' where the Lorance fix used ''injured by,'' the House report makes clear that this is a distinction without a difference. This is a distinction without a difference. Accordingly, if we followed the Enzi amendment, if we remove ''affected by'' from the Ledbetter bill, we run the risk that the courts might erroneously read this legislation as less comprehensive than the parallel provision of the 1991 act.

I urge my colleagues to oppose the amendments offered by our colleague from Wyoming. In a nutshell, the Enzi amendment only fixes half the problem, it does not cover discrimination, it has a delayed impact on workers' wages, and we know that anyone would not be able to sue even though they were still affected by this job evaluation business.

I am going to say more about this, but my initial argument is to lay to rest the concern that persons other than the one who is actually discriminated against would have standing to file under this bill, and I think I have clarified that.

I note that Senator SPECTER is here and he has his amendments, and I also note that there are other Senators on the other side of the aisle who wish to speak. So for now, I will conclude my arguments, and I yield the floor so that we may proceed with other Members.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield such time as the Senator from Georgia needs, but first I wish to make a very brief comment.

The Senator from Maryland kind of makes the point I have been trying to make through all of this. If there is wording that more clearly states the Senate's intention or Congress's intention, and since there is disagreement over how widely this affects people, had we gone through a committee markup, we would have already covered this and would have found more careful wording that would have done what I think both of us are talking about. So again, that is why we should send them to committee.

I yield time to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I thank the distinguished Senator from Wyoming for yielding me this time, and I rise in opposition to the Lilly Ledbetter bill.

I oppose, just like everybody else, discrimination in the workplace, and I believe any worker who experiences discrimination should have their claim handled in a fair and timely way. But I would like to reiterate what several of my colleagues have already mentioned, which is that discrimination in the workplace has been outlawed since 1963.

This legislation, S. 181, the Lilly Ledbetter Fair Pay Act of 2009, did not go through the normal process. I think the Senator from Wyoming has just said that the issue we are talking about now is that this amendment might have clarified something that is not clear in the bill had it gone through the regular process.

This bill is not about supporting or opposing discrimination. This debate is strictly focused on when the statute of limitations on pay discrimination suits should begin. As a first-year law student, you learn the critical importance of the statute of limitations in our judicial system. Our judicial system is the envy of the free world, and one of the basic fundamental rights or issues involved in our judicial system is the accruing of a right and a point in time when that right dissipates. That is what we call the statute of limitations, and it truly is fundamental and should not be tinkered with in any way whatsoever.

What this bill would do would be to undermine fair and timely resolution of employment discrimination allegations.

We are facing difficult economic times today. According to the U.S. Department of Labor, 984 Georgians lost their jobs last week. This bill, should it become law, will have a devastating financial impact on already hindered employers and business owners. Businesses around the country are on the defense. They need more incentives to hire and retain employees. What this will do is to create incentives to take money that would ordinarily be used to either increase pay or to hire more employees and put that money aside because at some point in time they are going to have to defend litigation as a result of this piece of legislation. I believe the legislation would undermine the fair and timely resolution of employment discrimination suits.

I strongly support the amendment of my colleague, Senator ISAKSON. His amendment would make the legislation, should it pass, prospective only and would deny any rights on a retroactive basis. If we go to making bills such as this retroactive, what will we do to the business community?

I also rise in support of the amendment of Senator ENZI. What it says is that an action accrues only to an affected employee.

Those two amendments are commonsense amendments. Anybody who has ever been in the business world and who has hired employees knows and understands that there are certain guarantees you have to have if you are going to be successful in the business world. One of them is to know your exposure to litigation. What we are looking at here, unless the Isakson amendment is adopted, is that people who have been operating their businesses for years, in a way that they thought limited their exposure, all of a sudden may be exposed to what will amount to frivolous lawsuits that can be filed against them.

Again, the Enzi amendment makes such common sense that oftentimes people in this town have a difficult time understanding it. As I have heard the Senator from Maryland discuss this issue a minute ago, I think we agree

that only ''affected'' employees are covered by this, and we ought to clarify that. I think Senator ENZI's amendment does that, and therefore I am in strong support of his amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator from Maryland has 13½ minutes remaining; the Senator from Wyoming has 8½ minutes remaining.

Ms. MIKULSKI. Mr. President, I just wanted to say a few words.

First of all, let's go to the remarks that were made that, somehow or another, by passing the Lilly Ledbetter Fair Pay Act, we are going to further undermine our economy and our ability to hire people. I find it surprising—first puzzling, then surprising—to say that the way we are going to get out of this economic mess is if we continue the status quo—or the stacking quo—which is that if you have discrimination in the workplace, don't pass the law to do greater clarification. I think that is a flawed argument.

First of all, women of America already subsidize our economy. And you know what. We are mad as hell, and we don't want to take it anymore. Everyone needs to hear that: We, the women of America, are mad as hell, and we don't want to take it anymore. Now, why do I say that? We are already paid 77 cents for every dollar that men make, so we are already subsidizing the economy in the workplace. Then when you go into the home, our work is often undervalued and it is certainly not compensated. So somehow or another women's work doesn't quite count in the same way.

Well, we want to be counted, and we want what we do to be counted. We want the world to know that if we are doing equal work, we want equal pay. We do not want to subsidize the economy. We don't want any subsidies. We want fairness, we want justice, we want the law on our side, and we want the courthouse doors open to us.

Now, if business thinks the only way they can succeed is by continuing these practices, then business has a lot of lessons to learn. And by God, when you look at what the banks did, you can certainly see that. If business doesn't want lawsuits, there is one clear, right way of avoiding a lawsuit: don't discriminate. If you are an employer and you are paying equal pay for equal or comparable work, you will not be sued, you will not be challenged, and you have no need to fear.

If you want to have some economic stimulus, give us that 23-cent raise—all those single mothers out there; as Senator LINCOLN spoke about earlier, all those Norma Rays, all those Lilly Ledbetters, all those people who have lined up through the ages. So 23 cents might not sound like a lot, certainly in Washington where we give zillions to banks and they do not even say thank you. They don't even promise they will send out more or promise they will join with our President and work through this.

So we are very clear that we want to be paid equal pay for equal work, and we want it in our checkbooks. But we know we have to get to that by having the Ledbetter bill in the Federal lawbooks.

I can understand some of the fine points, the concerns raised by Senator ENZI. I think I have presented a sound legal argument that shows that the only thing we mean by the ''affected party'' is that person who is actually discriminated against, or if a Federal entity sues on their behalf. I think we have clarified it. But I believe we also need to be clear why we are doing this legislation. We are righting a wrong, we are addressing a grievance, and we are ensuring those fundamental principles of our society, which are fairness, equality, and justice.

Mr. President, I am going to yield the floor, and I yield back my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Maryland. I have always appreciated working with her on issues. We probably wouldn't have completed the Higher Education Act if it had not been for her diligence and expertise and ability, and this is a bill on which she has expertise and ability. It hasn't gotten all of the viewpoints of all of the people on the committee, let alone all the people in this Chamber, and that is what we are trying to get to.

There isn't anybody in this Chamber or probably on the other end of the building who isn't for equal pay. That is the law. If anybody knows of a situation where that is not occurring, let any one of us know, and I bet you we would help to right the wrong. We are against discrimination.

But we are also against discrimination against the small businessmen who have to sometimes interpret our laws, figure out what we are saying, and become some of the precedent setters on some of the fine points that we don't even address. That should not happen. It is very expensive for them. What they are trying to do is put out a product or service and get compensated for it so they can compensate their employees. There are a lot of decisions they have to make to be able to do that. Fairness is one of them.

This 23-cent pay differential that keeps coming up—and that is wrong—is why we had a fantastic hearing in our committee about why that happens. That is because different jobs—not the same job, different jobs—pay different amounts. The ones with more risk apparently pay more. The ones with more risk are nontraditional jobs for women.

One of the people who testified had taken a course to become a mason, a rock mason, to do rock work. Her first rock work was, of course, at ground level. Later, she was installing big sheets of marble on the outside of skyscrapers. She went through how her compensation changed as she did these different jobs. That is a nontraditional job for a woman, but she is being paid more than most men in this country now.

That is what we have to do. We have to provide the encouragement, the skills, and the training to be able to perhaps do nontraditional jobs. I have tried to get this Workforce Investment Act through for the last 5 years. We passed it through the Senate once unanimously and were never able to get a conference committee on it with the House. Since that time, it has just languished. That would provide skills training to 900,000 people a year. It is criminal we do not pass that. That would solve a lot of the 23-cent gap we are talking about. That is not equal pay for equal work, that is higher pay for different work. But we need to have people trained to do that work, and we need to provide the training to do that work. That will solve a lot of the 23-cent gap.

But as long as we are encouraging people to do the traditional jobs, and we are not providing them with the training, we are relegating them to a gap. I guarantee it is bigger than 23 cents. That is the average. That is the way it works out across this country, which means some are making more and some are making a whole lot less. We do not want that to happen. I want everybody to be clear. Nobody wants to have unequal pay for equal work.

What we have tried to do, since we can't, as in a markup, sit down with the people who have the common interests in some of the parts of this that we have questions about and work out something that everybody agrees with that, from the perspective of those people in the room, solves the problem we are talking about—we have been doing that in the HELP Committee. We have been doing that on a frequent basis. We have even been so agreeable in the committee that a lot of times we will have some amendments that people are concerned about, and we haven't been able to reach an answer by the time we get to markup, but we know that is a problem, and we say we will get that solved by the time it gets to the floor, and we do and it doesn't take much floor time.

The reason I brought up this amendment is that I think it is far too broad. I have not had a chance to review the

specific cites that the chairman has brought up. I would like to be able to do that, but we are not going to have that time either which we would if we had a normal amendment markup—but S. 181 adds a new undefined term to title VII, and that is ''individual''—this ''affected individual'' will be permitted to sue under S. 181. But we do not know what the term means. Does it include spouses, et cetera? Why didn't the bill's sponsor use a defined term such as ''person.''

This bill, as drafted, leaves the door open to lawsuits from people other than the employee. My amendment shuts that door. Maybe it is not the most effective way, but we have not had the opportunity to sit down and look at these different perspectives, look at these words, make sure we have it defined right, make sure we have the right ones in the bill.

That always disturbs me. We are trying to solve a problem, a problem that is real, and we are trying to do it in a way that is fair to everybody. ''Everybody'' means all the employees and the employers and do it in a way that we will get the right information. If this opens the door to other people, even without the permission of the person who was affected in some cases—families take things much more personally than the individuals do usually. I know in campaigns it is the families who get upset when they see one of these terrible ads on television and they hold the grudge longer. They do not understand it the same way the candidate does. The same thing happens in the workplace—and I am sure it does. If a person comes home from work, and they are upset and they complain, the family takes it personally. That is a help to the employee. They need to be able to voice these things and have somebody who acts as a sounding board on it. But the family always continues the grudge longer.

I can tell you this bill allows those people to go ahead and open the door and sue on behalf of the person who came home with the grudge, even if that person is not willing to sue because they can be affected. There are ways to fix this, but I contend that just doing it through these votes on the floor probably is not going to do it.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the Enzi amendment? The Senator from Maryland is recognized.

Ms. MIKULSKI. Did I yield back my time?

The PRESIDING OFFICER. The Senator yielded back her time, but we know how much time she had remaining.

Ms. MIKULSKI. I said, did I yield back my time?

The PRESIDING OFFICER. The Senator did yield back her time.

Ms. MIKULSKI. At that time I was unaware that Senator MCCASKILL was coming to the floor. I ask unanimous consent for 5 minutes for Senator MCCASKILL to be able to speak.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, there are certain things that just reflect common sense. One is the reality of the workplace, who has power and who does not. Generally, the people who are being subjected to unfair treatment—doesn't it make sense they are not the powerful ones? Doesn't it make sense they have the least information about what is going on in terms of policies and procedures?

The thing about the Ledbetter case that just defies common sense is that we are asking the least powerful people in the workplace to be all seeing and all knowing. We are asking them to know what clearly they cannot know because they are being discriminated against. How unfair is it that we are saying to a woman: You must know when they start denying you a promotion. It is not just about equal pay. With all due respect to my friend and colleague from Pennsylvania, it is not just about pay. It is about promotions. It is about whether you are considered for the big job not just whether you are making the same amount when you get the big job. We cannot ask those people who have been kept in the dark because they are not considered as worthy as others to be the ones to know what the policies and procedures have been in the workplace.

I think it is important we defeat these amendments. I think it is important that we restore common sense to allow someone to take action when they have, in fact, been kicked to the curb in the workplace—not because of their job but because of who they are, because of whether they are a man or a woman, whether they are old or young, whether they are Black or White.

The secrecy in the workplace sometimes invades other places. There are so many rules around here that I respect, but I tell you, I do not get anonymous holds. I do not get anonymous holds. I do not understand why any Member of the Senate would not be proud to explain why they were willing to hold up someone's nomination.

Imagine my frustration when I look at the nominations that are being held now in secret. Do you know what is amazing about it? They are women, the same women who have suffered in the workplace because they do not get enough information. There are now four women who are secretly being held from doing their jobs: Lisa Jackson at EPA, Nancy Sutley at White House Environmental Council, HILDA SOLIS for the Department of Labor, and Susan Rice for the Ambassador to the U.N. Just like Lilly Ledbetter, they are being kept in the dark as to why they are not being allowed to step up to service.

I implore the Senators who are secretly holding these women—by the way, those are almost all the women who have been nominated. Proportionally, almost every woman who is being nominated is being secretly held, compared to the men who are nominated.

I urge everyone to defeat the amendments on Lilly Ledbetter. I urge its passage.

UNANIMOUS CONSENT REQUEST—EXECUTIVE SESSION

I ask unanimous consent the nominations of Lisa Jackson, Nancy Sutley, HILDA SOLIS, and Susan Rice be moved forward.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. On behalf of those women, I am disappointed at the objection. I look forward to the passage of Ledbetter and the confirmation of those women so they can serve.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, what is the regular order?

The PRESIDING OFFICER. One minute remains for each side in debate.

Ms. MIKULSKI. Mr. President, I yield back my time. I know Senator SPECTER is waiting. He is also dealing with the nomination of Mr. Holder. We would like to move Mr. SPECTER along.

I yield my 1 minute back, if the Republicans yield back their minute.

The PRESIDING OFFICER. The time is yielded back. The Senate will now debate the Specter amendment.

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 26

Mr. SPECTER. Mr. President, I call up amendment No. 26.

The PRESIDING OFFICER (Mr. BROWN). The amendment is pending.

Mr. SPECTER. Mr. President, this amendment provides that:

> Nothing in this Act or any amendment by the act shall be construed to prohibit a party from asserting a defense based on waiver of a right, or an estoppel or laches doctrine.

This amendment goes to the issue of giving the employers a fair opportunity for offering a defense. I have long supported equal pay for women. I have long supported breaking the glass ceiling as a matter of equitable fairness. In my book, ''Passion For Truth,'' I wrote almost a decade ago:

> The majority in a democracy can take care of itself while individuals and minorities often cannot. Moreover, our history has demonstrated that the majority benefits when equality helps minorities become part of the majority.

Last Congress I cosponsored two bills dealing with equal pay. I cosponsored the Fair Pay Restoration Act with Senator KENNEDY and the title VII Fairness Act with Senator HUTCHISON. Earlier today I voted with Senator HUTCHISON, which would have started the tolling of the statute of limitations when the employee knew or should have known.

The availability of the defense is very important. What the amendment

does is to incorporate the language in the dissent of Justice Ginsburg in the Ledbetter case, where Justice Ginsburg pointed out that:

Allowing employees to challenge discrimination that extends over long periods of time into the charge-filing period . . . does not leave employers defenseless against unreasonable or prejudicial delay. Employers disadvantaged by such delay may raise various defenses. Doctrines such as waiver, estoppel and equitable tolling allow us to honor title VII's remedial purpose without negating the particular purpose of the filing requirement, to give prompt notice to the employer.

So what we have, essentially, are equitable defenses. If you have waiver, where there is an affirmative act to give up a right, or where you have estoppel or laches, that means the party has waited an unreasonable period of time, so those defenses may be asserted.

Now, it is my legal judgment that these defenses would be available without this amendment, but you never can tell what a court will do. One of the objectives of legislation is to cure any potential ambiguity, so it is plain what will happen in court. That is what this amendment does.

If I may have the attention of the distinguished senior Senator from Maryland, we had discussed first, if it is agreeable to the Senator from Maryland, who is managing the bill, I compliment her on her outstanding work and again repeat, I cosponsored her bill in the last Congress. I did not do so this year, not that I am opposed to the principle of equal pay, but I tried to work out these matters to make what I consider to be improvements.

The question I would ask of the Senator from Maryland, is: Do you believe that the defenses of waiver, estoppel, laches, and equitable tolling are available now or would be available if this bill were enacted, even without such a specific amendment such as I have offered?

I raise that question because there has been some discussion that we could have a colloquy. I think it is preferable to having it firmly in the statute. But I begin with the form of a colloquy. Do you agree the defenses of laches, waiver, equitable tolling——

Ms. MIKULSKI. First, let me say to my good friend from Pennsylvania, one, I wish to thank you for your cooperation on this bill. I wish to thank you for your cosponsorship in a previous Congress. We hope we do have the Senator's support at the conclusion of the amendment process.

I wish to say to my friend the bill does not change the law on the topics he has raised. But in all fairness, he is a superior lawyer. I am not a lawyer. Rather than me responding, kind of shooting from the lip, I would like to have a proper colloquy with the Senator at such time that I know we are on firm ground so we can clearly establish the legislative intent.

Could I suggest the absence of a quorum while the Senator and I discuss this and see how we can proceed?

Mr. SPECTER. Certainly.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, after a brief discussion with the distinguished Senator from Maryland and the distinguished majority leader, we decided to go ahead with the debate and a vote on the amendment.

At this time, I call up amendment No. 27.

The PRESIDING OFFICER. The amendment is pending.

Mr. SPECTER. This amendment would strike the language of ''other practices.'' In the statute, the language reads: ''pay or other practices.'' And this amendment would strike the language ''other practices,'' focusing on the pay.

As I said before, I believe there ought to be equal pay for women. The glass ceiling ought to be broken and they ought to be treated fairly and equally.

But I am concerned about the language of ''other practices,'' which might well engage and promote an enormous amount of litigation, as to whether ''other practices'' included such items as promotion, hiring, firing, training, tenure, demotion, reassignment, discipline, temporary reassignment or transfer and all those items.

That is not intended to be a dispositive list. There could be more items that someone might say ''other practices'' encompass. There have been objections to this legislation, that it is going to promote extensive litigation. I think the best way to approach this issue is to provide equal pay. If somebody wants to include one of those other items, such as promotion or hiring or firing or any of them, I would certainly be willing to consider them in the legislation.

But what I would like not to see is the language ''other practices'' with the vagueness and the ambiguity that is present in that kind of language. That is the essence of the argument.

In an extensive floor statement, I have set forth my general approach and my reasons for offering these two amendments. I ask unanimous consent that it appear at the conclusion of my extemporaneous remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. Specter. Mr. President, I seek recognition today to discuss a very important issue facing American workers—pay discrimination.

I have long been an ardent supporter of civil rights and have consistently supported legislation aimed at rooting out discrimination based on race, gender, disability, and economic disadvantage. ''The majority in a democracy can take care of itself, while individuals and minorities often cannot. Moreover, our history has demonstrated that the majority benefits when equality helps minorities become a part of the majority.''

We all agree that pay discrimination is insidious and unacceptable. Last Congress, I cosponsored two bills dealing with the Supreme Court's decision in *Ledbetter* v. *Goodyear Tire & Rubber Co.*, 127 S. Ct. 2162 (2007)—the ''Fair Pay Restoration Act'' with Senator Kennedy and the ''Title VII Fairness Act'' with Senator Hutchison. I cosponsored both of these bills because I believed that the only way for a substantively fair bill to pass was to find a bipartisan compromise. I still believe that, and so in this Congress, I have declined to cosponsor any legislation on this issue in an effort to foster a compromise.

I agree with Senators Mikulski and Hutchison that women should not be expected to challenge pay practices that they do not know about. I also agree with Senator Hutchison that no one—regardless of sex, race, age, or disability should be expected to challenge a decision or practice they do not know about. However, it was Congress' intent in passing Title VII and other anti-discrimination statutes that if employees know about such practices, they should file suit within a reasonable time; they should not sit on their rights. This is what Justice Ginsburg noted in her dissent in *Ledbetter*—that Title VII has a remedial purpose. Moreover, the notion that a statute of limitations begins to run from the time a person knows that they have been harmed is consistent with every other area of the law and is the reason for statutes of limitations.

This is not an easy issue, and there is no doubt this statute will lead to more litigation—some of which will have merit, and some of which will not. For small employers in particular, more litigation can cause serious economic hardship. But my view has always been that we should give maximum protection to women in the workplace. We all know the proverbial ''glass ceiling'' is more than just a catch phrase. It exists. And where there is discrimination, we must ensure that a technicality on an especially short statute of limitations does not preclude ending a discriminatory practice or recovery. A 180-day deadline may be a reasonable time period for filing claims challenging overt acts of discrimination, such as a termination or denial of promotion based on gender. Pay discrimination, however, is more subtle, and often goes unnoticed by an employee for a long time.

I voted for cloture on the motion to proceed to this bill. But that does not mean I believe that we as Senators should rubberstamp legislation, especially legislation that has bypassed the committee process. There is a great deal to be said for regular order, where we have the text of a bill, amendments are proposed, there is debate, there are votes, and the process moves ahead through the committee system. I believe that the bypassing of the committee process has, in the past, contributed to the ultimate failure of legislation.

It is imperative that, as the world's greatest deliberative body, we have an open debate on every issue that comes before us. Each Member should have the opportunity to offer amendments. Before today, it had been over 120 days since Republicans had an opportunity to offer an amendment to any bill on the floor. I am pleased that the Majority and Minority Leaders have reached an agreement to permit Members to offer amendments to this bill.

As Senator Hutchison said on the floor this week, a bill should be carefully drafted so that it does what the sponsors intend for it to do and so courts are not left trying to sort

things out in a way that may contravene Congressional intent. That is my reason for offering amendments to this bill. My amendments will not alter the legislation significantly, but rather will clarify what I perceive to be two ambiguous aspects of the bill.

My first amendment would strike the phrase ''or other practices'' where it appears in the bill. The bill does not define the phrase and thus could be interpreted to mean that an employee is excused from filing a timely challenge to any employment decision that ultimately affects compensation, not simply pay decisions. This could include promotions that the employee knows he or she did not receive, transfers, work assignments, or training. Such an interpretation would arguably expand the definition of liability under Title VII in a way that the authors of this bill did not intend. It could also potentially embrace employment decisions with no discriminatory intent or effect.

This phrase could also be interpreted as effectively vitiating the statute of limitations. An unfair employment decision, such as a failure to promote, could still affect an employee's pay decades later. Thus, an employee could potentially sit on his or her claim for years, regardless of the fact that he or she was on notice when the unfair employment decision was made. We want employees to challenge those decisions when they are aware of the unfair decision. And we want employers to have the opportunity to take prompt remedial action.

My second amendment would add a rule of construction to provide that nothing in the Act shall be construed to prohibit any party from asserting waiver, estoppel, or laches. These equitable doctrines allow courts to consider whether an employee had notice of discriminatory treatment but chose to do nothing for a long period of time. In her dissent in *Ledbetter*, Justice Ginsburg reasoned that ''[a]llowing employees to challenge discrimination that extends over long periods of time . . . does not leave employers defenseless against unreasonable or prejudicial delay. Employers disadvantaged by such delay may raise various defenses. Doctrines such as waiver, estoppel, and equitable tolling allow us to honor Title VII's remedial purpose without negating the particular purpose of the filing requirement, to give prompt notice to the employer.'' *Ledbetter*, 127 S. Ct. at 2186 (Ginsburg, J., dissenting) (internal quotations and citations omitted). This amendment makes clear that, under this bill, employers retain their right to assert those affirmative defenses.

I have voted against cloture in the past as a matter of principle. I do not think we ought to end a debate before a debate has even begun or before Members have had an opportunity to offer amendments. That has resulted, as I see it, in gridlock on the Senate floor and dysfunction. I am hopeful that this practice has ended with the new Congress.

I urge my colleagues to support this amendment. I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I would like to share a few thoughts about this subject. The need to ensure that women are not discriminated against in the workplace is very real. Congress has acted on that more than once.

In fact, this litigation and legislation has arisen from statutory actions to make sure discrimination does not occur. The Supreme Court held that one woman lost her suit because she brought it too late. Because of this her allies, friends and others have promoted the idea that we should change the statute of limitations in a historic way; in ways we should not in order to deal with this problem.

I think that is a mistake. I practiced law for a lot of years. I have seen the power of the statute of limitations. Clarity in that issue is important to me in the practice of law and for every American citizen.

For example, I was a federal prosecutor for many years. A lot of Americans may not know that a burglar, a robber or a thief can get away with his crime if, after 5 years, they are not arrested or charged. They are home free and cannot be prosecuted because of a statute of limitation.

There are only a few crimes, such as treason and murder, that have extended statutes of limitations. The entire legal system we have inherited, this magnificent legal system that began in England and we have worked with here serving us so well, has always recognized, as a matter of policy, that people ought not to sit on their claims.

If someone has a claim they have a responsibility to come forward and make it. Sometimes that makes for difficult choices. There was a case recently in Alabama where an individual who had a claim went to the local probate judge. In Alabama, the probate judge is more of a ministerial office. Some are not lawyers; most are. I am not sure if this probate was a lawyer. He told the individual they could file a lawsuit next Wednesday. He filed it next Wednesday, and the person who was sued went to court and moved to dismiss it, saying the man filing the suit waited too late. In truth, he was 1 day late. The Alabama Supreme Court said: The law says this much time. You file it late, you are out.

This is the nub of the matter. The statute of limitations means something. Before the Ledbetter case arose I had on more than one occasion objected to a special piece of legislation in this Senate. I think they finally got it passed through the House, but not the Senate. I was the only one who objected. It would give a law firm in one of the Nation's big cities a special law, a bailout, that would excuse them for missing the statute of limitations on a big, expensive matter. They said: ''Well, you know, this is a lot of money. It is millions of dollars. We only missed it by 1 day.'' I think it was a 1-day thing. ''Give us a new law that allows us to get in there and get around our mistake.''

One time I suggested, well, would that law firm from hereafter commit to every client they have in their law firm, that if somebody files a lawsuit too late they will waive the statute of limitations defense; they won't raise that defense, and let the other party go ahead and file a case? Of course not.

A statute of limitations is a part of the law. Every lawyer knows the best way to get sued for malpractice is to miss a deadline, which is what I said of this big law firm and its mistake. That is why you have malpractice insurance and why it exists in the first place. If you miss a statute of limitations or you advise your client wrong on the statute of limitations and filing deadlines, your client can sue you for malpractice. You better have insurance or a lot of money to pay for your mistake.

I want to say to my colleagues how deeply embedded in our legal system is the concept of the statute of limitations, the length of time in which you are entitled before you sue somebody.

Then there came another situation that is more difficult. Courts have worked their way through it, which is how these issues are resolved. Well, what if you are an average American citizen working and somebody cheats you or somebody mistreats you in the workplace and discriminates against you in the workplace. What if you are unaware? What if you had no evidence, you didn't know the true facts and you didn't know they had cheated you? What about that? Well, basically the courts have had an equitable relief that says you have a certain amount of time from the time you discover you have been mistreated in order to file a lawsuit. In other words, the statute of limitation is extended from the point of discovery to allow you to seek relief.

In the Ledbetter case the Supreme Court concluded that the person complaining about the mistreatment, the discrimination in the workplace, had known about it for years, several years, 4 or 5 years. They said: You can't wait that long. One of the key witnesses involved in the alleged discrimination had died. So the argument was: Well, I get a percentage of my wages in pension benefits from the company. And because I didn't get promoted, my pension benefits are not as much as they should be. And every time I get a check from the company I worked for, it is somewhat less than what I would have otherwise been entitled to and, therefore, that is a new cause of action that begins to run every time I get a new check.

This is not the way the law has been interpreted. Let me say with more clarity, the philosophy and the history of limitations on actions has never operated in this proposed fashion. If you head down that path of dealing with the issue there is virtually no limit on the statute of limitations. For this class of cases—and it goes beyond employment cases—a very broad piece of legislation here today, it provides an extension of the statute of limitations, a tolling of the statute of limitations to an almost indefinite time. That is not good.

We need to understand what we are doing. I know politically this has been ginned up into a big issue. It is complex and technical in some senses. A lot of people haven't taken the time to grasp what we are doing. But I urge my colleagues to consider the legislation moving forward and some of these amendments; that there are sound reasons that limit the time for which a party can file a lawsuit against you. And they are legitimate reasons. It has been a part of every action since the founding of the Republic, to my knowledge, unless it was an oversight. They all provide for a statute of limitations, even criminal cases. Criminals can walk free totally, if they cannot be charged for 5 years, usually. I say 5. Alabama and most States still have 5 years for burglary and larceny and assaults.

I support equal pay for equal work. I urge my colleagues to recognize that this evisceration of an historic principle of limitation of actions is not a way to fix it. It has ramifications far beyond these cases that have been discussed.

I urge my colleagues to spend some time in reviewing this, making sure that we realize what kind of hole we are knocking through the historic principle of the Anglo-American rule of law. If we do that, this legislation will not become law in its final form.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Maryland may proceed.

Ms. MIKULSKI. Mr. President, earlier, I asked for a quorum call while the distinguished Senator from Pennsylvania and I had a discussion on what is the best way forward to clarify some of his questions on waivers, estoppels, and laches in this bill. We were looking, trying to have colloquies or amendments and so on. What we concluded was that the clearest way to do this so legislative intent is firmly established in the RECORD is for him to offer his amendments, present his arguments, and I would offer rebuttal to that on that matter.

He also raised another issue on striking the phrase ''other practices.'' I would like to now talk about both of those amendments, but sequence them.

First, I will discuss the Specter amendment on adding a rule of construction on the equitable defense of waiver, estoppel, and laches.

Mr. President, I strongly oppose Senator SPECTER's amendment to add a rule of construction to the Lilly Ledbetter Fair Pay Act regarding employers' equitable defenses on just what I said—waivers, estoppels, and laches. This amendment is unnecessary and unfair. These are technical legal terms, and I am going to be very clear that the language is unnecessary because nothing in the bill changes the availability of these longstanding equitable defenses. Parties have been able to raise equitable claims in employment discrimination cases, and nothing in the pending legislation would change that. Courts will be able to decide equitable claims under the same circumstances as they do now. I am going to repeat that. Courts will be able to decide equitable claims under the same circumstances as they do now, regardless of whether this legislation is passed. The bill does not mention equitable doctrines, and nothing in its language could fairly be implied to suggest that parties may not raise equitable claims.

In enacting legislation, Congress does not normally list all the things the bill does or does not or could or could not do. Doing so here could give courts the mistaken impression that Congress intended courts to look more favorably on equitable defenses than they currently do, thereby putting a thumb on the scale in favor of employers who raise such arguments.

Adopting the Specter rule of construction could also lead courts to conclude that Congress wanted to prevent assertions of equitable claims in other contexts not addressed in the bill, such as challenges to promotion, termination, or other benefits decisions. That result would hurt both employers and employees.

Neither of those interpretations is intended in this bill. The purpose of this legislation is not to upset the longstanding balance that courts have established regarding these equitable defenses. As explained in the findings, the bill's purpose is to overturn the Ledbetter Court decision—a decision that had nothing to do with equitable defenses.

This amendment is also unfair because it is one-sided. It mentions only equitable doctrines raised as defenses by employers, but ignores the arguments workers may raise based on equitable doctrines. Plaintiffs have always had the ability to raise equitable claims such as waiver, equitable tolling, and estoppel. The Supreme Court ruled long ago that the time limit in job discrimination cases is subject to equitable doctrines, and this legislation does not upset that ruling. See *Zipes* v. *Trans World Airlines, Inc.*, 455 U.S. 385, 398, 1982. Courts have ruled that employees may raise claims of equitable tolling when they were excusably ignorant of their duty to file a discrimination claim by a particular date.

In addition, courts have held that employers are estopped from asserting that a worker's job discrimination claim is untimely if the employer's conduct reasonably can be concluded to have induced the employee to miss the filing deadline. For instance, when workers fail to timely file a charge of discrimination because their employer's misrepresentations caused them to believe they had waived their claims, the employer is estopped from arguing the charge was untimely. See *Tyler* v. *Unocal Oil Co. of California*, 304 F.3d 379, 5th Cir. 2002. Likewise, if the employer induces a worker to delay filing a charge by falsely stating that the employee was fired because his or her position would be eliminated, the employer may be estopped from complaining that the worker missed the filing deadline. See *Rhodes* v. *Guiberson Oil Tools Div.*, 927 F.2d 876, 5th Cir. 1991, holding that employer was estopped from arguing that worker's ADEA charge was untimely, where employer concealed facts and misled employee into believing he had been discharged because his position was being eliminated or combined with another position, and that he might be rehired.

Yet the Specter amendment ignores this history and does not say that equitable claims also may be raised by plaintiffs alleging discrimination. This could lead to the perverse result that courts would look less favorably on workers' equitable claims in pay discrimination cases than they do now. This legislation intends to restore workers' ability to fight unfair pay discrimination, and we must avoid erecting new hurdles by adopting an amendment that could undermine workers' arguments based on equitable doctrines.

For decades, the courts have been considering these and other equitable claims by plaintiffs in job discrimination cases, as well as equitable claims raised by defendants. We should do nothing in this legislation to upset the balance courts have established in this area.

So when we do have our votes, I will urge my colleagues to join me in defeating the amendment by the Senator from Pennsylvania, Mr. SPECTER.

Now, Mr. President, he also raises another issue related to ''other practices.'' I also strongly oppose that. I strongly oppose the amendment offered by Senator SPECTER to strike the words ''other practices'' from section 3 of the Lilly Ledbetter Fair Pay Act. This amendment is unnecessary and would seriously undermine the bill's goal of protecting employees who, like Lilly Ledbetter, were denied a fair chance to challenge pay discrimination in the workplace.

This issue, too, involves a rather complex and detailed legal argument, complete with references and citations.

To summarize in somewhat plain English—because this issue is complicated, and the Senator from Pennsylvania has raised very important and solid questions, and I want to further clarify why we oppose the amendment—Senator SPECTER's proposal to eliminate the term ''other practices'' from section 3 of the bill would defeat our legislation's purpose of overturning the Supreme Court's decision in *Ledbetter* v. *Goodyear Tire & Rubber Co.*, 550 U.S. 618, 2007. Lilly Ledbetter, the

plaintiff in that case, was paid significantly less than her male colleagues. This difference in pay came about because Lilly's employer based her pay on a bad evaluation they gave her because she was a woman. Now, I am going to repeat that. The difference in pay came about because her employer based her pay on a bad evaluation, but the bad evaluation they gave her was because she was a woman. And this has been established. The discrimination continued every time Ms. Ledbetter received a paycheck, and the difference in pay between her and her male coworkers grew more severe over time. If you listen to her speak, you can see how it affected her pay, her pension, her 410(k), and her Social Security.

If we adopt the Specter amendment, this legislation will no longer cover situations like Ms. Ledbetter's, where a discriminatory difference in pay is tied to a practice like job evaluations that contributes to the employer's decision to set a worker's pay at a certain level. That result is simply unacceptable.

The rule we enact in this bill must be workable and it must accurately reflect how job discrimination occurs in the workplace. Ms. Ledbetter's case—and many others—show that salary determinations often rely on other discriminatory actions.

Unfair differences in pay may be brought about not only be discriminatory job evaluations, but also by discriminatory decisions to classify a job in a particular way, or by discriminatory assignments to a particular location. *See, e.g., Parra* v. *Basha's, Inc.*, 536 F. 3d 975, 9th Cir. 2008, Latino workers were paid up to $6,000 less annually than other employees performing the same duties based on their assignment to a store location with a predominately Latino workforce; *Moorehead* v. *UPS*, 2008 WL 4951407, employer claimed that differences in starting salaries for men and women were due to its evaluation system.

Because the factors that contribute to pay scales are solely within employers' discretion, we must not adopt a rule that encourages employers to link pay setting decisions to other personnel actions, such as evaluations, in order to avoid the civil rights laws. That would create an unacceptable loophole in what is intended to be a comprehensive solution of the problems created by the *Ledbetter* case.

If we adopt the Specter amendment, we would only help some victims of pay discrimination—and leave countless workers such as Lilly Ledbetter without justice.

Senator SPECTER has said that his amendment is necessary because the bill, as drafted, is overbroad and could apply to discrete personnel decisions, like promotions and discharges. That's not true. The bill specifically says that it is addressing ''discrimination in compensation.'' That limiting language means that it already only covers such claims—nothing more, nothing less.

Mr. President, I am going to yield the floor in order to recognize our colleague from North Dakota, Senator DORGAN.

Mr. DORGAN. Mr. President, I thank my colleague from Maryland for her leadership. It has been a long struggle and she continues that struggle on the floor of the Senate today. I was thinking that the struggle for women's rights has been ongoing for a long time. It was 150 years in this country before women had the right to vote. Think of it. This has been a long and tortured struggle.

I say to my colleagues that I think this is the easiest vote to cast. We come to this floor sometimes to cast wrenching, difficult, controversial votes. This is not one of them. This cannot be one of them. Requiring women who have been discriminated against to bring a lawsuit against their employer before they knew they were discriminated against is absurd, and yet that is what the Supreme Court said. It seems to me it is time to correct that Supreme Court decision.

Women have been fighting for equality and especially equal pay for a long time. In this Ledbetter case, she was discriminated against by being paid substantially less than a coworker working right beside her, doing exactly the same thing, and they underpaid her for years and years and years. Finally, in the disposition of the Supreme Court, she was told that her case didn't stand because she didn't file that claim within 180 days. She didn't know for 20-some years, let alone 180 days. Why should she not have been able to have the right to continue redressing that wrong? So we must, it seems to me, do the work of the committee here today and pass this legislation.

This struggle, as I said, has gone on for so long. Abigail Adams was urging her husband John Adams to protect the rights of women as early as 1776. This struggle has gone on since before the Constitution was written in this country. I was reading some while ago about the struggle of the woman's right to vote. This is about equal pay, but the so-called ''night of terror'' happened in Occoquan Prison. On November 15, 1917, 33 women were severely beaten by over 40 guards in Occoquan Prison. Why? What had they done? They were arrested for obstructing sidewalk traffic in front of the White House. Why were they there? Because they believed that women ought to have the right to vote in this country. So they were arrested and hauled off to prison. Lucy Burn, one of the 33, they say was shackled around both arms and the chain between the shackles was hung on the top of a cell door and that was her position throughout the night as blood ran down her arms. Alice Paul finally went on a hunger strike and they shoved a tube down her throat and her vomit nearly killed her.

These women were tortured during the night of terror in Occoquan Prison because they obstructed traffic on a sidewalk? Why did they do that? They demanded, after 150 years, the right to vote. That is what they risked. They nearly died, some of them, to get this right to vote. Think of that struggle and how unbelievable that struggle was, and what heroes they were. But as always, there was push-back, people saying no.

My colleague from Maryland brings to us today an issue of fair play—another long struggle, and it is not even nearly over—but at least today we can take a step in the right direction with respect to the Lilly Ledbetter case. A Supreme Court that says a woman has no right to bring a pay discrimination case before the Court because she didn't know she was being discriminated against? That is an absurdity and one that must be corrected.

This long struggle for fairness for American women will not end on the floor of the Senate today, but this should not be a difficult vote at all. I can't conceive of someone who would say the Supreme Court decision has any sort of fairness attached to it. A woman who is working for 25 years or more, beside someone who is doing the same job but paid much more because of that person's gender, that woman doesn't have a right to seek redress? What an unbelievable injustice.

Lilly Ledbetter, by the way, was here this week attending the inaugural of a new President. We have tried to solve this problem before in the last Congress, but couldn't. We will solve it now, because it is right, it is fair, it is just, and this struggle ought to continue until we win. This is one right step in the direction of this struggle of fair pay, and it is a step we ought to take today.

Again, I thank my colleague from Maryland for being such a leader on this issue. My hope is at the end of this day—this day—we will have passed this legislation and taken a very large step in the direction of justice for women.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, before the Senator leaves the floor, first, he certainly knows his women's history and today he is going to help us write new history. We thank him for recalling—although it is a melancholy thing to recall—how brutal the retaliation was against women. Every time we have had to stand up, whether to exercise our right to vote or as is the case now—the brutal retaliation that occurs in the workplace, often sexual harassment, further discrimination and so on, simply because we pursue being paid equal pay for equal work. So we thank the Senator from North Dakota for his eloquence.

Mr. DORGAN. Mr. President, if the Senator will yield for a moment, this issue is about discrimination, but it goes far beyond this case or discrimination in these circumstances. It goes to the fair pay issue which the Senator from Maryland has been fighting for here in this Chamber for months and years. Obviously, we are going to do

much more, but today is the first step in the direction of justice for women, and I think it will be a good day today if we are able to pass this legislation.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator KAUFMAN of Delaware be added as a cosponsor of the Lilly Ledbetter Fair Pay Act.

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

Ms. MIKULSKI. I thank the Chair, and I note the absence of a quorum, with the time to be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

AMENDMENT NO. 26

Ms. MIKULSKI. Mr. President, an inquiry: Has all time expired on the debate on the Enzi-Specter amendments?

The PRESIDING OFFICER. All time has expired.

Ms. MIKULSKI. Mr. President, I call up the Specter amendment on ''other practices'' and move that it be tabled. The amendment that I wish to call up is amendment No. 26, Mr. SPECTER's amendment.

The PRESIDING OFFICER. That is the regular order.

Ms. MIKULSKI. I call up the amendment.

The PRESIDING OFFICER. The amendment is pending.

Ms. MIKULSKI. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—53

Akaka	Feinstein	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	

NAYS—43

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Landrieu	Webb
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—1

Kennedy

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that all the following votes be limited to 10 minutes in the agreed-upon sequence.

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

AMENDMENT NO. 27

The PRESIDING OFFICER. The question is on amendment 27. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment strikes the language ''or other practices.'' I believe there ought to be equal pay, and the legislation would provide for equality of pay for women, break the glass ceiling, but would eliminate the surplusage language of ''or other practices'' because it is vague and ambiguous. It could include promotion, demotion, hiring, transfer, tenure, training, layoffs, or many other items. It may be some of these other items ought to be included, and I, for one, would be glad to consider them, but they ought to be specified so we do not have the vague and ambiguous term, ''other practices,'' which would lead to tremendous litigation. Let's be specific, what we are looking for. We are looking for pay. If somebody wants to add something, fine, but ''other practices'' ought not to be part of the legislation which would just stimulate litigation.

The PRESIDING OFFICER. The Senator's minute has expired. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, the Senator from Pennsylvania is a great lawyer, but his amendment is not. It only fixes half the problem. It does not cover personnel actions that still result in discriminatory wages. It strikes other practices which include job evaluations and classifications.

If we drop ''other practices,'' we leave out Lilly Ledbetter from getting the justice she deserves and all like her. I understand the Specter amendment is now pending.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—55

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Johnson	Reed
Begich	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burris	Landrieu	Shaheen
Byrd	Lautenberg	Snowe
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	
Feingold	Nelson (FL)	

NAYS—39

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lugar	Wicker

NOT VOTING—3

Feinstein	Inouye	Kennedy

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. We have scheduled at 4 o'clock the swearing in of the new Senator from Colorado. We are going to complete this vote before we do that.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 28

Mr. ENZI. Mr. President, I have made this point a number of times, that bills that go through committees have a markup and the amendments give us direction. We often get them worked

out. That did not happen on this bill. So we are trying to get some clarification done.

I appreciate that the Senator from Maryland put some things in the RECORD that show legislative intent. I prefer to have it in the bill. That is why my amendment is in here. It is an attempt to remove some of the legal uncertainty this bill will create. It will clarify who is able to sue under title VII.

Under my amendment, only the person who has experienced discrimination can bring a lawsuit. Without my amendment the door is left open to any affected individual. This is an undefined term in the statute.

Senator MIKULSKI and I have had some back and forth about what the language means. The truth is, without my amendment the courts will be able to define the term any way they want to. If you want to ensure that only the person affected has standing to sue, then support my amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the Enzi amendment is unnecessary. The ''affected by'' language is not vague. Our bill only applies to workers and their employers.

Other parts of title VII that our bill does not change make this clear. The ''affected'' language is patterned after the Civil Rights Act of 1991. It has been around for 17 years and no one has tried to interpret it to apply to grandparents, spouses, or children, or anyone else other than the worker.

I understand the Enzi amendment No. 28 is now pending. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—55

Akaka	Feingold	Menendez
Baucus	Feinstein	Merkley
Bayh	Hagan	Mikulski
Begich	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Johnson	Nelson (NE)
Brown	Kaufman	Pryor
Burris	Kerry	Reed
Byrd	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Shaheen
Conrad	Levin	Snowe
Dodd	Lieberman	Stabenow
Dorgan	Lincoln	Tester
Durbin	McCaskill	Udall (CO)
Udall (NM)	Warner	Whitehouse
Wyden		

NAYS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Specter
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Webb
Cornyn	Lugar	Wicker
Crapo	Martinez	

NOT VOTING—1

Kennedy

The motion was agreed to.

AMENDMENT NO. 29

The PRESIDING OFFICER. The question is on amendment No. 29.

Ms. MIKULSKI. Mr. President, I understand amendment 29 is now the pending business. I thank Senator ENZI for allowing us to dispose of his amendment through a voice vote. I move to table the Enzi amendment No. 29.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the motion to table amendment No. 29.

The motion was agreed to.

Ms. MIKULSKI. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of former Senator Ken Salazar of Colorado. The certificate, the Chair is advised, is in the form suggested by the Senate.

Since there is no objection, the reading of the certificate will be waived and will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF COLORADO

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Colorado, I, Bill Ritter, Jr., the governor of said State, do hereby appoint Michael F. Bennet a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Ken Salazar, is filled by election as provided by law.

Witness: His Excellency our Governor Bill Ritter, Jr., and our seal hereto affixed at Denver, Colorado this 21st day of January, in the year of our Lord 2009.

By the Governor:

BILL RITTER, Jr.,
Governor.

BERNIE BUESCHER,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

Mr. BENNET, escorted by Mr. Salazar and Mr. UDALL of Colorado, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

(Applause, Members standing.)

APPOINTMENT

The PRESIDING OFFICER (Ms. KLOBUCHAR). Pursuant to the provisions of section 201(a)(2) of the Congressional Budget Act of 1974, the Speaker of the House of Representatives and the President Pro Tempore of the Senate hereby appoint Dr. Douglas W. Elmendorf as Director of the Congressional Budget Office effective immediately for the remainder of the term expiring January 3, 2011.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LILLY LEDBETTER FAIR PAY ACT OF 2009—Continued

Ms. MIKULSKI. Madam President, I ask unanimous consent that Senator REED of Rhode Island be recognized for up to 5 minutes to speak on the bill; that following his remarks, the Senate resume consideration of the Isakson amendment No. 37, with up to 10 minutes equally divided between Senator ISAKSON and myself, or our designees; that upon the use or yielding back of time on the Isakson amendment, the Senate resume consideration of the DeMint amendment No. 31, with 20 minutes of debate, 10 minutes under the control of Senator DEMINT or his designee, 5 minutes each under the control of Senator MIKULSKI, me, and Senator ALEXANDER or our designees; that following the use or yielding back of time on the DeMint amendment, the Senate proceed to vote in relation to the following amendments: DeMint No. 31, and Isakson No. 37; further, that no amendments be in order to the pending DeMint or Isakson amendments prior to the votes; and that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I will yield the floor to Senator REED. I

first thank Senator HARKIN for managing the bill during the Lilly Ledbetter press conference. His devotion to this issue is well known.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Thank you, Madam President. And I thank Senator MIKULSKI.

First, let me commend Senator MIKULSKI for her extraordinary leadership on this legislation, along with Senator HARKIN and also Senator KENNEDY, who have been a driving force to ensure this legislation came to the floor and is ready for passage.

I strongly support the Lilly Ledbetter Fair Pay Act of 2009. This bill is about ensuring that all Americans are protected from pay discrimination and treated fairly in the workplace, particularly during these tough economic times. After 8 years of enduring an economy rigged to benefit only the wealthy few, it is about time we reached out to try to help those struggling paycheck to paycheck, and this legislation will do that.

As an original cosponsor of this legislation, I am pleased this bill seeks to address and correct the Supreme Court's decision in Ledbetter v. Goodyear Tire & Rubber Co. It is a decision from 2007 that required employees to file a pay discrimination claim within 180 days of when their employer first began to discriminate, even if the discrimination continued after that 180-day period.

Under the Ledbetter ruling, a worker could face longstanding pay discrimination and yet be shortchanged of a remedy simply because they did not discover the discrimination within 180 days of their initial discriminatory paycheck.

The Ledbetter decision overturned established precedent in courts of appeals across the country and the policy of the Equal Employment Opportunity Commission under both Democratic and Republican administrations. In fact, it almost defies common sense and logic. Most employees, if they have a pay dispute, hope it will be resolved internally, and they will give their employer the benefit of the doubt probably for more than 180 days until it becomes readily apparent that this is systematic and discriminatory.

The legislation we are considering today reverses this erroneous finding but also restores a sense of common sense into the workplace. It returns the law to the pre-Ledbetter precedent by clarifying that each discriminatory paycheck restarts that 180-day period. As such, this bill does not modify the time limit for filing a claim or the 2-year limit on back pay but reestablishes when the statute of limitations begins to run.

This allows workers to demonstrate and detect a pattern or cumulative series of employer decisions or acts showing ongoing pay discrimination rather than simply reacting to any perceived notion of discrimination to fall within this 180-day period. As Justice Ginsburg noted in her Ledbetter dissent, such a law is ''more in tune with the realities of the workplace.'' I entirely agree.

The Supreme Court majority failed to recognize these commonsense realities, including that pay disparities typically occur incrementally and develop slowly over time, and they are not easily identifiable and are often kept hidden by employers. Many employees generally do not have knowledge of their fellow coworkers' salaries or how decisions on pay are made.

Our Nation has certainly made progress on ensuring fairness, justice, and equality in the workplace. However, we know there are still significant barriers to overcome in closing the pay gap and making certain that an individual's gender, race, religion, national origin, disability, and age are not an impediment to their economic and employment growth and prosperity. The Lilly Ledbetter Fair Pay Act of 2009 is one important step toward achieving this goal.

Again, let me thank Senator MIKULSKI for leading the charge on this bill and, again, acknowledge the longstanding efforts of Chairman KENNEDY to seek passage of this and other legislative efforts to help workers. One of the great dilemmas we face today ensuring that Americans who are working—particularly wage earners—have sufficient income so they can provide for their families and for their future.

Because of the flat and, in some cases, the receding income of working Americans over the last 8 years, we have seen a situation where they have to resort to their credit cards, where they have to put off important purchases, deny themselves opportunities, scale down access to colleges for their children because their income has not grown.

The great challenge—and it is not just an economic challenge but, I believe, it is a moral challenge—is to ensure that the income of every level of America grows; not just the very wealthy, but every level of Americans has a chance to use their talents and see those talents rewarded by increasing income, we hope, each year. This legislation is part of that effort. But much more must be done.

I strongly urge my colleagues to support this bill and to oppose any amendments that seek to dilute its intent.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, is the distinguished chairman prepared to move forward?

Ms. MIKULSKI. Yes.

AMENDMENT NO. 37

Mr. ISAKSON. Madam President, I ask unanimous consent that Senator SAXBY CHAMBLISS be added as an original cosponsor of amendment No. 37.

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

Mr. ISAKSON. Madam President, I grew up in the South when the civil rights era came and the civil rights laws were passed. After the passage of the Civil Rights Act, I ran a real estate brokerage company and saw the transition to fair housing from housing discrimination. I understand the ramifications of the Civil Rights Act, and I am proud and appreciative of what it has helped us to accomplish.

The 180 days in the statute of limitations applies to every facet of that act. It applies to housing discrimination and, obviously, in this case it applied to employment and pay discrimination. Obviously, with the votes that have taken place and the failure of the Hutchison amendment, it is pretty obvious which direction the bill is going.

So it is time we ask ourselves one question: Is it fair to reach back to the 1960s, repeal a statute of limitations that applied for over 45 years, and open the possibility of a plethora of cases that have not been filed to now being filed or, asked another way: Is it fair, after a game has been played, to change the rules in order to change the outcome?

Practically speaking, I would submit to you that this bill should be prospective and not reach back. It should say in the future that all the provisions apply to any case that may be filed on a future incident of discrimination. But to reach back without limitation and repeal the 180 days changes the rules of the game, changes the law under which people were trying to operate in running their business.

But, most importantly of all, let me tell you what it specifically does. I ran a company for 22 years. I am very familiar with what lawyers can do in terms of bringing in an alleged case, filing a case, taking you into depositions, and then saying: We can put a stop to all this if you will settle for $5,000 or $10,000 or $15,000. It is using an opportunity open to them to intimidate or, in some cases, extort, in my judgment, a fee out of an unwitting and unwilling business.

So I ask the fairness question: Is it right to go back to the inception of the civil rights laws, take an established principle that applied to housing, pay, and employment of 180 days, and change the rules so people can reach back after the passage of this legislation and create new litigation under changed rules?

In the interest of fairness, I would submit it should be prospective, that all the applications of law should begin with the passage of the law and its enactment.

Madam President, I will be glad to yield the floor to the distinguished chairman who is managing the bill and urge the adoption of the Isakson amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I oppose the Isakson amendment because it would create an arbitrary and unfair cutoff for who gets the benefit of this fair pay bill.

The Isakson amendment No. 37 would limit application of the bill to only claims that arise out of discrimination that takes place after the bill passes.

There is no principled reason for applying the bill only to future cases. The point of this bill is to correct a terrible wrong done to victims of pay discrimination. We should be seeking justice for as many people as possible.

Applying this bill to pending cases would not be an unfair surprise for employers. This bill restores the law to where it was the day before the Supreme Court decided the Ledbetter case. There is nothing new in this bill.

If this amendment passes, it would create a 20-month gap in the law. Let me repeat: If the Isakson amendment passes, it would create a 20-month gap in the law. Those workers who were unfortunate enough to have been discriminated against during that 20-month period would be treated worse than those who came before them and those who came after them. That is arbitrary, and it is unfair.

As we work on this wage discrimination bill, we cannot fix only part of the problem. We have not come this far to leave some victims out in the cold. Yet that is what I am concerned the Isakson amendment would do.

Madam President, I will urge the rejection of the Isakson amendment, and when it comes time to call up the vote, I will be making a motion to table. But I am not making that motion now.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Senator, you have 1 minute 50 seconds remaining.

Mr. ISAKSON. Madam President, with deference and respect for the chairman, this amendment would do nothing to a pending case. This amendment will only apply to a case that has not been filed and could have reached back all the way to the civil rights era of the 1960s. Please be aware it would not in any way obliterate anybody's rights on any pending case that has been filed since May of 2007. It would only affect those cases that haven't been filed all the way back to the Civil Rights Act.

So, again, I think it is a matter of fairness and equity. I appreciate the time that has been allotted. At the appropriate time I will ask my colleagues to vote against tabling if that is the motion.

I yield the floor.

Ms. MIKULSKI. Madam President, first I wish to say to my colleague from Georgia that I appreciate the tone of civility in which he has offered his amendment, and that has been characteristic of the whole day. I hope it signals a new tone.

Although I appreciate the tone, I still disagree with the amendment. The Lilly Ledbetter Act does not go back to the inception of the Civil Rights Act. It goes back only to the Supreme Court decision of May 28, 2007. So I continue to disagree with the Isakson amendment because I do believe it would create an arbitrary and unfair cutoff for those who would benefit from this bill.

I yield the floor.

The PRESIDING OFFICER. Do the Senators yield back their time on the pending amendment?

Ms. MIKULSKI. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Maryland has 1 minute 45 seconds.

Ms. MIKULSKI. And how much time does the Senator from Georgia have?

The PRESIDING OFFICER. The Senator has 1 minute 10 seconds.

Ms. MIKULSKI. I would just inquire if the Senator from Georgia wishes to yield back his time. I would be happy to cooperate and we could move to the DeMint amendment.

Mr. ISAKSON. I yield back the remainder of my time.

Ms. MIKULSKI. I thank him. I yield back the remainder of my time, and we can proceed to the DeMint amendment.

AMENDMENT NO. 31

The PRESIDING OFFICER. The DeMint amendment is now pending.

Mr. DEMINT. Madam President, I am afraid the Ledbetter bill is another example that the majority in the Senate doesn't understand the American economy or how businesses create jobs or how freedom works for all of us to create a better quality of life. Recessions are caused by uncertainty. This bill creates more uncertainty for the very businesses we need to create the jobs and to keep the jobs we have in our country today.

Why would we pass a bill, or even be talking about it, in the middle of a recession, that many have said is the worst we have ever seen in our lifetime? This bill will also create a lot of unintended consequences that will do the exact opposite of what it is intended to do.

I was in business for well over 20 years before I came to Congress. Once you create more liability for hiring a woman or know that liability is going to exist for years, employers are going to figure out a way to get around that. This is more likely to discourage the employment and the promotion of women because it creates an indefinite liability.

It seems that a lot of my colleagues have never been in business themselves. I remember being in the advertising business, and I was 1 of 15 account executives. I was about in the middle as far as salary. There were men and women who made less than I did. There were men and women who made more than I did. Some who made more than I did had less experience, but because of clients or some other factor—some other intangible—it made them worth more than I was, they were paid more. It was the same with those who made less. I was younger and in some cases less experienced than some of the men and women who made less, but I had demonstrated that I could help our company make a profit more than they had. The market was deciding our salaries. There is no way that anyone in this Senate or any government bureaucrat or Federal judge could come in and say that there was discrimination because I was paid less than someone who was making more money or the same with someone who was making less than I was.

For us to intervene and create a permanent liability is only going to create more uncertainty. This is not what we need to do with our businesses. So this whole bill should not even be considered now.

I have an amendment that gets at some of the issues that have been talked about with this bill, about fairness and about discrimination. One of the biggest forms of discrimination in this country today is when we force an American worker to join a union. My amendment is a right-to-work amendment. Right now in this country, we have a Federal law that forces American workers to join a union. States can pass a right-to-work law, as my State, South Carolina, has to protect their workers, but this has proved very difficult for many States with powerful union bosses and union lobbies. My amendment, which is a national right-to-work amendment, would restore the right of every American not to join a union. It would eliminate the Federal requirement that workers pay union dues.

We are getting ready to hear from some opponents of this amendment that will use some very convoluted logic to defend their position. The same people who support Federal labor laws, including wage requirements that supersede State laws, will argue that my amendment violates States rights. Removing a Federal mandate on States could only violate States rights in the minds of politicians who have lost touch with our constitutional moorings. My amendment is not about States rights. It is not about Federal rights. It is not about business rights. My amendment restores basic unalienable, individual rights.

No law—Federal or State—should force an American to join a union in order to get a job in this country. No law—State or Federal—should allow an American worker to be fired because he or she does not want to join a union. This is about individual rights. There should not be a Federal law that discriminates against workers who choose not to join a union. This is about fairness and about stopping basic discrimination that is sponsored by this Federal Government.

I urge my colleagues to vote for this right-to-work amendment. It is very consistent with the theme of this Ledbetter bill. It is more likely to eliminate discrimination than the Ledbetter bill itself. I urge my colleagues to support it. I will reserve the remainder of my time and ask for a vote.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Under the consent agreement, the Senator from Tennessee has 5 minutes of his own time, and then I will have 5 minutes of mine.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I would appreciate being reminded when 4 minutes is up so that I may reserve the last 30 seconds of my time.

The DeMint amendment would take away from States the right to decide whether they want to be a right-to-work State or a State that allows for an agency shop or a union shop. Now, on this very Senate floor, in 1947, after World War II, Mr. Conservative, Robert A. Taft, the leader of the Republicans, stood before the American people and said the law that was passed in 1935—the National Labor Relations Act—was wrong because it took away from States the right to make that decision, and there was a tumultuous argument on the Senate floor.

Section 14(b) of the Taft-Hartley Act was passed, and it gave the States the right to decide whether an employee would have to pay union dues or join a union in order to have a job. Since then, 22 States, including the State of Tennessee, have decided, yes; we want to be a right-to-work State under the principles supported by the distinguished Senator from South Carolina, but he wants to make that a national law.

I don't trust Washington on this issue. What do you suppose would happen in the Senate if today we voted about whether to have a national right-to-work law or a national agency shop or a union shop? I think I know what the result would be, and I know what would happen.

Thirty years ago I was the Governor of Tennessee and we were the third poorest State and we had no auto jobs. Nissan wanted to come somewhere in the United States, and they chose Tennessee because we had a right-to-work law. Tennessee had the right to make that decision, even though other States chose not to have a right-to-work law. Then Saturn built a plant, and the Saturn employees chose to belong to the UAW and the Nissan employees said, no; we don't want to be in a union. Since that time, 13 major companies have come to the States that have right-to-work laws, including South Carolina, Tennessee, Georgia, Alabama, and Mississippi.

If we let the prevailing Washington view decide whether a State should have a right-to-work, union shop, open shop, or agency shop law, we wouldn't have had that advantage, and we might not even have had an auto industry in the United States today. That competition between the States brought the companies that came here, hired American workers, built cars in our country, and now build half of our cars. These companies are providing the competition that will help the Detroit part of our industry survive, I think, more so than Government bailouts.

So I say to my Republican colleagues especially, be careful what you ask for. Do you want to ask the Congress to vote on whether States have the right to choose a right-to-work law? I do not. I don't think you get any smarter about that issue by coming to Washington, DC. Democratic and Republican Governors and legislatures in Tennessee for a long time have thought we were perfectly capable of making that decision.

So I would urge my colleagues to say Robert Taft was right in 1947 and 1948. We don't want Washington telling Tennessee, North Carolina, Minnesota, or Maryland what their labor laws ought to be. Let Tennessee decide whether it wants a right-to-work law. I can think of nothing more fundamental to the prosperity of my State than preserving the principle that States have the option to decide whether or not to have a right-to-work law. So I respectfully oppose the DeMint amendment.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I have a question for the Senator from Georgia. I just wish to clarify the sequence after we conclude our debate. Does the Isakson amendment come after the DeMint amendment? Is that his understanding?

Mr. ISAKSON. It was my understanding of the UC agreement that the Isakson amendment will follow the DeMint amendment in terms of a vote.

Ms. MIKULSKI. I thank the Senator. That clarifies it. I have a question of Senator DEMINT. Is the DeMint amendment to Lilly Ledbetter or are you amending another piece of legislation? Could you clarify what your amendment amends?

Mr. DEMINT. The Ledbetter bill.

Ms. MIKULSKI. Does the DeMint amendment amend the Ledbetter bill or the National Labor Relations Act and the Railroad Act? The Ledbetter Act is the pending one.

Mr. DEMINT. Right.

Ms. MIKULSKI. But the consequences are—aren't you amending the National Labor Relations Act? The Ledbetter Act is strictly a wage discrimination bill.

Mr. DEMINT. It is a discrimination and fairness bill, and my bill would change the National Labor Relations Act to remove a mandate on States.

Ms. MIKULSKI. I still have the floor. Madam President, I have the floor.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. I had a question for Senator DEMINT, and if the Senator will withhold, after I make my remarks, he can address the Chair.

The consequence of the DeMint amendment is that it amends the National Labor Relations Act. Let me tell my colleagues the consequences. First of all, let's go to the facts.

The Lilly Ledbetter Fair Pay Act is about pay discrimination, about wage discrimination. That is what we have been debating on both sides of the aisle. The debate has been focused, it has been targeted, it has been precise and, I might add, quite civil. It has nothing to do with right-to-work laws. This is not the time nor the place to debate whether we should have a Federal right-to-work law. We need to restore the ability of victims of pay discrimination to pursue justice. If we want to have a debate on a Federal right-to-work law, then I suggest to the Senator from South Carolina that he offer his own bill, let's put it through the committee, and let's vote on it, but let's not bring right-to-work laws into the wage discrimination focus of the Lilly Ledbetter Fair Pay Act.

So let's go now to the facts or the merits of the amendment being offered by Senator DEMINT.

No. 1, it reverses decades of established labor law and addresses the issues that have nothing to do with the Fair Pay Act. The DeMint amendment undermines States abilities to choose what labor laws work best for them. That is the point made by the Senator from Tennessee. It would also impose right-to-work laws on workers who do not want them. Federal labor policy has been neutral on right-to-work issues for over 60 years. That means States are free to decide whether they want to impose right-to-work laws. The amendment would impose right-to-work laws on States that do not want them, and it would even impose such laws in the railroad and aviation industry, which has never been subjected to them.

We have debated this issue before. A bipartisan majority of Congress rejected this approach in the 104th Congress, which was in 1996. We had a vote on a similar amendment, and it was defeated 31 to 68. I hope we defeat the DeMint amendment today.

Let's stick strictly to the Lilly Ledbetter discussion. We have been having an excellent discussion all day long.

Again, I urge defeat of the DeMint amendment.

Madam President, how much time do I have remaining, and, of course, answer the questions of our colleagues as to time.

The PRESIDING OFFICER. The Senator from Maryland has 36 seconds remaining. The other side has 4 minutes 36 seconds remaining.

Ms. MIKULSKI. I reserve the remainder of my time.

Mr. ALEXANDER. Madam President, how much time do I have remaining? I am supposed to have 30 seconds left.

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute 45 seconds.

The Senator from South Carolina.

Mr. DEMINT. Madam President, I think I mentioned some convoluted logic. I appreciate my colleague's civil discussion on this issue, but it is interesting to hear that removing a Federal

mandate on States somehow violates States rights.

My colleague from Tennessee described a situation they have in their State—the same situation in South Carolina—where you can have a nonunion shop. People can choose to be in unions or unionize an organization. Workers can decide whether they belong to a union. What that is called is freedom. Those are basic rights of Americans. What my amendment would do is restore that freedom for people who live in every State, not just in States where State legislators have been able to overcome union pressure and reestablish that freedom.

This is not about States rights, and this is not about the rights of the Federal Government. It is not about some Federal bureaucrats or what judges decide. Every American should have a right to decide whether they are going to join a union. For us to have a law at the Federal level imposed on people around the country that they have to join a union, they have to pay union dues, that employers have a right to fire them if they don't join a union—this is not good for individuals, but it is not good for our country.

A few weeks ago, we had a debate about the American auto industry. Just about every expert recognizes that forced unionization has essentially run them out of business. There is a reason companies are leaving the forced compulsory union States and moving to Tennessee and South Carolina. It is because there is more freedom there. That is what this amendment is about. It is removing a Federal mandate that imposes on the freedom of every American.

It is very relevant to the discussion today. We are talking about fairness. We are talking about discrimination. We are talking about wages. But when we force an American to join a union, take part of their wages and give it to a union, that is not freedom. I cannot imagine anyone here who thinks through this issue saying it does not have something to do with fairness and discrimination and what we are about as a country. We should have a right to unionize, we should have a right not to unionize, but we should not force an American to join a union and make their job contingent on it. This is much greater discrimination than we are dealing with in this Ledbetter bill, and it is very appropriate, if we are going to talk about fairness in eliminating discrimination, that we include this amendment that would restore a basic freedom to every American. That is what this amendment is about, is doing exactly what my colleague from Tennessee said they enjoy there. Why shouldn't they enjoy those same freedoms in Michigan and other States?

I encourage my colleagues to set aside old ways of thinking and partisan politics, payback to unions. This is not about us. It is not about States. It is about people. It is about basic American rights. No American should be forced to join a union.

I urge my colleagues to support this amendment.

Mr. ALEXANDER. Madam President, if I were speaking in Tennessee, I would give the Senator from South Carolina an A-plus for his statement because it is exactly the law I want Tennessee to have. But what we are talking about here today is whether we want Washington to tell each State whether it can have a right-to-work law or agency shop or a union shop law. If Washington were to do that, Tennessee would not have a right-to-work law. We would not have permission to do that. We would not have an auto industry which is one-third of all of our manufacturing jobs.

So I want my Republican colleagues, if I may say so, to be very careful here. Do we really want Washington telling us that the principle is they are going to say whether we can have a right-to-work law? I don't want them telling me that.

Does that mean 1 minute?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. ALEXANDER. When I was Governor of Tennessee—and I see the former Governor of Missouri here—nothing used to make me madder, to be blunt about it, than some Washington Congressman or Senator holding a press conference and telling me what to do because usually they would tell me what to do and not send the money, and then I would have to send the money on to the mayor, raise taxes, lower taxes. I would have to do something myself. We are perfectly capable of deciding whether we need a right-to-work law.

Last year, the Senator from New Jersey was trying to ship New Jersey's laws to Tennessee with a national law. I cannot stand up and say we want a national right-to-work law and then argue against having New Jersey's laws in Tennessee, for States and counties that don't want those laws. So we want to fit those to our own circumstances.

I greatly respect my colleague and friend, the Senator from South Carolina. On principle, he is right. There is another principle—federalism—that we can decide for ourselves. We would undermine that principle.

I urge my colleagues to vote against the DeMint amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 38 seconds.

Ms. MIKULSKI. The Senator from South Carolina has how much time remaining?

The PRESIDING OFFICER. The Senator has 1 minute 12 seconds remaining.

Ms. MIKULSKI. I don't know whether the Senator wants to yield back his time or use the time for further debate.

Mr. DEMINT. Madam President, if I may continue, I will use the rest of my time. I want to make sure we are clear.

Again, my good friend from Tennessee has said that somehow this amendment is going to take away the rights of States to have a right-to-work law. This is a right-to-work law. Every State in the country would have a right to work, a right to choose to be union or not to be union. This is not to restrict a State in any way at all.

Right now, if a State wants to be right-to-work, it has to override Federal legislation. Most of us continuously talk about protecting secret ballots of workers. It is Federal legislation, it imposes a law on everyone, but it is protecting the rights of individuals because it is not about unions and it is not about the businesses for which they work. The Secret Ballot Protection Act would protect the individual and their rights. That is what this amendment is about. It is respecting the rights of individuals not to join a union. It does not take away any right from a State; it actually removes a Federal mandate on States.

I appreciate all the time that was given to this discussion. I, again, urge my colleagues to support my amendment.

Ms. MIKULSKI. Madam President, this amendment reverses decades of established labor law and addresses issues that have nothing to do with the Lilly Ledbetter Fair Pay Act. While the Senator from South Carolina debated right to work, I want to keep on fighting for the right to get equal pay for equal work.

I understand the DeMint amendment No. 31 is now the pending business. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—66

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Baucus	Gregg	Murkowski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Nelson (NE)
Bingaman	Johanns	Pryor
Bond	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Udall (CO)
Dodd	Martinez	
Dorgan	McCaskill	
Durbin	Menendez	

Udall (NM)	Warner	Whitehouse
Voinovich	Webb	Wyden

NAYS—31

Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Brownback	Enzi	Risch
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Kyl	
Crapo	Lugar	

NOT VOTING—1

Kennedy

The motion was agreed to.

CHANGE OF VOTE

Mr. CORKER. Mr. President, on rollcall vote No. 11, I voted ''aye.'' I ask unanimous consent that I be permitted to change my vote to ''nay'' since it will not affect the outcome of the legislation.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 37

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote on amendment No. 37, offered by the Senator from Georgia, Mr. ISAKSON.

The Senator will be in order.

Who yields time?

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, the bill as it is written applies to any claim back to May 28. But the way it is worded, it appears to me it is a claim filed and leaves it open for any past claim to be brought up that wasn't previously filed. The amendment simply ensures that the act couldn't be used for new claims to be filed retroactively all the way back to the passage of title VII of the Civil Rights Act. It is a mere matter of being clear that it doesn't retroactively open the opportunity to file new cases all the way back to the inception of the act.

Mr. ENZI. Mr. President, I would also like to speak in support of Senator ISAKSON's amendment No. 37. This amendment is about basic fairness. We have been talking a lot about fairness during consideration of this bill—fairness for employees who suffer discrimination and don't realize it before a legal deadline passes, and fairness for an employer who may have done nothing wrong but becomes a target of an ambitious trial lawyer eager to test new legal theories.

The question many people ask when looking at what the underlying bill would do is how is it fair to sue a businessperson over something that may or may not have happened in his or her company decades earlier? What is a businessperson to do if the person who is alleged to have committed the discriminatory act no longer works there or, perhaps, is deceased? Anyone can recognize the difficult position this creates. How do you prove something didn't happen years ago when the only witness other than the accuser is absent?

Senator ISAKSON has come up with a very equitable solution to this riddle. He recognizes that, if this bill is enacted, employers will have to keep a far more detailed record of every employment decision, every performance review, every personnel action, and more. The bill retroactively re-opens liability for dozens of years of employment decisions. Upon enactment of this bill, employers will be on notice that the statute of limitations for title VII cases virtually never expires. But it simply isn't fair to apply this new open-ended statute of limitations to employment decisions that occurred decades ago.

Senator ISAKSON's amendment resolves this inequity by applying the new law on a prospective basis. As a former small business person myself, I believe this is the only fair way to apply a new and burdensome standard.

I urge my colleagues to support this amendment.

Ms. MIKULSKI. Mr. President, I object to the Isakson amendment. It would create an arbitrary and unfair cutoff for those who get the benefits of this bill. If the Isakson amendment is agreed to, it would create a 20-month gap in the law. Those workers who were unfortunate enough to have been discriminated against during that 20-month period would be treated worse than those who came before them or after them. It is arbitrary and it is unfair.

I understand that the Isakson amendment is now the pending business.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—59

Akaka	Durbin	Menendez
Baucus	Feingold	Merkley
Bayh	Feinstein	Mikulski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Johnson	Pryor
Brown	Kaufman	Reed
Burris	Kerry	Reid
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Tester
Dorgan	McCaskill	
Udall (CO)	Warner	Whitehouse
Udall (NM)	Webb	Wyden

NAYS—38

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	Lugar	

NOT VOTING—1

Kennedy

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. REID. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that when the Vitter amendment is offered, which will be very quickly, there be 15 minutes for debate, 10 minutes for Senator VITTER, 5 minutes for Senator MIKULSKI; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that no amendment be in order to the amendment prior to the vote; that upon disposition of the Vitter amendment, no further amendments be in order, the bill be read a third time, and the Senate proceed to vote on passage of the bill; that the vote on passage would be as if it were a cloture vote, and that if the threshold is achieved, the bill is passed, with no intervening action or debate.

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

Mr. REID. Mr. President, I, on behalf of all Senate leadership, appreciate the way we have moved through this legislation. Now, were all of these votes easy? No, they were not easy. Some of them were difficult votes for a number of my Senators, I am sure on the other side of the aisle as well. But this is the way we need to operate as a Senate.

Were all of these amendments offered germane? No. But the people have a right to offer amendments. So I appreciate everyone's cooperation to this point. We are going to move forward, we hope, to work out, and we are going to clear, some of the nominations of President Obama tonight or tomorrow.

We also hope we can arrange to have, Monday night, a vote on Treasury Secretary-designee Geithner. We will try to do that at a time convenient. It has been suggested to me that time would be about 6 o'clock. We will probably come in sometime in the afternoon. It is my understanding that people who are for and against him want 2 hours of debate equally divided. But if people want to talk more, we can come in earlier in the afternoon and do some morning business, and people can talk about whatever they want during that time.

We also understand we are going to be able to move to the SCHIP bill without filing cloture. I was going to file cloture on that tonight, but it is my understanding that we can start that Monday night and work through the amendments on that next week. We are going to finish that next week. I understand there will be a lot of amendments. I am sure that is the case.

The reason we have to complete work on it next week is that we must move to the economic recovery package. We only have 2 weeks to finish that. I want to spend a good, long, hard week finishing what we are doing before we send our product to the House because we need that final week to make sure we do conferences and messages and work out whatever differences we have between the two bills.

We are not going to be able to take our recess for Presidents Day unless we finish that legislation. I think everyone agrees, Democrats and Republicans agree, we need to get this done. The imperative of doing this every day becomes more pronounced, in my mind. We had our Democratic policy committee today where we had Alan Blinder, who is a Democrat; Martin Feldstein is a Republican; and Mark Zandi, who I think is a Republican. I am pretty sure he is. He was one of Senator MCCAIN's chief advisers. They all agreed and, in fact, Mark Zandi said to me before the presentation: You are going to be hearing from dark, darker, to darkest. We have economic problems that have never been seen in this country or the world before and we have to work to see what we can do to help alleviate the problems that exist out in that difficult financial world in which we find ourselves.

So that is why people should not plan on next weekend going home. You should plan on being here. If there is a way we can work our way around that, I will be happy to do that. But I think the chances are quite slim that we would be able to do that.

Mr. SCHUMER. Mr. President, today we get a second chance to do the right thing.

Millions of American women and men understand that it is wrong for a woman to work, year after year, alongside a man and make less money simply because she is a woman.

Millions of American women understand—unfortunately many know first hand—that you don't always know when you are being discriminated against. Proof that you have been a victim of discrimination rarely boils down to one magic moment where the curtain is raised and it is all made clear. And of course, the curtain hardly ever comes up within 180 days of the actual ''act'' of discrimination.

All too often, discrimination based on gender happens exactly the way it happened to Lilly Ledbetter. Paycheck after paycheck, a woman receives lower pay than her male colleagues. But only after years does she discover that this was even happening. Only after years does she discover that it has been the result of discrimination.

It is just as demeaning, and in many ways even more frustrating, than a single, concrete episode of bias.

Justice Ruth Bader Ginsburg, who took the unusual step of reading her dissent in Lilly Ledbetter's case from the bench, was outraged by her compatriots on the Supreme Court who held the passage of time against Lilly Ledbetter. You see, Justice Ginsburg understands what so many Americans also understand—that it is often a series of small and hidden decisions that add up to a lifetime of unequal pay. This kind of discrimination can't be tied to one definitive act. Instead, it comes from the cumulative effect of weeks, months, and sometimes years of bigotry and injustice.

Many of us have daughters and granddaughters who need us to vote for the Lilly Ledbetter Fair Pay Act. What will you say if your daughter or granddaughter calls you tonight and said, ''Hey, I need some advice. I have had this job for 5 years. I have been working really hard and I have always had good reviews, my colleagues like me, and I love my job. I need this job to support my family. But I just found out that all along, I have been getting paid about 75 percent of what the guys here get paid for doing the same thing. I have been asking around and it turns out our supervisors have been doing this for a while—paying men more, and saying things about women that are negative. One guy even said that our workplace doesn't need women. What should I do?''

Do you want to tell your daughter or granddaughter, ''Well, if the decision to discriminate against you was made more than 180 days ago, that is too bad, you should have complained earlier''?

I don't want to do that, and I don't intend to. I want to be able to say to my daughter, and all American daughters, wives, sisters, and granddaughters: There is something you can do about this. This behavior is wrong, and Congress gave you a way to make it right. Plain and simple.

It is un-American to work your whole life for a fraction of what your colleagues make, solely because you are a woman. It is un-American to tell a woman who just wants a fair shake in exchange for 20 years of work that she should have known what was going on, and now it is too late—that she should have filed a new claim after every paycheck.

Congress did not pass Title VII, not to mention the Equal Pay Act, 46 years ago only to lace it with traps and trip wires for the unwary worker.

Some critics of the Lilly Ledbetter Fair Pay Act have said that it will lead to an onslaught of lawsuits. But the Congressional Budget Office has said that this isn't true. I believe that is based on the obvious proposition that most women don't want to sue their employers. They don't go out of their way to ruin their own lives with lawsuits. They didn't do it before the Ledbetter decision, and there is no reason to believe that they will do it after we restore the import of the law.

Lilly Ledbetter didn't want to sue. In fact she has said that she wouldn't have bothered if she thought the case was close, or the result of an oversight, or based on poor reviews. But, as all of the evidence showed, it wasn't. Lilly Ledbetter said: ''It wasn't even close to being fair. I had no choice. I had to go to court. I had to stand up for what was right.''

This bill isn't some windfall for women to sit on their hands without bringing claims during years of discrimination. All of an employer's normal defenses are untouched by this bill. We have discussed the legal defenses and the operation of various parts of this bill ad nauseum, but overlawyering this isn't going to change the fact that women make 78 cents on the dollar compared to similarly situated men.

The right to make a fair wage to support your family, regardless of gender, is not something that should be doubted in America. The right to equal paychecks is something that Congress thought it guaranteed 46 years ago, and which was not in doubt until Lilly Ledbetter's case reached the Supreme Court.

We must take the very simple step of restoring this right so that women in America can be assured that their hard work for their families and their country will be compensated on the same basis as men.

Mrs. BOXER. Mr. President, I rise in strong support of the Lilly Ledbetter Fair Pay Act.

As we begin our work this Congress to address the greatest economic challenge our nation has faced in a generation, the solutions we consider must focus on strengthening the middle class.

Last month the economy lost 524,000 jobs, and in 2008, 2.6 million jobs were lost—the most in one year since 1945.

Unemployment continues to climb—in some areas of my State of California, the unemployment rate is over twelve percent. Wages for many in the middle class have actually decreased over the last 8 years.

And 46 years after passage of the Equal Pay Act, workers throughout the nation still suffer pay discrimination based on gender, race, religion, national origin, disability and age.

When it comes to achieving the principle of equal pay for equal work, we still have a long way to go.

Women workers today earn only 78 cents for every dollar men earn. The pay disparity is still so great that it takes a woman 16 months to earn what a man earns in 12 months.

In 2006, an average college-educated woman working full time earned $15,000 less than a college-educated male.

According to the American Association of University Women, working families lose $200 billion in income per

year due to the wage gap between men and women.

To put it simply, pay discrimination is hurting our middle class families and hurting our economy.

Unfortunately there is no easy solution that will eliminate all pay discrimination.

But what this bill will do is ensure that when an employer discriminates based on gender or race or other factors, the employee can have his or her day in court.

With its 2007 Ledbetter v. Goodyear decision, the Supreme Court reversed decades of legal precedent in the courts of appeals and long-standing Equal Employment Opportunity Commission policies, and effectively undercut a commonsense, fundamental protection against pay discrimination.

With its decision, the Court imposed significant obstacles for workers by requiring them to file a pay discrimination claim within 180 days of when their employer FIRST starts discriminating—an almost impossible standard.

This bill simply restores the law to what it was prior to the Court's decision in a workable and fair way that will protect people like Lilly Ledbetter from discrimination.

Mr. President, the story of Lilly Ledbetter makes it clear why this legislation is necessary.

The discrimination she suffered is not unfamiliar to many female and minority employees in manufacturing plants and office parks across the country.

Ms. Ledbetter was a female manager at an Alabama Goodyear Tire plant when she discovered after 19 years of service that she was earning 20 to 40 percent less than her male counterparts for doing the exact same job.

As Justice Ginsburg noted in her dissenting opinion, ''the pay discrepancy between Ledbetter and her 15 male counterparts was stark.''

In 1997, her last year of employment at Goodyear, after 19 years of service, Ms. Ledbetter earned $5,608 less than her lowest-paid male coworker. She earned over $18,000 less than her highest-paid male coworker.

Evidence submitted in her trial showed that Ms. Ledbetter was denied raises despite receiving performance awards, her supervisors were biased against female employees, and that in some cases, female supervisors at the plant were paid less than the male employees they supervised.

When Ms. Ledbetter discovered this, she took Goodyear to court and a jury awarded her full damages.

But Goodyear appealed the jury's decision, and in 2007, the Supreme Court overturned the verdict and said that Ms. Ledbetter could not sue for back pay despite overwhelming evidence that her employer had intentionally discriminated against her because of her gender.

The Supreme Court threw out the case because it took her longer than six months to determine that she had been the victim of years of pay discrimination.

This is an unfair standard.

In most situations, if an employee suspects pay discrimination, it takes significant time to determine the facts.

As Justice Ginsburg pointed out, ''compensation disparities are often hidden from sight for a number of reasons.''

Ginsburg's point underscores the unreasonableness of the standard created by the Supreme Court.

Many employers do not publish employee salaries and employees are often not eager to discuss their wages with other employees.

Earlier this month the New York Times reported that ''in the last 19 months, Federal judges have cited the Ledbetter decision in more than 300 cases . . .''

This decision has had significant impacts on the employees alleging pay discrimination, severely limiting their rights to equal pay. Some courts are also using the decision to limit rights in other areas of the law, like equal housing, equal education, and civil rights cases.

The Ledbetter decision was a giant step backward in the fight for equal opportunities and equal rights.

Goodyear engaged in chronic discrimination against female employees, but because of this decision, the courts must treat intentional, ongoing pay discrimination as lawful conduct.

Employers who can conceal their pay discrimination for 180 days are free to continue to discriminate with no redress for the employee.

We must ask ourselves: Is this a standard that Congress should support?

This bill simply restores the law to what it was in almost every state in the country before the Ledbetter case was decided. That law basically said you had 180 days to seek justice on equal pay for equal work each time that you were discriminated against.

It does so by eliminating the unreasonable barrier created by the Supreme Court and allows workers to file a pay discrimination claim within 180 days of each discriminatory paycheck.

For the Nation's working families and middle class to succeed and grow, the principle of equal pay for equal work must have teeth, it must have meaning, and this bill restores meaning to the equal pay principle.

Justice Ginsburg told us, ''Congress, the ball is in your court.''

The time is now to restore decades of legal precedent and prevent the narrow Ledbetter decision from impacting more Americans facing discrimination.

We must restore this important protection and return the law to its intended meaning.

I urge my colleagues to vote for this bill.

Mr. DODD. Mr. President, I rise today to speak about an issue of fundamental economic fairness—an issue that affects the dignity and the security of millions of Americans: the right to equal pay for equal work.

Before I begin, let me thank Senator KENNEDY, the chairman of the HELP Committee, and Senator MIKULSKI, for their tireless work on this important issue.

The Lilly Ledbetter Fair Pay Act goes a long way toward ensuring that right to equal pay. In a perfect world, of course, we could take that right for granted—we could take it for granted that the value of work lies not in the race or gender of the person who is doing it but in a job well done.

Unfortunately, we don't live in that world. We know that, even now, some employers cheat their employees out of equal pay for equal work.

That's what happened to Lilly Ledbetter. For almost two decades, from 1979 to 1998, she was a hard-working supervisor at a Goodyear tire plant in Gadsden, AL.

And it is telling that she suffered from two types of discrimination at the same time. On the one hand, there was sexual harassment, from the manager who said to her face that women shouldn't work in a tire factory, to the supervisor who tried to use performance evaluations to extort sex.

And on the other hand, there was pay discrimination: by the end of her career, as the salaries of her male coworkers were raised higher and faster than hers, she was making some $6,700 less per year than the lowest paid man in the same position.

Now, the two kinds of discrimination faced by Ms. Ledbetter have a good deal in common. Morally, each amounts to a kind of theft—the theft of dignity in work and the theft of the wages fairly earned.

Both send a clear message as well—that women don't belong in the workplace.

But there is a clear difference between sexual harassment and pay discrimination. The former is blatant. The latter far too often stays insidiously hidden.

In fact, Lilly Ledbetter didn't even know she was being paid unfairly until long after the discrimination began. Absent an anonymous coworker giving her proof, she might be in the dark to this very day.

And that is hardly surprising. How many Americans know exactly how much their coworkers make? What would happen if they asked? At some companies, you could be fired.

Armed with proof of pay discrimination, Ms. Ledbetter asked the courts for her fair share. And they agreed with her: she had been discriminated against.

She had been cheated.

And she was entitled to her back pay.

Unfortunately, the Supreme Court ruled against her, and took it all away. Yes, she had been discriminated against—but she had missed a very important technicality.

She only had 180 days—6 months—to file her lawsuit—and the clock started running on the day Goodyear chose to discriminate against her.

Never mind that she had no idea she was even the victim of pay discrimination until years later. Figure it out in 180 days, the Court said or you are out of luck for a lifetime.

It is not hard to see how this ruling harms so many Americans beyond Ms. Ledbetter. In setting an extremely difficult, arbitrary, and unfair hurdle, it stands in the way of many, many Americans fighting against discrimination.

It also flatly contradicts what had been the standard practice of the Equal Employment Opportunity Commission, flies in the face of decades of legal precedent, and ignores clear congressional intent.

As Justice Ginsburg put it in her vehement dissent, the Court's Ledbetter ruling ignores the facts of discrimination in the real world. She writes:

Pay disparities often occur . . . in small increments; cause to suspect that discrimination is at work develops only over time. Comparative pay information, moreover, is often hidden from the employee's view . . . Small initial discrepancies may not be seen as meet for a federal case, particularly when the employee, trying to succeed in a nontraditional environment, is averse to making waves.

''The ball,'' Ginsburg concluded, ''is in Congress's court . . . The legislature may act to correct this Court's parsimonious reading.''

That is precisely what we are here to do today. With today's passage of the Lilly Ledbetter Fair Pay Act, employees will have a fair time limit to sue for pay discrimination. They will still have 180 days, but the clock will start with each discriminatory paycheck, not with the original decision to discriminate. After all, each unfair paycheck is in itself a decision to discriminate—it is ongoing discrimination. Employees like Ms. Ledbetter will no longer be blocked from seeking redress, through no fault of their own, except a failure to be more suspicious.

This is an important moment and important bill. I do wish we were also strengthening the remedies available to victims of pay discrimination under the Equal Pay Act.

For this reason we must also pass into law the Paycheck Fairness Act, authored by my friend and colleague in the Connecticut delegation, Congresswoman ROSA DELAURO, and championed in the Senate by Senator Hillary Clinton. Had paycheck fairness been law when Lilly Ledbetter decided to go to court, she may well have received just compensation for the discriminatory practices she endured. She certainly would have had a stronger case to make and a greater array of tools. So, as critical as the Lilly Ledbetter Fair Pay Act is, we certainly have more work to do.

Millions of Americans depend on the right to equal pay for equal work: to earn a livelihood, to feed their families, and to uphold their basic dignity. We ought to make it easier for Americans to exercise that right, not harder. We ought to get unfair roadblocks, hurdles, and technicalities out of their way. With passage of the Lilly Ledbetter Fair Pay Act, we take an important step toward eliminating these discriminatory roadblocks once and for all.

Ms. MURKOWSKI. Mr. President, I rise to speak about my vote on final passage of the Lilly Ledbetter Fair Pay Act.

I want to first reiterate a most important statement of the entire debate on this bill, with which we all agree. As I said yesterday, during debate on Senator HUTCHISON's substitute amendment, discrimination because of an individual's gender, ethnicity, religion, age, or disability cannot be tolerated. No Americans should be subject to discrimination, and if they are, they have the right to the law's full protection.

Having said that, I am pleased that we have had the opportunity to offer and vote on amendments that Members of the Senate believe would have perfected this legislation. I would also note that this opportunity is a welcome reversal from last year, when we did not have an opportunity to offer amendments, and it was for that reason that I voted against cloture last year.

As you know, I have had concerns about the Fair Pay Act's deletion of the statute of limitations. In my view, once an employee knows, or has a reasonable suspicion, that he or she has been the subject of discrimination, the employee has the responsibility to file a complaint within a reasonable amount of time. That responsibility benefits the employee first of all, but also benefits the employer, if a claim is pursued while records are available and memories are fresh. In addition, the employee is more likely to be able to recover the full amount of his or her lost wages rather than just the previous 2 years' wages.

For these reasons, I supported Senator HUTCHISON's substitute amendment. Her amendment recognized the important point that many employees do not know that their rate of pay is discriminatory. It would also have restored beneficial timeliness to the process once the employee suspected or knew of discrimination. I am disappointed that this amendment failed.

At the end of the day, however, after the amendment process has concluded—a process that was not available to us last year—I believe it is more important to vote for legislation that will improve every American's ability to access full redress for any act of wage discrimination.

The Fair Pay Act provides that vital protection. For that reason, I will vote for this legislation.

Mr. LEVIN. Mr. President, I support the Lilly Ledbetter Fair Pay Act. This legislation is important to ensure that Americans from all walks of life have a realistic opportunity for recourse if they are victims of pay discrimination. We are considering this bill because of the Supreme Court's interpretation, in Ledbetter vs. Goodyear Tire & Rubber Co., of title VII of the Civil Rights Act of 1964. The Court's 5 to 4 ruling makes it almost impossible for many victims of pay discrimination to find an adequate legal remedy under the Civil Rights Act. The legislation we are considering today will correct that.

The Civil Rights Act established the Equal Employment Opportunity Commission, EEOC, to enforce title VII. The EEOC is empowered to protect against employment discrimination based on sex, race, national origin, religion and disability by receiving complaints of discrimination, investigating discrimination, conducting mediations to settle complaints and filing law suits on behalf of employees.

Despite the efforts of the EEOC, the United States still suffers from significant pay iniquities. Numerous studies using census data and controlling for work patterns and socioeconomic factors found that half or more of the wage gap between males and females is due to gender alone, demonstrating that discrimination based on gender is all too common in American work places. Over the past decade, the EEOC has averaged more than 24,400 complaints of sex-based discrimination each year.

One of those complaints was filed in 1998 by a woman named Lilly Ledbetter. She alleged that she was the victim of a sex-based pay disparity during her nearly 20-year career at Goodyear. Ledbetter sued Goodyear, and a jury awarded her back pay and damages after finding, among other things, that Ledbetter was being paid $550 to $1550 less per month than her male counterparts who were doing the same work. For almost her entire tenure at Goodyear, Letbetter was not aware that she was being discriminated against because the pay levels of her coworkers were kept strictly confidential. In fact, she only learned that she was making less than males doing the same job as her because of an anonymous tip that she received shortly before her retirement.

Congress's intent in passing the Civil Rights Act and in passing subsequent updates to the Civil Rights Act in 1991 a bill which I supported was to help remedy the sort of discrimination that Lilly Ledbetter fell victim to. Although the validity of claims of pay discrimination filed within 180 days of receiving a paycheck reflecting discriminatory policies has been recognized by countless lower courts and was explicitly accepted under EEOC guidelines and by previous EEOC administrative decisions, the Supreme Court ruled that Ledbetter's claim of discrimination was not actionable under title VII. Their opinion stated that Ledbetter's claim was not filed within 180 days of the discriminatory act against her.

In ruling against Ledbetter, the majority's opinion stated that ''it is not [the Supreme Court's] prerogative to change the way in which title VII balances the interests of the aggrieved

employees against the interest in encouraging the prompt processing of all charges of employment discrimination.''' The majority concluded that ''Ledbetter's policy arguments for giving special treatment to pay claims find no support in the statute'' and that the Supreme Court must apply ''the statute as written, and this means that any unlawful employment practice including those involving compensation, must be presented to the EEOC within the period prescribed in the statute.''

The dissenters rightly characterize the majority opinion as ''parsimonious.'' I believe that the majority put forth a misguided interpretation of unlawful employment practices, and in doing so incorrectly found that Lilly Ledbetter's claim did not fall within title VII of the Civil Rights Act. I also believe that the opinion of the Court required an unreasonable interpretation of Congress's intent in title VII. Their finding would make it next to impossible to file a successful claim of discriminatory pay, given the challenges in detecting such discrimination. The Supreme Court interpreted Congressional intent in a civil rights law in a way that is restrictive of peoples' civil rights and available remedies.

But the issue for us to decide is not what a previous Congress intended. We are to decide what the law should be, and what is right. This legislation determines that each discriminatory paycheck will qualify as an unlawful employment practice under title VII. Equitable remedies defendants can raise, including laches, are not disturbed by this bill.

The Lilly Ledbetter Fair Pay Act will restore the protections against discriminatory pay that Congress and the courts have previously endorsed, and provide a reasonable route through the EEOC and the court system for people like Lilly Ledbetter to have pay discrimination corrected and remedied.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Lilly Ledbetter Fair Pay Act of 2009.

This bill is about equality, and it is about fairness. Although our country has made many important strides toward equality, when it comes to the week-to-week question of paychecks, or the day-to-day issue of financial security, women continue to lag behind.

Women simply are not paid as much as men, even when they do the exact same job.

Last summer, the U.S. Census Bureau reported that women who work full time earn, on average, only 78 cents for every dollar that men earn.

This is not an insignificant difference. It means that when a man is paid $50,000 a year for a certain kind of work, a woman may receive only $39,000. That is $11,000, or 22 percent less.

But when women go to pay their bills, to buy groceries, or to try to find health care, they are not charged 22 percent less. They are charged the same and must stretch their finances as best they can to make ends meet.

Women's financial struggles do not affect them alone. They affect countless families across the country. According to the U.S. Census, as of 2007, approximately 20 percent of American households were headed by women, and other surveys of households have revealed that a majority of women report providing more than half of their household incomes, with over a third totally responsible for paying the bills.

Ensuring equality in pay is absolutely essential right now. While all Americans are concerned about downturns, layoffs, stagnant wages, and pay cuts, it is also true that in an economic downturn, women suffer disproportionately under almost every economic measure. Women lose their jobs more quickly than men, and in December 2008, 9.5 percent of women who were the heads of their households were unemployed. Women's wages fall more rapidly. Women are disproportionately at risk for foreclosure, and as of last year, 32 percent more likely to receive subprime mortgages than men. And women have fewer savings on average.

The Lilly Ledbetter Fair Pay Act takes an important step forward in protecting working American women's financial well-being. The bill reverses the Supreme Court's parsimonious reading of pay discrimination law in Ledbetter v. Goodyear Tire & Rubber Co. so that women will not be turned away twice—first by their employers when they seek equal pay for equal work, and second by the courts when they go to file claims of unfair treatment.

The bill is a necessary correction to a Supreme Court decision that was incorrect. The bill ensures that when employers unlawfully pay women less for performing the same job, they can seek recourse in the Federal courts.

I also want to say a word about the amendments offered today. The Lilly Ledbetter Fair Pay Act does not change the substance of title VII discrimination law. What it does is make sure that women who have meritorious discrimination claims under that law are not unfairly denied the right to go to Federal court and recover compensation.

The bill says that women can file their claims within 180 days of their last discriminatory paycheck and can recover up to 2 years' back pay from that date. Any stricter timing requirement is simply out of touch with the realities of the workplace.

As Justice Ginsburg explained in her dissent in the Ledbetter case:

> [I]nsistence on immediate contest overlooks common characteristics of pay discrimination. . . . Pay disparities often occur, as they did in Ledbetter's case, in small increments; cause to suspect that discrimination is at work develops only over time. . . . [A worker's] initial readiness to give her employer the benefit of the doubt should not preclude her from later challenging the then current and continuing payment of a wage depressed on account of her sex.

When women work the same jobs as men with the same skill, they should be paid the same amount. If they are not paid the same amount because of discrimination, they should be able to seek recourse in Federal courts. I urge my colleagues to support this bill and restore American fair pay law.

Mr. SANDERS. Mr. President, soon we will be voting on the Lilly Ledbetter Fair Pay Act, S. 181. The House of Representatives has already passed this legislation by a vote of 247 to 171. Passing this bill today will send a clear message that our country will not tolerate unequal pay for equal work.

As astonishing as it is, in the year 2009, women earn, on average, only 77 cents for every dollar earned by men in comparable jobs. What a truly unthinkable, and frankly disgraceful, circumstance—one that we must do everything within our power to change. Today we have the opportunity to take a small but very significant step in making sure that Americans have the legal opportunity to challenge pay discrimination.

Lilly Ledbetter was a loyal employee at Goodyear Tire and Rubber Company for 19 years. At first, her salary was in line with that of her male colleagues, but over time she got smaller raises creating a significant pay gap. Ms. Ledbetter was not aware of this pay discrimination until she received an anonymous note detailing the salaries of three male coworkers. After filing a complaint with the Equal Employment and Opportunity Commission, her case went to trial and the jury awarded her $3.3 million in compensatory and punitive damages due to the extreme pay discrimination she endured.

The Court of Appeals for the Eleventh Circuit reversed this verdict, arguing that Ms. Ledbetter filed her complaint too late. If you asked anyone on the street, they would tell you that this decision goes against the citizens of this country's sense of right and wrong. How was she to know that this discrimination was happening? Ms. Ledbetter was already facing sexual harassment at Goodyear Tire and Rubber Co. and told by her boss that he didn't think a woman should be working there. To argue that Ms. Ledbetter should have asked her male counterparts what their salaries were at the moment she suspected discrimination defies common sense. This topic was off limits, as it is in most work places. It is clearly not her fault she didn't discover this inequity sooner.

In 2007, the Supreme Court upheld the Eleventh Circuit ruling in Ledbetter v. Goodyear Tire and Rubber Co. and, as a result, took us a step back in time. It gutted a key part of the Civil Rights Act of 1964 that has protected hardworking Americans from pay discrimination for 45 years by making it extraordinarily difficult for victims of pay discrimination to sue their employers.

The bill before us overturns the Court's 5–4 decision and reinstates prior law. It ensures that victims of pay discrimination will not be penalized if they are unaware of wage disparities. I am happy to say that we will have the opportunity today to protect millions of hardworking Americans and reverse the unreasonable and unfair Ledbetter decision. I call on all of my Senate colleagues to vote in favor of this bill, which will send a clear signal that pay discrimination is unacceptable and will not be tolerated.

Ms. SNOWE. Mr. President, I come to the floor today to thank my Senate colleagues—particularly the persistent efforts of Senator MIKULSKI, but also to commend Senators KENNEDY and SPECTER for their willingness to address a controversial Supreme Court decision head-on. I am proud to see the Senate taking up an issue that is so fundamental to America—to the way we see ourselves, to the way we are perceived around the world, to the core principles by which our country abides. Equality. Fairness. Justice.

I believe everyone in this body is familiar with the story of Lilly Ledbetter. She spent 20 years diligently working at the same company, at the same facility in suburban Alabama, striving alongside her coworkers, both male and female. Unknown to her at the time, from her earliest days at the facility she had become a victim of gender discrimination. How? Over time, those male colleagues who rose through the ranks at the same rate as Ms. Ledbetter were receiving considerably more compensation.

Then, one day in June of 1998, her eyes were opened by an anonymous individual who provided her with documentation finally alerting her to the discrepancy in wages. From there, her legal odyssey began. She filed a complaint with the Equal Employment Opportunity Commission, EEOC, in July, filed a discrimination lawsuit 4 months later and found herself at what she expected to be the end of her journey, the U.S. Supreme Court, 8 years later. But this was not the end of the journey.

As Justice Ginsburg indicated in her dissenting opinion, the majority did not sufficiently consider the broad array of case law that would have resulted in a decision in favor of Ms. Ledbetter. Yet we are here today not to argue the validity of the May 2007 Supreme Court decision. Rather, we are here to address the root of the problem, a role Congress must fulfill when the law clearly is lacking. In fact, in that same dissent, Justice Ginsburg urged Congress to act expeditiously to repair this inequity. Today, we are one step closer to doing just that.

The existing statute plainly indicates the discrimination must have occurred within 180 days of filing the complaint in order for the complaint to be considered timely. But as Ms. Ledbetter's case proves, this provision, now codified in title VII of U.S. law, is fundamentally flawed. With respect to a situation like that experienced by Ms. Ledbetter, and thousands of American women every day, the statute is not tailored in such a way to recognize long-term workplace discrimination. If a woman is terminated solely because of her gender—or perhaps passed over for promotions or increased compensation irrespective of merit, but instead based solely on the fact she is a woman, she typically would have the ability to meet the 180-day requirement.

But the kind of mistreatment we are attempting to rectify with this legislation is both subtle and longstanding, it is almost impossible to comply with the statute as written. Generally, women like Ms. Ledbetter enter a company on a lower pay scale than their peers, and starting with such a handicap continues to plague them throughout their careers. Over time, that gulf between her compensation and that of her male colleagues only widens. But why should they be penalized in law simply because they didn't have the information necessary to know they were being discriminated against? Do we really wish to say that justice should be arbitrarily decided merely by a date and time?

Now, opponents of the legislation have indicated the Ledbetter bill before us today will cost jobs, that it is a radical departure from the intent of the law, that it will impose massive costs on employers, and encourage a deluge of lawsuits. But nothing could be further from the truth.

This bipartisan bill would simply restore the law of the land prior to the Supreme Court's 2007 decision. Nine courts of appeals followed the approach we endorse in this bill, and the EEOC used the same underpinnings included in the Ledbetter bill under both Democratic and Republican administrations. In fact, the legislation mimics language that Congress employed in the Civil Rights Act of 1991 to mitigate a Supreme Court decision that all but eliminated employees' opportunity to challenge seniority systems in the workplace.

Indeed, after 17 years, this language has not resulted in even a minimal spike in claims through the kind of broad interpretation we were warned against. That's why the nonpartisan Congressional Budget Office, CBO, has specifically stated it will not significantly increase the number of pay discrimination claims. What it will do is give workers who have reasonable claims a fair chance to have them heard.

In addition, this legislation does nothing to alter current limits on the amount employers owe. Under Senator MIKULSKI's bill, employers would not have to make up for salary differences that occurred decades ago. Current law limits back pay awards to 2 years before the worker filed a job discrimination claim under title VII of the Civil Right Act of 1964. The bill would do nothing to change this 2-year limit on back pay.

Some view this as a unique circumstance specific to Ms. Ledbetter. I wholeheartedly disagree. According to a Government Accountability Office presentation based on the 2000 Census data, 7 of the 10 industries that hire the majority of women in this country experienced a widening of the wage gap between male and female managers. In 1963, when Congress passed the Equal Pay Act, a woman working full-time was paid 59 cents on average for every dollar paid to male employees, while in 2005 women were paid 77 cents for every dollar received by men. Over the last 42 years, despite our best efforts, the wage gap has only narrowed by less than half of a penny per year.

In my home State of Maine, the situation is even harsher for women in the workplace. For women in Maine, the concern about equal pay is especially acute. In 2007, on average, women in my State working full-time year-round earned only 76 percent of what men working full-time, year-round earned. This is 2 percentage points below the nationwide average of 78 percent. Over recent years, the gender wage gap has plateaued—we are not making progress. The following point is particularly illustrative—the wage gap in Maine persists, like it does across America, at all levels of education. Women in the State with a high school diploma earned only 62 percent of what men with a high school diploma earned. In fact, as is true nationwide, the average woman in Maine must receive a bachelor's degree before she earns as much as the average male high school graduate.

So, today, we have come here only to ensure that women who have been treated unfairly in the workplace have the opportunity to seek redress. In conclusion, Lilly Ledbetter's journey—indeed, the journey of all working women—continues. Like Ms. Ledbetter, many of us who followed the case all the way to the chambers of the Supreme Court considered it the final step. We were wrong—but now we have the opportunity to right that injustice. I urge my colleagues to support final passage for this legislation, and guarantee that the Senate's support for this legislation is indeed her final step on a decade-long journey.

Mr. FEINGOLD. Mr. President, I am pleased to support the Lilly Ledbetter Fair Pay Act of 2009, legislation that I have cosponsored for the past 2 years. This legislation simply seeks to protect American workers from pay discrimination based on factors such as race, gender, religion, and national origin. I am pleased that the Senate is on the verge of finally passing this important bill after we came so close to passing it last year. For over 2 years, Lilly Ledbetter, the victim of discriminatory pay based on gender, has worked tirelessly to move this legislation forward and today's Senate passage of the Ledbetter bill marks an important victory for her and the many advocates

around the country who joined with her.

These are challenging economic times for many families in Wisconsin and around the country. Too many workers are struggling to hang onto their jobs, their homes, and provide for their children. We in Congress need to do all we can this year to help create solid family-supporting jobs, but we also need to make sure that people who already have jobs can support their families. We need to pass legislation like the Ledbetter bill to help ensure that workers are treated fairly and earn what they deserve.

I know many of my colleagues in the Senate share my disappointment and frustration that, despite all the gains women have made since gaining the right to vote 100 years ago, they still make 77 cents on the dollar compared to their male counterparts. It is hard to believe that this pay disparity continues to exist in the 21st century. Unfortunately, the pay disparity not only exists but is even larger in my State of Wisconsin. According to data gathered by the Institute for Women's Policy Research, IPWR, women's salaries were only approximately 72 percent of men's salaries in Wisconsin. The wage gap gets even larger when you look at the earnings of minority women throughout Wisconsin. In 1999, African-American women's salaries were only around 63 percent of White men's salaries; while Hispanic women's salaries were only 59 percent of White men's salaries according to an analysis of Wisconsinites' wages by IWPR.

These troubling wage gaps exist throughout the country and, thanks to the flawed Supreme Court decision in Ms. Ledbetter's case, it is now even more difficult for hard-working Americans to seek legal redress for this inequity in the workplace.

As we heard in testimony before the Judiciary Committee last year, Lilly Ledbetter's experience ''typifies the uphill battle that American workers face'' in efforts to ''right the wrong of pay discrimination.'' After she found out that she was being paid less than her male counterparts, she filed a complaint with the EEOC and then brought a lawsuit in Federal court in Alabama. The Federal district court ruled in her favor, but 2 years ago, the Supreme Court ruled that Ms. Ledbetter had filed her lawsuit too long after her employer originally decided to give her unequal pay. Under title VII of the Civil Rights Act of 1964, an individual must file a complaint of wage discrimination within 180 days of the alleged unlawful employment practice. Before the Ledbetter decision, the courts had held that each time an employee received a new paycheck, the 180-day clock was restarted because every paycheck was considered a new unlawful practice.

The Supreme Court changed this longstanding rule. It held that an employee must file a complaint within 180 days from when the original pay decision was made. Ms. Ledbetter found out about the decision to pay her less than her male colleagues well after 180 days from when the company had made the decision. Under the Supreme Court's decision, it was just too late for Ms. Ledbetter to get back what she had worked for. It did not matter that she only discovered that she was being paid less than her male counterparts many years after the inequality in pay had begun. And it did not matter that there was no way for her to find out she was being paid less until someone told her that was the case.

In Ms. Ledbetter's case, to put it simply, the Supreme Court got it wrong. It ignored the position of the Equal Employment Opportunity Commission and the decisions of the vast majority of lower courts that the issuance of each new paycheck constitutes a new act of discrimination. It ignored the fact that Congress had not sought to change this longstanding interpretation of the law.

The Court's decision also ignores realities of the American workplace. Perhaps we lose sight of this in Congress, since our own salaries are a matter of public record, but the average American has no way of knowing the salary of his or her peers. As Ms. Ledbetter noted, there are many places across the country where even asking your coworkers about their salary would be grounds for dismissal.

The Lilly Ledbetter Fair Pay Act, which has been pending in the Senate since shortly after the Supreme Court's erroneous decision, reestablishes a reasonable timeframe for filing pay discrimination claims. It returns the law to where it was before the Court's decision, with the time limit for filing pay discrimination claims beginning when a new paycheck is received, rather than when an employer first decides to discriminate. Under this legislation, as long as workers file their claims within 180 days of a discriminatory paycheck, their complaints will be considered.

This bill also maintains the current limits on the amount employers owe once they have been found to have committed a discriminatory act. Current law limits back pay awards to 2 years before the worker filed a job discrimination claim. This bill retains this 2-year limit, and therefore does not make employers pay for salary inequalities that occurred many years ago. Workers thus have no reason to delay filing a claim. Doing so would only make proving their cases harder, especially because the burden of proof is on the employee, not the employer.

Opponents say that this bill will burden employers by requiring them to defend themselves in costly litigation. This is simply not the case. Most employers want to do right by their employees and most employers pay their employees fair and equal wages. This legislation is targeted at those employers who underpay and discriminate against their workers, hoping that employees, like Ms. Ledbetter, won't find out in time. The Congressional Budget Office has also reported that restoring the law to where it was before the Ledbetter decision will not significantly affect the number of filings made with the EEOC, nor will it significantly increase the costs to the Commission or to the Federal courts.

The impact of pay discrimination continues throughout a person's life, lowering not only wages, but also Social Security and other wage-based retirement benefits. This places a heavy burden on spouses and children who rely on these wages and benefits for life's basic necessities like housing, education, healthcare, and food. This discrimination can add up to thousands, even hundreds of thousands, of dollars in lost income and retirement benefits. In these challenging economic times, Congress must do all it can to ensure that the wages and retirement savings of American men and women are protected and not subject to attack by flawed court decisions or legislative inaction.

On matters of pay discrimination, this bill simply returns the law to where it was before the Supreme Court issued its misguided decision in 2007. We need to do more than just correct past mistakes, however we also need to examine the challenges facing working Americans and address those challenges in a constructive and thoughtful way. I look forward to working with my colleagues to strengthen and improve laws that help working families, including creating jobs, expanding access to health care, and improving educational opportunities for all Americans.

Mr. President, I am pleased that the Senate was finally able to prevent a filibuster of this important legislation and that we are now on the verge of passing this bill. I am a proud cosponsor of the Lilly Ledbetter Fair Pay Act, and I was disappointed when it failed in the Senate by just four votes last year. This is a significant victory for working families in Wisconsin and around the country. Of course, pay discrimination is not the only issue that women, minorities, people with disabilities, and other protected groups of workers confront, and we need to do more to strengthen and improve other employment conditions, like worker safety, as well. As this new Congress gets underway, I stand ready to work with my colleagues in the Senate to advance legislation that protects employment rights and strengthens job opportunities for all Americans.

Mr. GRASSLEY. Mr. President, let me first say, I adamantly oppose and abhor discrimination of any kind, whether it is based on gender, age, religion, disability or race. I am a father to two daughters. I have five granddaughters and two great-granddaughters. I want all of my granddaughters to know that their goals and achievements will only be limited by their own ambition rather than a despicable act of gender discrimination. There is no place for discrimination in

our country, and all of my colleagues share this belief. No side in this debate is in favor of gender discrimination.

The matter before the Senate is the Lilly Ledbetter Fair Pay Act. The Lilly Ledbetter Fair Pay Act seeks to overturn a Supreme Court decision that the sponsors contend has removed statutory protections against discrimination, in this case, pay discrimination. The Court's decision in Ledbetter v. Goodyear Tire held that a plaintiff alleging pay discrimination under title VII must file a claim within the statutory filing period of the alleged discrimination.

It is unfair to individuals who were unknowingly discriminated against to have a strict statute of limitations that prevent them from bringing suit once they discover the discrimination. I could not agree more. An individual should not be precluded from seeking justice simply because they were not aware of the discrimination. This is the situation that the proponents of the Ledbetter bill seek to address.

However, we must also ensure that the remedy to this injustice does not lead to allegations of discrimination that are years and, perhaps, decades old. A reasonable statute of limitations ensures that the discrimination is identified and reported and the employee receives a timely resolution if there is discrimination. Statutes of limitation have been part of our legal history for hundreds of years and further the interest of justice by ensuring claims are brought in a timely manner while evidence is still available. These limitations have long been recognized by courts as a way to balance the rights of plaintiffs against the rights of defendants. In the case of employment discrimination suits, the statute of limitations provides employers protection from having to defend allegations where records no longer exist or employees have moved on or passed away.

Statutes of limitations have always stood in some tension, and it is our job as the elected representatives of plaintiffs and defendants across this country to strike the necessary balance. We need to ensure that law does not sanction hidden discrimination nor effectively eliminate the statute of limitations.

The supporters of this bill have offered their version of a solution to this problem. The underlying bill would essentially reset the clock on the statute of limitations every time a new paycheck was received by an individual who was discriminated against in the past. They believe this is necessary regardless of how long in the past the claim of discrimination occurred. It would effectively eliminate the statute of limitations for discrimination claims.

The underlying bill also goes far beyond the stated objective of providing justice to those who have been subject to concealed discrimination. Instead, it could have the exact opposite effect of hindering efforts to quickly resolve discrimination claims. By pushing claims off indefinitely into the future, the bill creates a separation between the discriminatory act and the filing of a claim making cases harder to prove and more costly to defend. Simply put, the bill offered by Senator MIKULSKI greatly expands the existing statute further than it was before the Supreme Court decided the Ledbetter case.

While I believe the Mikulski bill goes too far, I do believe Congress should act to ensure discrimination claims are not simply ignored. As I said before, we need to find the right balance. I believe that balance is found with the alternative bill offered by my colleague, Senator KAY BAILEY HUTCHISON. Her amendment essentially codifies a discretionary approach that courts and the Equal Employment Opportunity Commission have applied in these cases for years.

The fact is, the Supreme Court and the EEOC have long recognized that statutes of limitation or charge-filing periods can be extended or ''tolled'' in circumstances where the discrimination is hidden or concealed. Simply put, defendants shouldn't be able to run out the clock just because they hide the discrimination or it is unknown to the victim.

The Hutchison alternative simply codifies this doctrine of equitable tolling. The Hutchison amendment provides that the clock on the charge-filing deadline does not start running until an employee discovers the discrimination or should have discovered the discrimination. This thoughtful, balanced approach protects the rights of the employee if the discrimination was concealed, but also ensures that the claim can be resolved timely. The Hutchison amendment codifies the flexibility of the claim-filing deadline when the discrimination is concealed, rather than effectively eliminating the deadline outright. It is the type of balanced, measured approach we as legislators are elected to find.

While it is my sincere hope that in this day and age no employer treats individuals differently based on gender, I am a cosponsor and strongly support the Hutchison amendment and believe it is the best possible way to ensure that the rights of all individuals are protected from discrimination.

Unfortunately, this balanced amendment was rejected by the majority, as were a number of other thoughtful, balanced, and needed amendments offered by colleagues on my side of the aisle. Because those efforts to improve the bill and minimize unintended consequences were rejected, I must vote against the bill. I regret that the Senate was unable to work in a more bipartisan manner to address the serious issue of gender discrimination.

Mr. MARTINEZ. Mr. President, lawyers have a saying: ''Bad facts make bad law.'' In my opinion, bad facts make even worse legislation. The proposal before the Senate, S. 181, assumes a number of erroneous facts directly related to the case of Ms. Lilly Ledbetter and how current law treats those wishing to file discrimination claims. I believe improvements are in order to the current law, but S. 181 goes well beyond what is reasonable and equitable.

Ms. Ledbetter was not prevented from asserting claims because she wasn't aware of her employer's alleged discrimination. She was prevented from asserting her claims because, as Ms. Ledbetter testified under oath in the case, she knew about the alleged discrimination for nearly 6 years before bringing her lawsuit.

While it is essential that employees be given an adequate period of time to press a discrimination claim, employers must also be protected from endless litigation.

Statutes of limitation serve an important function in our judicial system. By effectively eliminating the statute of limitation in employment discrimination cases, S. 181 would make it very difficult for an employer to mount a credible defense to a discrimination claim. Both small business owners and employees deserve a fair process. Although I support fair pay for equal work and oppose workplace discrimination of any kind, I oppose S. 181 and I am hopeful a balance can be reached before it becomes law.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Mr. President, equal pay for equal work is a fundamental civil right. This principle is at the heart of our Nation's commitment to fairness. When President Kennedy signed the Equal Pay Act in 1963, he reminded us that protection against pay discrimination is ''basic to democracy.'' Those words ring even truer today. When we inaugurated Barack Obama as our new President this week, our country strongly reaffirmed its commitment to a fairer, more just American society.

My good friend Senator MIKULSKI has taken an important step toward achieving this fairer, more just society by leading the debate in the Senate on the Lilly Ledbetter Fair Pay Act, and I thank her for her inspired leadership. She has truly been a passionate advocate for women and others who have suffered the injustice of discrimination. I also commend Senator HARKIN for the work he has done on this bill and on the Fair Pay Act. Senator Clinton has also been a champion for pay equity, and we pledge to continue her good work.

We must pass the Lilly Ledbetter Fair Pay Act. It will give American workers who are victims of pay discrimination based on race, age, gender, national origin, religion, or disability a fair chance to enforce their rights.

As a nation, we have often acted in recent years to expand and strengthen our civil rights laws in order to end discrimination, and we have always done so with bipartisan support. The

result has been great progress towards increasing equal opportunity and equal justice for all our people, and we will never abandon this basic goal.

Despite our past efforts to end pay discrimination, too many of our citizens still put in a fair day's work, but go home with less than a fair day's pay. Women, for example, bring home only 78 cents for each dollar earned by men. African American workers make only 80 percent of what White workers make and Latino workers make only 68 percent. Many qualified older workers and workers with disabilities also bear the burden of an unlawful pay gap. They are paid less than their coworkers for reasons that have nothing to do with their performance on the job.

Confronting pay discrimination is about addressing the real challenges faced by real Americans to make ends meet. These challenges have been mounting in recent months, as millions of American workers struggle even harder each day to provide for their families in this troubled economy.

Pay discrimination makes their struggle even harder. In these dire economic times, workers and their families can't afford to lose more economic ground—but that is just what is happening to thousands of Americans who still face pay discrimination.

With the economy in a severe recession, we cannot afford to wait to fix this problem. With women and minorities still making less than White men for the same work, we can't be complacent. With thousands of workers facing discrimination because of their race, their sex, their national origin, their age, their religion, and their disability every year, we must continue the battle to end this national disgrace.

Lilly Ledbetter's own case demonstrates the financial toll that pay discrimination can take. Lilly made 20 percent less than her lowest paid, least experienced male colleague and almost 40 percent less than her highest paid male colleague. For Lilly and other victims like her, the cost of pay discrimination over time is large. A recent study estimates that women lose an average of $434,000 over the course of their career because of the pay gap. Not only that, but their lower wages also mean their pension benefits and their Social Security benefits are lower as well. Unless we act, thousands of American workers will continue to face the same injustice that Lilly Ledbetter has endured.

It is our common responsibility to attack this problem with every tool at our disposal. Unfortunately, the challenge has been made more difficult because of the Supreme Court's decision last May that pulled the rug out from under victims of pay discrimination by making it harder for them to stand up for their rights.

In Ledbetter v. Goodyear Tire & Rubber Company, the Supreme Court reversed decades of established law by reinterpreting existing law on equal pay and ruling that workers must file claims of pay discrimination within 180 days after an employer first acts to discriminate. Never mind that many workers, such as Ms. Ledbetter, do not know at first that they are being discriminated against. Never mind that workers often have no way to learn of the discrimination against them or gather evidence to support their suspicions because employers keep salary information confidential. Never mind that the discrimination continues each and every time an employee receives an unfair paycheck.

The Ledbetter decision means that many workers across our country will be forced to live without any reasonable way to hold employers accountable when they violate the law. Employers will have free rein to continue their illegal activity, and the workers who are unfairly discriminated against will have no remedy. This result defies both justice and common sense.

The American people have made clear that they are yearning for a government that promotes, not defies, justice and common sense. We can answer this call for change by quickly passing the Lilly Ledbetter Fair Pay Act and restoring a clear and reasonable rule addressing how pay discrimination actually occurs in the workplace. The 180-day time period for filing a pay discrimination claim begins again on each date when a worker receives a discriminatory paycheck.

By doing so, the Lilly Ledbetter Fair Pay Act ensures that employers can actually be held accountable when they break the law. Under this bill, workers can challenge ongoing discrimination as long as it continues. As long as the injustice and the damage of the discrimination continue, the right to challenge it should continue too.

The bill before us restores the rules that employers and workers had lived with for decades, until the Supreme Court upended the law in the Ledbetter case. We know these rules are fair and workable. They were the law in most of the land and had the support of the EEOC under both Democratic and Republican administrations until the Ledbetter decision. There won't be any surprises after this bill passes. As the Congressional Budget Office has stated, the bill will not increase litigation costs.

Congress must stand with American workers to reverse the Supreme Court's Ledbetter decision. Civil rights groups, labor unions, disability advocates, and religious groups from across the country support this legislation. Many responsible business owners also support it, especially, the members of the U.S. Women's Chamber of Commerce. The American people want us to act.

In her stirring dissent in the Ledbetter case, Justice Ruth Bader Ginsburg wrote that ''Once again, the ball is in Congress's court.'' Nearly 2 years after she wrote those words, the ball is still in Congress's court. The House passed this important legislation last year, but the Senate dropped the ball. Now we have a new Congress and a new opportunity to master the challenge that Justice Ginsburg put to us, and we have a new President who is strongly committed to equal pay and to ending pay discrimination. I ask my colleagues to enable the march of progress on civil rights to continue. Together, let us stand with working people. Let us pass the Lilly Ledbetter Fair Pay Act.●

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 34

Mr. VITTER. Mr. President, I call up amendment No. 34.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 34.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects)

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT NEUTRALITY IN CONTRACTING.

(a) PURPOSES.—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

(b) PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.—

(1) PROHIBITION.—

(A) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(i) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(ii) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(I) became a signatory, or otherwise adhered to, an agreement with 1 or more labor

organization with respect to that construction project or another related construction project; or

(II) refuse to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(B) APPLICATION OF PROHIBITION.—The provisions of this subsection shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such subparagraph.

(2) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(A) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A); or

(B) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in subparagraph (A) do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A).

(3) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient, or party, fails to comply with paragraph (1) or (2), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(4) EXEMPTIONS.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of paragraphs (1) and (2) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) SPECIAL CIRCUMSTANCES.—For purposes of subparagraph (A), a finding of ''special circumstances'' may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(C) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of paragraphs (1) or (2) if the agency head finds—

(i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in paragraph (1)(A); and

(ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(5) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this subsection applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this subsection.

(6) DEFINITIONS.—In this subsection:

(A) CONSTRUCTION CONTRACT.—The term ''construction contract'' means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(B) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office.

(C) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

Mr. VITTER. Mr. President, this is my amendment, No. 34 the Government neutrality in contracting amendment. It is very simple; it is very straight forward. It would provide true equal opportunity and open competition in national contracting.

Congress has a duty to ensure that infrastructure projects paid for by taxpayers are free from favoritism, and these interests would not be served if Congress were to require union-only Project Labor Agreements or PLAs for construction projects in the 111th Congress.

According to a January 2008 report issued by the Bureau of Labor Statistics, only 13.9 percent of America's private construction work force belongs to a labor union. So this means that union-only PLAs discriminate against well over 8 out of 10 construction workers in America who would otherwise be able to work on those projects.

Given the debate on the current legislation, I believe this amendment is particularly important for the following reasons: Minorities are particularly negatively impacted by union-only PLAs. This discrimination is harmful to women and minority-owned construction businesses whose workers have traditionally been underrepresented in unions, mainly due to artificial and societal barriers to union apprenticeship and training programs.

Requirements under a PLA can be so burdensome that many women and minority-owned businesses are deterred from even bidding on construction projects. A PLA could force these employers to have to abandon their own employees in favor of union workers, to pay into union and pension health plans, even if they already have their own plans.

Not being able to bid on a public project because of a PLA is very detrimental to small disadvantaged companies who rely on these contracts for much of their growth.

Again, this amendment would provide equal opportunity and open competition in Federal contracting. It would codify the status quo right now, which is to bar Federal agencies from requiring union-only PLAs on Federal construction projects. This sort of equal opportunity nondiscrimination is important and certainly is consistent with the spirit of this underlying bill.

Let me also mention in closing that this amendment has the full support of many national groups such as Associated Builders and Contractors, The Associated General Contractors of America, the National Association of Minority Contractors, Independent Electrical Contractors, the National Association of Disadvantaged Businesses, the National Black Chamber of Commerce, the National Federation of Independent Business, Women Construction Owners and Executives, and others.

I ask unanimous consent to have printed in the RECORD a letter making clear that support from a broad-based group of organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 21, 2009.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The undersigned organizations call on you to support an amendment offered today by Senator David Vitter (S.A. 34) to the ''Ledbetter Fair Pay Act of 2009'' (S. 181) that eliminates discrimination and ensures fairness in federal procurement by forbidding union-only project labor agreements (PLAs) on federal and federally funded construction projects. In addition, this amendment protects taxpayers and ensures fair and open competition on contracts for all federal infrastructure projects. We urge you to support the Vitter Amendment to the ''Ledbetter Fair Pay Act of 2009'' (S.181) when it comes up for a vote in the U.S. Senate.

Equal opportunity and open competition in federal contracting are critical issues to consider as the federal government explores various solutions, including significant infrastructure spending, to stimulate our ailing economy. Congress must ensure federal and federally funded infrastructure projects paid for by taxpayers are administered in a manner that is free from favoritism and discrimination while efficiently spending federal tax dollars. These interests would not be served if Congress were to require union-only requirements, commonly known as union-only PLAs, on federal construction projects. The Vitter Amendment would protect taxpayers from costly and discriminatory union-only PLA requirements on federal construction contracts.

A union-only PLA is a contract that requires a construction project to be awarded to contractors and subcontractors that agree to: recognize unions as the representatives of their employees on that jobsite; use the union hiring hall to obtain workers; pay union wages and benefits; obtain apprentices

through union apprenticeship programs; and obey the union's restrictive work rules, job classifications and arbitration procedures.

Construction contracts subject to union-only PLAs almost always are awarded exclusively to unionized contractors and their all-union workforces. According to the most recent data from the U.S. Department of Labor's Bureau of Labor Statistics, only 13.9 percent of America's construction workforce belongs to a union. This means union-only PLAs would discriminate against almost nine out of 10 construction workers who would otherwise work on construction projects if not for a union-only PLA.

This discrimination is particularly harmful to women and minority-owned construction businesses whose workers traditionally have been under-represented in unions, mainly due to artificial and societal barriers in union membership and union apprenticeship and training programs.

In closing, we strongly urge you to eliminate discrimination and guarantee equal opportunity and open competition in federal construction procurement by supporting the Vitter Amendment (S.A. 34) to the ''Ledbetter Fair Pay Act of 2009' (S. 181).

Sincerely,

Associated Builders and Contractors; Independent Electrical Contractors; National Association of Minority Contractors—Northeast Region; National Association of Small Disadvantaged Businesses; National Black Chamber of Commerce; National Federation of Independent Business; Women Construction Owners and Executives, USA.

Mr. VITTER. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I want to be clear that I object to the Vitter amendment. I do it on both policy and procedural grounds.

First, on procedure, this amendment has nothing to do with the Lilly Ledbetter Fair Pay Act. The Lilly Ledbetter Fair Pay Act focuses on wage discrimination. The Vitter amendment focuses on project labor agreements by Federal agencies. It deals with contracting. It deals with construction work. It does not deal with wages in that category.

The great thing about today is that we have not become locked in a debate on process. I thank my colleagues on the other side of the aisle for the amendments they offered. They were focused. They were clear. It was primarily about wage discrimination.

When we look at the Vitter amendment, it would prohibit Federal dollars from being used for something called project labor agreements. These agreements, which contractors and labor organizations establish to set the terms of employment for large construction projects, benefit both the Government and workers. History has shown they produce high-quality jobs, high-quality work that is completed efficiently and effectively, on time, and meeting the bottom line of the bid.

When we talk about project labor agreements, it is not true that PLAs require union-only labor. Project labor agreements have been used for years to help construction companies run effectively and efficiently. State and local governments often use these agreements because they know they are going to get a good job at the price that has been bid. These agreements help keep costs predictable and under control. That is critical for large Federal projects.

It is also a preventive strategy. Often, they prevent labor disputes and assure a steady supply of high-quality workers.

Project labor agreements benefit workers and communities. Now more than ever, we need to be creating high-quality jobs. Project labor agreements ensure that wages and benefits and working conditions are simply fair. Instead of embracing these benefits, the Vitter amendment would prohibit the use of it.

Then there is another issue—executive authority. This would take away longstanding executive authority. It would tie the hands of a President. I certainly don't want to tie the hands of our new President, but I don't want to tie the hands of any President under the Executive authority to do PLAs. Our Nation's Executive has always had the authority over Federal contracting. There is no reason to shift the balance of power. That could result in all kinds of lawsuits, et cetera.

Senator VITTER says that project labor agreements restrict competition, but that is not true. Under President Clinton, both union and nonunion contractors were able to win bids. Nonunion workers were not excluded. All construction workers could work on projects governed by project labor agreements. That is what I am going to repeat: Project labor agreements do not require union-only labor. That is a myth. It has no basis in reality. It has no basis in statute.

I know the time is growing late. I also thank the Senator from Louisiana for agreeing to a time agreement. I think I have made the essence of our argument. I will reserve the remainder of my time for a wrap-up statement and some individuals I would like to acknowledge, some of the people who have worked so hard on this bill.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Louisiana has just under 6½ minutes. The Senator from Maryland has 30 seconds.

Mr. VITTER. Mr. President, let me again underscore that it has been clearly demonstrated that project labor agreements, union-only project labor agreements, do hurt women and minorities and also hurt women- and minority-owned businesses. They are often shut out or disadvantaged through those agreements because of historical factors. That is one reason, among many, why all of those organizations I cited, including organizations representing minority- and women-owned businesses, strongly support my stand-alone bill and strongly support my amendment.

In addition, the distinguished Senator from Maryland talked about cost. PLAs do impact cost. They push up cost. If they make cost reliable, they only make them reliably high. A good example is the $2.4 billion project right here to replace the Wilson Bridge between suburban Maryland and Virginia. When a union-only PLA requirement was pushed by former Maryland Governor Glendening, that threw a wrench into the project and drove costs up 78 percent. After that, President Bush issued an Executive order to do away with those PLAs, and phase 1 of the bridge project was rebid. Multiple bids were received, and the winning bids came in significantly below engineering estimates. Today, with that rule against the PLA requirement, the project is almost complete and substantially under budget. I have example after example such as that, where union-only PLAs do jack up the cost to the taxpayer.

In addition, since we are talking about discrimination issues, PLAs do cut out and harm and put at a disadvantage many women and minorities, certainly including women- and minority-owned businesses.

With that, I urge all of my colleagues to support this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my remarks be extended by 1 minute for the purpose of acknowledgment and thanking people.

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

Ms. MIKULSKI. Mr. President, I thank someone who is not with us tonight for his steadfast work on this bill, our beloved Senator KENNEDY. We can't wait to have him back. I thank the distinguished ranking member, Senator ENZI, for his wonderful cooperation in enabling us to move this bill and to proceed with civility and focus and, I might add, timeliness. I thank all of my colleagues, Judiciary Committee as well as HELP Committee members. I thank the Kennedy staff who worked with me on doing this—Sharon Block, Portia Wu, and Charlotte Burrows—and my own staff: Ben Gruenbaum and Priya Ghosh Ahola.

I want to, then, proceed to the first bill the Senate will actually vote on since the inauguration of our new President. I think this debate shows we can change the tone. Let's keep that up.

I move to table the Vitter amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 34. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—59

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burris	Landrieu	Shaheen
Byrd	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Conrad	McCaskill	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murkowski	Wyden
Feinstein	Murray	

NAYS—38

Alexander	Crapo	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	

NOT VOTING—1

Kennedy

The motion was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. CARDIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the clerk will read the title of the bill for the third time.

The bill was read the third time.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—61

Akaka	Bennet	Burris
Baucus	Bingaman	Byrd
Bayh	Boxer	Cantwell
Begich	Brown	Cardin
Carper	Kohl	Reid
Casey	Landrieu	Rockefeller
Collins	Lautenberg	Sanders
Conrad	Leahy	Schumer
Dodd	Levin	Shaheen
Dorgan	Lieberman	Snowe
Durbin	Lincoln	Specter
Feingold	McCaskill	Stabenow
Feinstein	Menendez	Tester
Hagan	Merkley	Udall (CO)
Harkin	Mikulski	Udall (NM)
Hutchison	Murkowski	Warner
Inouye	Murray	Webb
Johnson	Nelson (FL)	Whitehouse
Kaufman	Nelson (NE)	Wyden
Kerry	Pryor	
Klobuchar	Reed	

NAYS—36

Alexander	Crapo	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. Under the previous order, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the bill is passed.

The bill (S. 181) was passed, as follows:

S. 181

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 ''Lilly Ledbetter Fair Pay Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

''(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

''(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.''.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking ''(d)'' and inserting ''(d)(1)'';

(2) in the third sentence, by striking ''Upon'' and inserting the following:

''(2) Upon''; and

(3) by adding at the end the following:

''(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.''.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after ''(42 U.S.C. 2000e–5 (f) through (k))'' the following: ''(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)''; and

(B) in paragraph (2), by inserting after ''1964'' the following: ''(42 U.S.C. 2000d et

seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)''.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

''(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.''.

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking ''of section'' and inserting ''of sections 7(d)(3) and''.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

Mrs. MURRAY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, today is a great day in the Senate. We have now overwhelmingly passed a bipartisan bill to correct an injustice that has been prevailing among people—women, minorities, and people with disabilities—in the area of wage discrimination.

What is so great about today is not only our overwhelming legislative victory, but we showed, No. 1, that we can change the tone. I thank Leader REID for the leadership he provided in creating the legislative framework where we can move ahead with open debate.

Notice that we did this bill in a well-measured, well-modulated, well-paced way. There was no need for cloture motions. There was no need for parliamentary quagmires. What it showed, though, is there is a need for civility and cooperation. We, as Americans, have to know, given this economic situation, that we are all in it together. When we work together, we now know each and every one of us makes a difference. But when we truly work together, we can make change.

Today we changed the law, we changed direction, we change history, and I thank all my colleagues and all the staff who have made this possible.

I also wish to say a special thanks to Senator TED KENNEDY. I hope he is watching tonight because, TED, we miss you. We know you are not on the floor; you are with us in spirit. There is more to be done. We cannot wait for you to be back. Let's go and get the job done.

America is counting on us to do the kinds of things we have done today and act the way we did, the way we got the business done.

VOTE EXPLANATION

Mr. HARKIN. Mr. President, while I was necessarily absent for rollcall vote No. 7 on amendment No. 25, had I been present I would have voted ''nay.''

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 301 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. I thank the Chair for the time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ALASKA TERRITORIAL GUARD

Ms. MURKOWSKI. Mr. President, sometime this week letters will be mailed from the U.S. Army Human Resources Command in St. Louis, MO, to 25 elderly Alaskans. Those letters will tell these 25 elderly Alaskans that the Army has changed its mind—it has changed its mind—about whether their service in the Alaska Territorial Guard during World War II counts toward military retirement. The effect of this abrupt reversal in position is to reduce the monthly retirement payments to each of these 25 elderly Alaskans. These retirement payments will be reduced by an average of $386 a month. Six will lose more than $500 a month in retirement pay. These reductions will take effect on February 1.

So in less than 10 days, these individuals who have been receiving these payments—these elderly Alaskans who served us during World War II—will be receiving a letter, maybe before their benefits are cut off, but they will be receiving a letter saying: Sorry, your service doesn't count toward military retirement.

Mr. President, I state again: None of these 25 elderly Alaskans knows this is coming. It will come as a complete surprise to them, possibly, when they receive that letter. Whether they are tuning in to C–SPAN and hear my comments tonight, we don't know.

It is going to take a while for these letters coming out of St. Louis, MO, to reach their destinations because these letters are being sent to some of the remotest parts of our State, of rural Alaska. Four of these letters are destined for the village of Noatak. This is an Inupiat Eskimo village of 489 people in northwest Alaska. I would suggest, Mr. President, that outside of you and I, there is probably nobody in Washington, DC, who could identify Noatak on a map. Four of these letters are destined for the village of Kwigillingok. We call it Kwig because it is so difficult to pronounce. This is a Yupik Eskimo community of 361 people.

All told, these letters are being sent to elders in 15 Alaska Native communities in interior and western Alaska. The poster board that I have behind me indicates some of the elderly gentlemen who may be receiving these letters in the next several weeks.

This decision is tragic. It is tragic because it affects veterans who defended Alaska and who defended the United States from the Japanese during World War II. It is a tragedy because these people were led to believe they would be compensated for their service to our Nation. It is a tragedy because most of the people I am talking about, most of these gentlemen, are Eskimos—among the first people of the United States, members of a class of people to whom the United States Government has broken its promises time and time again. It is a tragedy because they were misled into believing their retirement pay was increasing. It is a further tragedy because this bad news is going to be communicated in a letter signed by a branch chief in the Army Human Resources Command. These people deserve an apology from the Secretary of Defense. They do not need to be receiving this news about this error from a branch chief in the Army Human Resources Command.

It is also a tragedy because some of these people in the Department of Defense chose to implement this decision in the dead of an Alaska winter, when we know that our Native elders in rural Alaska are most vulnerable. Right now, in the village of Kwig and in Noatak and in the other communities, it is dark, it is cold, and resources are scarce. The increase in retirement pay, which was implemented just this last June, was very welcome news to those who were receiving it. It came at a time when the cost of fuel was rising to levels in our rural communities that people simply could not pay.

If you will recall, back home in June and July, in the cities, we were paying $4.50, $5 a gallon for our fuel. But out in the villages they were paying $7, $8 a gallon, and in some areas even higher than that. Throughout the State, but particularly in rural Alaska last summer, folks were anxious about whether they were going to be able to afford to heat their homes this winter.

Last week, in the Indian Affairs Committee, the Presiding Officer had an opportunity to join us, and I was able to put on the record the plight of some of the Native people in the community of Emmonak who have literally had to choose between buying stove oil to heat their homes or whether they should buy food for their families.

I guess some of the good news we have learned is that none of these letters informing these elders that they will see a reduction in benefits is going to the village of Emmonak, but I would suspect many of the villages to which these letters are going are no better off. You just have to ask the question: How can our government be so insensitive—taking money, taking retirement benefits out of the pockets of our elders, of our seniors, at a time of the year when they are absolutely the most vulnerable?

I hope I have gained the attention of some, and with the indulgence of my colleagues, I would like to fill in a little bit of the background. I will not be

talking too long—I know one of our Senators is waiting—but it is an interesting story, and I think he will appreciate it.

The Alaska Territorial Guard was created in June of 1942 in response to increasing Japanese activity and attacks on and around Alaska. At the time, the U.S. Army was reassigning our Alaska National Guard soldiers away from the State, and so there were no ground troops left to protect Alaska. So Earnest Gruening, who was the territorial governor at the time, called for volunteers to defend our great land up there in the north. Some 6,389 Alaskans answered the call. These volunteers came to be known as the Eskimo Scouts, but they were representative of all of Alaska. They were Inupiat Eskimos, Yupik Eskimos, Aleut people, Athabascan and Tlingit Indians, and there were Caucasians.

With no pay and very little equipment, these volunteers—these Eskimo Scouts—patrolled 5,400 miles of coastline to fend off a possible Japanese invasion. They shot down Japanese air balloons carrying bombs and eavesdropping radios. They rescued downed airmen, they transported equipment and supplies, they constructed airstrips and support facilities, they manned the field hospital outpost, and they engaged the enemy in combat.

You see the picture behind me of the Eskimo Scout in his snowshoes standing guard, standing ready. These men answered the call of our country and they defended our homeland. The Territorial Guard stood as the first line of defense for the terrain around the Lend-Lease area, the route from America to Russia, and it was this vital lifeline that allowed the United States to supply our Russian ally with essential military aircraft and proved essentially crucial to Russia's defense against Hitler's Germany.

In March of 1947, the Eskimo Scouts were disbanded, but many of them went on to continue to serve our Nation in the Army and the Alaska National Guard. For more than half a century after the Territorial Guard was disbanded, these brave and truly dedicated volunteers received not one ounce of recognition from our Federal Government for the service they had performed. It wasn't until the year 2000 that Senator Stevens succeeded in adding language to the Defense appropriations bill to recognize the Territorial Guard, and that legislation required the Secretary of Defense to treat the Alaska Territorial Guard just like any other soldiers and to require them to issue discharge certificates to those who remain alive.

I was privileged to be at a couple of ceremonies where some of these elders received their official discharge certificates, and it was incredibly moving to be with them when, after decades, their Government finally recognized their service. The Secretary of Veterans Affairs was also directed to treat these people as any other veteran of the Armed Forces of the United States.

I do understand and we are told that the Department of Defense was slow to implement the mandate of this legislation. I can tell you from my own experience in dealing with many of the veterans and their families, the efforts to get these discharge certificates in a timely fashion has been very frustrating—frustrating for the families, frustrating for those who have served, most certainly, and frustrating for those of us who have been trying to make it happen. Some former members of the Territorial Guard are still waiting to get their discharge certificates. We have been assisted by a wonderful volunteer, Bob Goodman, who lives in Anchorage. He helps the former members of the Territorial Guard document their service, and he tells me that unless we can get this turned around, unless we can kind of move through this roadblock, we are going to see more of these fine Americans who will pass on before they get their long-awaited recognition.

I just don't understand. I can't understand why it took nearly 8 years—8 years—for the Defense Department to recognize the Alaska Territorial Guard's service for military retirement benefits. But, as I mentioned, back in June of 2008, they did it. Apparently, that decision did not please some at the Defense Department. Between Thanksgiving and Christmas, we learned they made a case that the members of the Territorial Guard are not eligible for retirement benefits. This was all happening over there at the Department under the radar of Secretary Geren here in Washington. The Secretary says there is nothing we can do at this point in time; the retirement benefits have been reduced on the computers of the Defense Finance and Accounting Service and the payments are going to go down effective February 1.

I am not going to stand here and blame the lawyers for telling their clients that the policy of crediting Alaska Territorial Guard service toward retirement pay doesn't comport with the law. But at the same time, the Defense Department hasn't released that legal opinion, so I can't judge—the presiding officer can't judge—whether this conclusion is really compelled by the law. If the conclusion was compelled by the law, I suppose we can't call out the lawyers for saying so. But I do fault their clients, the leaders who knew this was coming. They knew it was coming, but they didn't bother to tell any of the members of the Alaska Congressional Delegation.

I was not notified; you were not notified, Mr. President; our Member in the House of Representatives—nobody came to us late last year and said: Hey, we have a problem. We have a problem, and it requires a legislative fix. Can we work together, can we do something either at the end of the 110th Congress or immediately at the outset of this new Congress?

The senior leaders in the Army and DOD didn't even acknowledge that there was a problem until you and I contacted the Secretary of the Army and asked: Is there a problem? We hear there is stuff floating around. What is going on?

As far as I was concerned, the reason we suspected there was a problem was because the adjutant general of Alaska, after trying to work through this problem at his level and through the chain of command, told us something was coming and it was going to be coming imminently.

Then just last week, Army Secretary Geren confirmed those fears, the fear that it will be real, that the retirement pay will be cut effective February 1. He says there is nothing he can do about it.

This afternoon, the members of the Alaska Congressional Delegation are writing to the administration, asking that he intervene to ensure that those Native elders who are affected by this tragic series of events do not lose this safety net.

Senator BEGICH and I are also preparing legislation that clarifies that service in the Alaska Territorial Guard is to be regarded as Active-Duty service for purposes of calculating retirement pay. We need to clear up that vagueness in the statutes.

I would just say, as I am able to speak here on the floor of the Senate, to Secretary Gates, if you are within the sound of my voice, I believe you owe an apology to these people. It was just a month ago that the Army Chief of Staff sent a letter of apology to 7,000 surviving families of the global war on terror who received letters addressed to John Doe. The blunder I speak of today affects far fewer people, but it is certainly no less of a blunder. I think we recognize we have just gone through a transition, moving from one administration to the other. Things happen during a transition period—things just happen. Sometimes policy blunders can occur. These things do happen, and then it falls upon Congress and the administration to come back and fix things.

I pledge to the Alaskans, and I know the Presiding Officer and our colleague in the House, Representative YOUNG—I think we all make the commitment to do everything we can to clean up what we are dealing with here. But I am left to wonder, what kind of a government, what kind of a Cruella, could cut retirement benefits to a group of Eskimos in their eighties, in the dead of an Alaskan winter, and say: Sorry, there is nothing we can do.

It is time for some soul searching at the Pentagon. I am looking for answers. I know you are looking for answers. We are looking for solutions, and there is really very little time left.

I thank the Presiding Officer. Know that we will find positive solutions for those who have served us honorably.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, after listening to the Senator from Alaska, I

certainly would love to have her advocating on my behalf, and I know you two will make a great team in advocating on behalf of the people in Alaska, certainly seeing that they have been sent an injustice. I thank you for the opportunity to listen to that. Again, it is great to be here with the two Senators from Alaska.

FAMILY PLANNING

Mr. DURBIN. Mr. President, today many of our constituents are in town for the annual March for Life. They are expressing their strong concerns about an issue that has divided our Nation for decades: abortion.

This issue divides legislatures. It divides churches and communities. It even divides families. Parents often disagree with their children. Two sisters or two brothers may see the issue differently. Even husbands and wives may not see eye to eye.

And yet, the American people look to their elected leaders to come together and address the issue.

My position on the fundamental issue is clear: abortion should be safe and legal, consistent with Roe v. Wade. A decision this personal is best left to a woman, her family, her doctor, and her conscience.

But I don't think the issue ends there. We may never reach a consensus on abortion itself, but we can go beyond the divisions, acknowledge that women have a right to an abortion in America, and still work together to reduce the number of abortions.

So I would like to take a step back and talk about some of the things we can do to prevent unwanted pregnancies, which is a goal I think all of us in this chamber share.

Nearly half of all pregnancies in the United States are unplanned that is almost 3 million times a year that a woman and a man are confronted with the news that, contrary to their intentions, the woman is pregnant.

We can make a greater effort to ensure that couples have access to the information and services they need to prevent unwanted pregnancies.

First, we need to invest in comprehensive evidence-based teen pregnancy prevention programs. Nearly 1 million teen girls become pregnant each year, and it's time we focus on helping them prevent those pregnancies.

Next, we need to ensure that women can afford contraception by expanding funding for the Title X family planning program, which provides a critical safety net that both improves women's health and saves taxpayers money.

Low-income women are four times more likely to have unintended pregnancies than their higher-income peers. Democrats have proposed that women who are entitled to Medicaid-funded labor and delivery also be given access to family planning services through the Medicaid program. If we will cover the childbirth, why would we not cover the prevention services that would help avoid the unintended pregnancy?

And for women with private health insurance, we must ensure that FDA-approved prescription contraceptives are covered to the same extent as other prescription drugs and devices. If we want women and men to take the responsible steps to avoid unintended pregnancies, we must give them access to the family planning options that will empower them to do so. Ensuring that contraceptive coverage is a covered service in our health plans is a commonsense way to address that issue.

It is also time to restore common sense in other areas.

Women must have timely and medically accurate information about another alternative: emergency contraception.

This product is FDA approved, and can prevent pregnancy and thus the need for abortion. Greater awareness of it could substantially reduce the staggering number of unintended pregnancies.

The facts are also on the side of lifting the so-called ''Mexico City'' policy that controls how family planning organizations in other countries may use their own funds. The global gag rule requires that, as a condition for receipt of U.S. funding, private and international organizations must agree not to use their own non-American funds to perform abortions, provide abortion counseling, or even lobby to make or keep abortion legal in their countries.

By law, Federal funds cannot be used for abortions. Audits have demonstrated that, in the years when the Mexico City policy has been lifted, Federal funds have not been used for abortions. So this is not about abortion.

This is about whether international family planning programs will be allowed the same rights of freedom of speech and action that domestic programs have. We should not be dictating what groups do with their own independent funds as a condition of receiving U.S. family planning funding.

So often, the battle over abortion has been extended into unnecessary battles over contraception. But there are other policy areas where people who disagree over abortion should be able to come together.

First, we need to support pregnant women when they find themselves in a difficult situation.

We must work to ensure that they have access to health care both before and after the child is born; parenting programs; income support; nutrition assistance; and caring adoption alternatives.

Finally, we must look beyond the immediate crises and work to address the underlying conditions that can affect a couple's response to an unplanned pregnancy. Affordable health care, secure jobs with good wages, expanded child care options, and improved educational assistance can make it easier for a couple to welcome a child into the family. These, again, are areas where we should be able to come together and make progress.

TRIBUTE TO SENATORS

HILLARY RODHAM CLINTON

Mr. HATCH. Mr. President, I rise to speak today regarding the departure of my esteemed colleague from New York, Senator Hillary Rodham Clinton. I have known Senator Clinton for many years now, and I have worked closely with her since the time she served as First Lady of the United States and then as she so aptly served the people of New York in the Senate. Today, I am sure that I am joined by many of my colleagues in saying that her compassion, her skill, and her example in this institution will be missed.

As a former First Lady of the United States, I was very impressed with the work Senator Clinton did to increase the level of care for women and children from around the world. You may recall that her service in this capacity knew no boundaries or borders as millions of lives were touched both here in the United States and abroad by her care, by her understanding, and by her tenacity in helping people receive the level of care and attention they so justly deserved. Indeed, Senator Clinton reminded us all that women's rights are not to be separated from human rights and that through this empowerment we have the potential to improve relations, eradicate violence, and increase prosperity. This is the vision and compassion that served her so well as a former First Lady of the United States, and this is the same compassion that continued to highlight her time here in the Senate.

Although her time in this legislative body has been relatively brief, the accomplishments of Senator Clinton have been many. If I may, let me highlight just two contrasting examples. The first example comes from 2007 when I worked closely with Senator Clinton on the Biologics Price and Protection Innovation Act. It was through these tough negotiations, numerous committee meetings, and candid discussions that I again was privileged to witness Senator Clinton's skill in bringing large groups of affected parties together in the spirit of compromise. With so many competing interests and so much attention being drawn to this legislation, I was appreciative of Senator Clinton's skills in negotiation, in understanding competing interests, and in listening to all of the parties involved in passing this important legislation out of the Senate.

The second example I would like to mention comes from 2008 with little fanfare. It is a simple resolution and one that probably did not receive much attention, but it was a resolution that meant something to me and it meant something to Senator Clinton. I speak

of a Senate resolution designating a week in May as National Substitute Teacher Recognition Week. For helping me to pass this simple resolution, I am grateful to Senator Clinton. More importantly, however, I am grateful that Senator Clinton was more interested in doing what was right for substitute teachers across our Nation. Even though this resolution probably never made a headline, Senator Clinton was one of the first in line to sign on as a cosponsor because she knew it was the least we could do for men and women across our country who give so much to our children through their education.

In closing, I share these two examples simply to illustrate the skill and compassion that defined Senator Clinton's service while she was here in the Senate. From the large legislative issues to the small acts of kindness and recognition, I know that Senator Clinton strived to do what she thought was right and what was best for our country. It is this example that we will all miss in the Senate as she begins the next chapter of her service at the State Department. Truly, their gain is our loss, yet it is without hesitation that I extend my deepest gratitude to Senator Clinton for her countless hours of service, her incredible example of compassion, and the years of friendship that she has extended to me, my colleagues, and the people of the United States. I am excited for what the future holds for Senator Clinton. I am certain that many great things still lie ahead in this next chapter of her life, and it is to Senator Clinton that I extend my congratulations as she begins her journey at the State Department.

KEN SALAZAR

Mr. COCHRAN. Mr. President, the resignation of the distinguished Senator from Colorado, Mr. Salazar in order to undertake the duties and responsibilities of Secretary of the Interior, has left us with a sense of pride and loss. We are very pleased the Department of the Interior will have the benefit of his leadership, but we regret that he will not be able to continue his excellent record of distinguished service in this body.

It has been a personal pleasure to serve with my friend from Colorado. His warm personality and his seriousness of purpose as a Senator have enabled him to serve as a very successful U.S. Senator.

I wish my friend well as he undertakes his new duties. I am sure we will see him often in the Senate working with us as we support him and the Department in carrying out their important responsibilities.

EXECUTIVE ORDER CLOSING DETENTION FACILITIES

Mr. DODD. Mr. President, I once again come to the floor to discuss an issue that goes directly to who we are as a country and what we stand for.

Specifically, I want to comment on the executive orders President Obama signed today to close the Guantánamo Bay detention facility within a year, close secret prisons operated by the CIA, and review the procedures for detaining and trying accused terrorists. In so doing, he sends a long-overdue message not only to the world, but also to the American people here at home, reaffirming our values as Americans and our commitment to the rule of law.

As we speak, some 245 individuals are still being held as enemy combatants at Guantánamo Bay, and about 100 in secret prisons around the world, though we do not even know for sure. Several independent sources have alleged that these detainees have suffered from abuse.

All of the information we have indicates that most, if not all, of these people have engaged in a host of violent actions directed at the United States. They are not misguided innocents, but rather men committed to harming us. I rise today not to defend them and their actions in any way; they must be punished to the full extent of the law.

Rather, I rise to urge exactly that, the application of our great body of law for dealing with dangerous people intent on harming us. Indeed, some in our Government have failed to apply the law and failed to obey it.

According to a Red Cross report, prisoners in Guantánamo Bay were subjected to ''cruel, inhumane and degrading'' treatment that is ''tantamount to torture.'' FBI agents have reported that many of those held at Guantμnamo Bay were chained to the floor in a fetal position for 18 hours or more, and were subject to 100-degree heat and freezing cold. The CIA's secret facilities have never been inspected, so we don't know how prisoners have been treated in them.

These abuses are not just morally wrong, they are violations of American and international law. They weaken respect for the rule of law abroad and subject American citizens to greater risks of unlawful detention and torture in foreign countries. And they weaken our security even as they undermine our democratic ideals.

Guantánamo and the CIA's secret prisons has been an international embarrassment, a symbol of abuse and the breakdown of law, which is why I and others have come to this floor so often to discuss our moral responsibility to close them.

To be absolutely clear, I repeat that those who are a threat to America, who are guilty of crimes, must and will be punished to the fullest extent of the law. They must be tried and prosecuted. This decision is not about protecting those who wish to harm us.

Rather, this decision says, as President Obama did in his inaugural address this week, that the choice between security and liberty is a false choice, and we reject it.

As General George Washington answered when his soldiers asked him for permission to beat their prisoners, ''Treat them with humanity. Let them have no reason to complain of our copying the brutal example'' of our enemies.

And so, I am grateful and relieved that President Obama has acted so quickly to remedy this very damaging policy.

This is, of course, only the first step. We must remain vigilant in working with the administration to implement these orders. And there remain many issues to be decided, from when and how Guantánamo and other detention facilities are closed to ensuring the interrogation methods employed by U.S. personnel never again cross the line into torture.

But this is a critical first step toward restoring not only the rule of law and our Constitution but also our moral authority. Today, we remind the world and ourselves that everyone is subject to the law and no one, not you, not I, stands above it.

I am convinced that today's orders will better secure our Nation and allow us to more effectively prevent, detain, and prosecute those who would seek to harm us.

I applaud President Obama for his decision to act without delay on these most important issues.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, from the start of his transition to the White House, I have urged President Obama to make a clear commitment to open government. By issuing his directive to strengthen one of our Nation's most important open government laws, the Freedom of Information Act, FOIA, the President is turning the page and moving away from the overreaching secrecy of the last administration. I commend President Obama for recognizing that our Government is accountable to the people it represents. I also commend the President for taking immediate steps during his first full days in office to send this important message to the American people.

I was delighted with the answer of the President's nominee to be the next Attorney General of the United States, Eric Holder, when I asked him at his confirmation hearing last week about how he intended to implement the Freedom of Information Act. He, too, believes that the presumption should be toward disclosure and openness. In fact, that was the policy before Attorney General Ashcroft reversed it.

Today, our Government is more open and accountable to the American people than it was just a few weeks ago. With the President's new FOIA memorandum, the implementation of the first major reforms to FOIA in more than a decade in the Leahy-Cornyn OPEN Government Act, and the nomination of Eric H. Holder Jr., to be the Attorney General of the United States, the American people have more openness and accountability regarding the activities of the executive branch. I am pleased that the President also issued a

Presidential Memorandum on Transparency and Open Government that will promote accountability and transparency in government and an Executive Order on Presidential records that will provide the American people with greater access to Presidential records.

The right to know is a cornerstone of our democracy. Without it, citizens are kept in the dark about key policy decisions that directly affect their lives. Without open government, citizens cannot make informed choices at the ballot box. Without access to public documents and a vibrant free press, officials can make decisions in the shadows, often in collusion with special interests, escaping accountability for their actions. And once eroded, these rights are hard to win back.

The Sunshine in Government Initiative has been vigilant and steadfast on behalf of open government. I have been pleased to work with this coalition of the American Society of Newspaper Editors, the Associated Press, Association of Alternative Newsweeklies, National Association of Broadcasters, National Newspaper Association, Newspaper Association of America, Radio-Television News Directors Association, Reporters Committee for Freedom of the Press, and Society of Professional Journalists in connection with these initiatives and correcting the government's presumption toward openness.

As we celebrate the inauguration of our new President and the start of a new administration, we are reminded that a free, open, and accountable democracy is what our forefathers envisioned and fought to create. I believe that it is the duty of each new generation to protect this vital heritage and inheritance. In this new year, at this new and historic time for our Nation, I am pleased that we have once again reaffirmed a commitment to an open and transparent government on behalf of all Americans.

COMMENDING MARGARET TYLER

Mr. LEVIN. Mr. President, today, the Committee on Armed Services unanimously passed a committee resolution to express its appreciation to Margaret Tyler and to commend her for her many years of faithful and outstanding service to the men and women of the U.S. Army, to their families, and to the Senate of the United States.

Margaret Tyler has worked for the Federal Government for 57 years. She has served 45 of those 57 years in the Army Liaison Office—38 of those years in the Army Senate Liaison Office.

Through all those years, Mrs. Tyler has dedicated herself to helping those in need and in solving problems affecting the U.S. Army. She has always been professional, efficient, and effective in her work. Over the years, Senators and staff have learned that when they have a problem involving the Army the first step in solving the problem is calling Margaret Tyler. To many in the Senate family, she is affectionately known as the Army's Angel.

The men and women of our Armed Forces deserve the best support and assistance we in Congress can give them. Day in and day out, for the past 45 years, Margaret has helped us support the men and women of the U.S. Army and their families to the best of her ability. Thousands of soldiers and their families have been touched by her dedicated, professional, and personal care.

On behalf of all the members of the Committee on Armed Services, I ask unanimous consent that our committee's resolution commending Margaret Tyler on her service to the men and women of the U.S. Army, to their families, and to the Senate of the United States be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES RESOLUTION 1

COMMENDING MARGARET TYLER ON HER SERVICE TO THE MEN AND WOMEN OF THE UNITED STATES ARMY, TO THEIR FAMILIES AND TO THE SENATE OF THE UNITED STATES

Whereas Margaret Tyler, a native of England who became a United States citizen on February 24, 1954, has worked for the federal Government for 57 years;

Whereas Margaret Tyler worked in the Army Liaison Office in the House of Representatives from 1964 to 1970, and in the Army Liaison Office in the United States Senate from 1971 to the present day, a total of 45 years of dedicated service;

Whereas Margaret Tyler has demonstrated an unwavering commitment to meeting the needs of members of the United States Army, their families, and the members and staff of the United States Senate for the past 38 years;

Whereas Margaret Tyler has earned the respect and gratitude of the Senators and their staffs for her dedication, her professionalism, her service and her good humor;

Resolved, That the Committee on Armed Services expresses its appreciation to Margaret Tyler and commends her for her lengthy, faithful and outstanding service to the men and women of the United States Army, to their families, and to the Senate of the United States.

Resolved, That the Clerk of the Committee shall transmit a copy of this resolution to Margaret Tyler.

EXECUTIVE ORDERS

Mr. KERRY. Mr. President, today is a very significant day for the rule of law in the United States of America, and a powerful statement that the United States again stands for the time-honored principles and values that have made us a beacon to the world.

This morning, the President of the United States signed Executive orders ordering the closure of Guantanamo Bay prison within a year; suspending all military commissions at Guantanamo Bay; closing secret third-country prisons; and placing interrogation in all American facilities for all U.S. personnel under the guidelines of the Army Field Manual.

In a season of transformational changes, these are among the most profoundly meaningful because they will sustain the long-term health of the most cherished ideals of our Republic: respect for the rule of law, individual rights, and American moral leadership.

The threat our Nation faces from terrorism is all too real. And we should all agree that sometimes, in the name of national security, it is necessary to make difficult ethical decisions to protect the American people.

However, I believe that the use of torture and indefinite detention have not only tarnished our honor but also diminished our security. In this global counterinsurgency effort against al Qaida and its allies, too often our means have undercut our efforts against extremism. In this struggle, the people are the center of gravity. And too often we have wasted one of the best weapons we have in our arsenal: the legitimacy we wield when we exercise our moral authority.

Efforts to justify, explain away, or endorse the use of torture have played directly into a central tenet of al Qaida's recruiting pitch: that everyday Muslims across the world have something to fear from the United States of America. From Morocco to Malaysia, people regularly hear stories of torture and suicide at Abu Ghraib, Guantanamo, and other overseas prisons. The result has been a major blow to our credibility worldwide, particularly where we need it most: in the Muslim world.

Torture and lawlessness are not easily contained. Once the strictures are loosened, the corner-cutting practices spread. The Pentagon used high-level Guantanamo detainees to test coercive interrogation techniques, but such techniques eventually found their way to low-level detainees at Abu Ghraib prison in Iraq. While images of Abu Ghraib have long faded from American minds and media, they remain fixtures, years later, across the Arab and Muslim world.

As Senator MCCAIN has argued, the use of techniques like waterboarding—invented in the Spanish Inquisition and prosecuted by the American Government as a Japanese war crime after World War II—leaves its scars on a democratic society as well. Torture, which flourishes in the shadows, depends on lies—not just from those who seek to avoid torture, but from those who seek to conceal it. After years of Orwellian denials and legalistic parsing, what a relief it was to hear our new Attorney General-designee Eric Holder finally acknowledge on behalf of the United States Government what we all know to be true: that yes, ''waterboarding is torture.''

As we move forward, President Obama is wise to ''reject as false the choice between our safety and our ideals''—but moving beyond this framework does not mean that this administration will not face real and difficult choices about how best to keep Americans safe while honoring our values.

The American people should know that closing Guantanamo will not be easy. Conceived to be outside law, reclaiming the prison and its inhabitants

into our legal system from what Vice President Cheney called ''the dark side'' will be an enormous challenge and a thicket of thorny legal and policy issues.

However, we are already seeing the international system reorganize itself around an America that is willing to be a moral leader. Countries such as Portugal and Ireland have made welcome offers to join Albania in resettling detainees who cannot be returned to their home countries. Already we are seeing the fruits of a good-faith effort with our allies.

Still, it will take time and effort to overcome numerous hurdles. The new administration faces tough challenges handed over from the previous administration. Looming questions must be addressed about the inadmissibility of evidence improperly coerced. It is difficult or impossible in some cases to return detainees—including many cleared for departure—who would face torture or worse in their home countries; and we already know that some released from Guantanamo have returned to the battlefield. In some cases we simply lack evidence to charge men we know to be extremely dangerous and threatening to the American people. And we owe it to those we believe made grave mistakes to acknowledge the urgency of the moment they inherited, the sacred responsibility to protect American lives, which they strove to honor, and the humbling reality that there are no easy answers when it comes to such life-and-death matters.

But the American story is one of perfectibility and striving for ever-greater fidelity to our ideals—it is a journey from Colony to Republic, from slavery to freedom, from sexism to suffrage, from stark poverty to shared prosperity. The President himself famously said, ''the union may never be perfect, but generation after generation has shown that it can always be perfected.''

It is true that today we face unprecedented, unorthodox, and vastly destructive enemies that respect neither borders nor rules of war. But it is equally true that we have done so before. This is not the first new challenge America has evolved to meet. Sometimes that evolution requires us to admit mistakes, learn from them and grow as a nation. Our progress in response to new threats and new fears has been halting but real, and our setbacks have always been followed by a strong corrective impulse. The desire to do better has always been a core part of America's greatness.

Today Barack Obama and his administration wrote a new chapter in that old story. I commend them and look forward to helping them make good on their goals, keep Americans safe, and usher in a new era of America's moral leadership.

Today's Executive orders were a promising sign of things to come—America will again honor the values that make us strong.

36TH ANNIVERSARY OF ROE V. WADE

Mr. BURR. Mr. President, today, January 22, 2009, marks the 36th anniversary of the U.S. Supreme Court's Roe v. Wade decision.

Today, concerned Americans, including many North Carolinians, are gathering on the National Mall to March for Life, and I would like to take this opportunity to welcome them to Washington, DC.

On January 17, 2009, in anticipation of today's events, North Carolinians gathered for their annual Rally and March for Life in Raleigh.

I congratulate them on their successful event, and I would like to thank them for their efforts to promote a culture of life in America.

In recent years we have made great strides in protecting the unborn through various measures, such as passage of the partial birth abortion ban, Lacey and Connor's Law, and tax incentives to enable more families to adopt.

These achievements are a testament to the advocates who work tirelessly every day to remind us of the value of life.

With these achievements and others, it is my sincere hope that my colleagues in the Senate will continue to work together to protect our children.

Mr. MARTINEZ. Mr. President, today marks the 36th year since the Supreme Court issued its decision in the case of Roe v. Wade, a court decision that evokes strong emotions all across America. Today, thousands of Americans who support life have taken time out of their busy schedules to travel to Washington to take part in the ''March for Life,'' an annual event on the National Mall. I share their hope for seeing the day where the sanctity of life is cherished, valued, and affirmed under the law.

This morning, I had the opportunity to meet with some of these individuals, students from Cardinal Newman High School in West Palm Beach, and I expressed my gratitude for their steadfast commitment to protecting innocent human life.

As a Nation, we have made significant progress in creating a culture that respects life in recent years. As someone who believes that every life is sacred, I encourage President Obama to follow the lead of his predecessor, and continue to restrict the use of taxpayer funding for organizations that perform abortion services or refer patients to abortion providers.

This policy, known as the Mexico City Agreement, was first signed into order by President Ronald Reagan in 1984. Over the years, the policy has been wrongly attacked and falsely characterized as a restriction on foreign aid for family planning. The truth is that the policy has not reduced aid at all.

Instead, it has ensured that family planning funds are given to organizations dedicated to reducing abortions instead of promoting them. If the policy were to be reversed, it would blur the line that has been drawn between funding organizations that aim to reduce abortions, and those that promote abortion as a means of contraception. President Obama should make the right choice in keeping the Mexico City Agreement in place.

In conclusion, on this 36th year since the Supreme Court handed down its decision, I commend the leaders of ''March for Life.'' Supporters are in Washington today, marching down Pennsylvania Avenue, reminding lawmakers of the importance of preserving and protecting life. Their voices are heard. They are heard year after year. I hope there is a day when their voices are heard in celebration that life is preserved and protected by the rule of law.

U.S. AIRWAYS FLIGHT 1549 HEROES

Mr. BURR. Mr. President, I rise today to recognize the heroic efforts of the pilots, crew, passengers, emergency responders, and volunteer organizations that led to the extraordinary outcome of U.S. Airways flight 1549, which was bound for Charlotte, NC, on January 15, 2009.

U.S. Airways flight 1549 departed New York's LaGuardia Airport on the afternoon of January 15 with 150 passengers and 5 crew, including 2 pilots and 3 flight attendants, aboard. Charlotte was the final destination of 104 of the passengers, many of whom are my constituents.

Within minutes of take-off, the aircraft experienced engine trouble forcing the pilot, Captain Chesley B. ''Sully'' Sullenberger, to perform an emergency landing on the Hudson River.

I understand that a water landing of this sort is rare and technically challenging, making it extremely dangerous for all aboard. But Captain Sullenberger executed the difficult landing expertly. His skill and decisiveness has been heralded with saving the lives of all on board.

As passengers emerged from the plane onto emergency life rafts and the wings of the still buoyant aircraft, boats were on the scene to assist with the rescue in minutes. Vessels were dispatched from the New York police and fire departments, the Port Authority of New York and New Jersey, the U.S. Coast Guard, and the New York Waterway, which reportedly sent all 14 of its boats to the scene.

Without the immediate assistance of these boats, I am certain the passengers and crew on board would not have fared as well as they did, given the extreme temperatures in New York City on the day of the incident. All participating rescue parties are to be commended for their swift and professional response.

In fact, the tales of heroism emerging from this event are numerous. For example, I was moved by the story of Josh Peltz, a Charlotte resident, husband, and father of two. Flying home

to Charlotte from a business meeting, Josh was seated in the emergency row's window seat. Not only was Josh integral in opening the emergency hatch after impact, but he was also helpful in reassuring passengers and assisting others, including a mother and her 9-month-old baby, up the ladder and onto the awaiting ferry. And as rescuers assisted passengers, I understand that Captain Sullenberger continued to demonstrate true heroism as he refused to deplane until all others onboard had been safely evacuated.

I again commend all who contributed to making this disastrous event a true miracle, including the first responders; volunteer organizations, such as the American Red Cross and the Salvation Army; and most of all the crew and passengers of 1549. The acts of heroism and the stories of selflessness that have emerged from this event are truly inspiring.

TRIBUTE TO MELVIN DUBEE

Mr. ROCKEFELLER. Mr. President, Melvin Dubee, one of the Senate's most highly valued staff members and one to whom I am personally grateful, will soon conclude two decades of government service in order to apply his considerable talents in the private sector. While I do not, for a moment, believe that this is the end of Melvin's public duties—one day a wise official will certainly summon him back to public service—it is fitting to note his accomplishments to date.

As evident to even casual observers, particularly around key Longhorn or Cowboy games, Melvin has roots in Texas, where he received at the University of Texas at Arlington a Bachelor of Business Administration degree in finance. His path to public service then included a Masters degree in international affairs from George Washington University in 1988 and two years as a Presidential management intern between 1987 and 1989.

The Presidential Management Intern Program was established by President Carter to attract to Federal service, through a national competition, outstanding individuals from a variety of disciplines who are interested in a career in Federal service. During the internship Melvin worked in the Office of the Inspector General in the Department of Defense, where he began to build expertise in defense issues that carried into his Senate work. During that time he received a congressional fellowship, which introduced him to the Senate in the office of the Senate's master teacher, my senior Senator, ROBERT BYRD, where Melvin continued to work on defense management issues.

It doesn't take long for those with whom Melvin works to be impressed by his considerable skills and calm demeanor. His audition as a Congressional Fellow led to 5 years of service as national security assistant to Senator BYRD, between 1989 and 1994. In that capacity, he advised Senator BYRD, who was then in the midst of his distinguished leadership of the Senate Appropriations Committee, on foreign policy and defense issues. This included serving as Senator BYRD's staff representative to the Armed Services Committee, during which Melvin complemented his growing knowledge of defense issues with his impressive legislative process skills concerning hearings, markups, floor action, conference committee negotiations, and negotiations with other congressional offices and with the Executive Branch.

In 1994, Melvin began his service on the Senate Intelligence Committee. This service continued until now with brief interruptions, including a year during President Clinton's administration in the Office of National Drug Policy where he advised Director Barry McCaffrey on that office's interaction with Congress.

Melvin has contributed to the committee in a variety of positions.

As a professional staff member, which is the general entry point for our staff, Melvin developed expertise in a number of key intelligence community oversight issues, including counterdrug, counterterrorism, international organized crime issues, as well as area expertise concerning Latin America and Southeast Asia. As a professional staff member, he also served as an adviser and liaison to Senator JOHN KERRY and then to me, during the early part of my service on the committee in 2001.

One of Melvin's particular contributions during that time was leadership of the committee's investigation of the tragic April 2001 shoot-down of a U.S. missionary plane in Peru. Our report, entitled ''Report on a Review of United States Assistance to Peruvian Counter-Drug Air Interdiction Efforts and the Shootdown of a Civilian Aircraft on April 20, 2001,'' S. Prt. 107–64, bears witness to a number of his skills. They include an ability to gather and carefully analyze facts, write accurately and clearly, help the Committee draw sound conclusions and make needed recommendations, and do so in a manner that draws bipartisan support. And, I should add, also to do all that expeditiously so that the committee was able to report publicly within 6 months of the incident.

The skills that Melvin amply demonstrated as a professional staff member led to his selection to fill two key staff management positions.

From mid-2001 through 2002, Melvin served as the committee's budget director. Our budget director post is an immensely important responsibility. The total national intelligence budget when Melvin was budget director is classified. But we have declassified the top line for the last 2 fiscal years. The most recent figure, $47.5 billion in fiscal year 2008, conveys the importance of the task of reviewing, making recommendations about, and monitoring implementation of the Nation's intelligence budget. As budget director, Melvin led the committee's budget monitors for each of the individual intelligence community elements in scouring the President's budget numbers and evaluating the broad span of human and technical collection, analytical, acquisition, and management issues they involve. The budget director arranges for the presentation of these issues at classified hearings of the committee, their consideration at committee markups, coordination with the Senate Armed Services and Appropriations Committees, and negotiation with the House and also with the Executive Branch. This work is at the heart of the committee's responsibilities.

Confidence in Melvin, starting with former Vice Chairman Richard Bryan in 2000 and then myself from 2003 through the 110th Congress, also led to Melvin's designation as deputy staff director, initially on the minority side and then beginning in 2007 as the committee's deputy staff director. There are two aspects of that responsibility. One is leadership within the staff, helping it to maintain the high level of professionalism and effectiveness that has been the hallmark of our Intelligence Committee staffs. The other is being a close adviser to the chairman or vice chairman, as the case may be, on the full breadth of issues relating to the oversight of the U.S. intelligence community.

In both respects, as a partner with the staff director in managing the committee and as a close adviser to me, Melvin performed magnificently. On a daily basis, I most often saw Melvin as a trusted adviser. In that role, Melvin combines key capabilities and attributes.

Melvin knows his material. This includes current intelligence and historical background. It includes detailed knowledge of the elements of the intelligence community, from the CIA, to components of the Defense Department, to intelligence elements in the State, Treasury, and Energy Departments, as well as the FBI. And it includes knowledge of the functioning of the Senate, with respect not only to the Intelligence Committee, but also to the committees with which we work, and its leadership and floor proceedings.

Melvin has an admirable ability to express his considerable knowledge succinctly and clearly. He has no hesitation in expressing disagreement or dissent, respectfully but clearly, particularly when a matter of principle is involved, as is often the case when addressing sensitive matters. When a decision is made, he has an uncanny ability to find and recommend the right words for remarks in committee, on the floor, in letters or press releases, or in speeches outside the Senate. And, in all of our endeavors, Melvin has been forever guided by a deep commitment to the protection of our Nation and our values.

It would be incomplete, however, to talk only about Melvin at work. A

glance at his wall of photographs, an opportunity to hear him talk about his family, and the chance to meet his wife and two daughters, make it clear that Melvin and his wife Kristine Johnson are loving and imaginative parents, and that Melvin's priorities have always been right on the mark. As may often be the case when someone leaves the Senate for the private sector, daughters Katrina and Eliza may find that Dad is able to get home a little earlier to join them at dinner.

With gratitude for his service to the Senate and the Nation, for myself and the many others who have benefited from it, I wish Melvin the best in the time ahead.

RETIREMENT OF H. JAMES SAXTON

Mr. MENENDEZ. Mr. President, I am honored to rise today in recognition of the Honorable H. James Saxton, on the occasion of his retirement from the U.S. House of Representatives after 24 years of remarkable service to our country.

As a Representative for New Jersey's diverse Third District, Mr. Saxton was truly an advocate not only for his constituents but for New Jersey's interests, as well. Throughout his tenure, he remained an exceptional voice for environmental protection and conservation, and was a fervent advocate for our service men and women and the military bases situated in his district.

Encompassing the Jersey Shore, Pinelands Preservation, suburban communities, and countless areas of open space, the landscape of the Third District is special and complex. Mr. Saxton was a tireless fighter for protecting our waterways, preserving our open spaces, and maintaining the health of our oceans.

While New Jersey is now home to the Nation's first Mega Base, including Fort Dix, McGuire Air Force Base, and Lakehurst Naval Air Engineering Station, such an installation would not be possible without the contributions of Mr. Saxton. Twice the Defense Base Closure and Realignment Commission chose to close down one of our bases and twice Mr. Saxton defended and defeated the measure. With the many jobs that were saved as a result of this reversal, the new Mega Base will reenergize our communities by adding even more opportunities to the area.

In addition to these and many more accomplishments, Mr. Saxton honorably served on the Armed Services Committee, the Air and Land Forces Subcommittee, the Terrorism and Unconventional Threats and Capabilities Subcommittee, the Natural Resources Committee, the Subcommittee on Fisheries, Wildlife, and Oceans, and the Joint Economic Committee. His dedication and commitment on behalf of his constituents has earned him the respect and admiration of his peers and colleagues.

Mr. President, I would like to recognize, commend, and applaud Mr. Saxton in light of his extraordinary service to the U.S. House of Representatives and his unwavering dedication to the people of New Jersey's Third District.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Why are we still paying foreign aid to the oil-rich [countries]? First, cut off all foreign aid, then charge them $136 a bushel for the grain we sell them at the present price of $7. One fact is for certain—when the food starts disappearing from our supermarket shelves, the politicians will see just how fed up we the people really are. I predict that this will the year of the lowest voter turn-out in the history of this country, as we have no one to choose from for the office of President. Why anyone would want to lead this country into disaster is beyond me. Our government is far too big and corrupt to be changed by a mere vote. Big oil money under the table, personal agendas and the Golden Fleece retirement plan for politicians rule this country. The average citizen has been led to believe that his or her vote matters when it does not. As a sixty-year-old male who has no vision of retirement, and will surely lose my home due to foreclosure, and who will never see Social Security, I, for one, am fed up with this country and [those who seem not to care] about their voters.

GARY, *Boise.*

The idea of exploring and using our own energy resources is a fantastic idea and should have been done long ago. If we use our own resources, in which we have many (capped oil wells all over Texas, drilling in Alaska, Shale oil (which, by the way, is not as expensive as the oil companies claim; they just do not want to lose the revenue they are getting from the failing and antiquated system they are now using, a better Idea would be to reinstitute government control over energy and utility sectors.) I, for one, would feel a great deal better by keeping American dollars at home instead of paying billions to the oil-rich sheiks of the Mideast (in which I have no doubt what so ever that some of those funds end up in terrorists hands.) It is far past the time for American and Americans to take control of our economic and energy future. We have the reserves and resources to do this. The big oil companies have made billions in profit the past couple of years and yet we have not seen nor have we heard anything about refitting the system so the devastation that happened with Katrina does not happen again. Our economy is driven by fuel. Fuel prices go up and the manufacturer pass that cost to the consumer, the consumer is then left with the burden of paying $3.50 for a gallon of milk, $2 for a dozen eggs. It was not too long ago that a gallon of gas was $1.20. Regrettably we will never see that price again. It seems that gas prices do go down but never lower that what it was a year ago.

The big oil companies are making billions while we sit by and ''watch'' our economy crumble. If measures are not taken to stop this, and I mean measures in the very very very near future (not five years down the road as Sen. McCain is suggesting) I fear that we will find ourselves in the midst of another great depression. Mark my words, sir, the writing is on the wall, but this time we , and by we, I mean the American people, the Senate, and Congress can do something about it. We can start using our resources and support our economy rather than stuffing the linings of those that already have more money that God. When and where does it stop. Foreign countries already own more of America the America does. We are about to have a rude awakening and it will not be a pretty one if steps are not taken to prevent a hostile takeover of American commerce by foreign companies. All driven by the ridiculous and unnecessarily high price of fuel. I believe that it is only 14 percent of all imported fuel is turned into gas and heating oil. If that is true, why is not the cost of plastics and other petroleum-based products not skyrocketing at all? Natural gas is plentiful yet the energy companies say it costs too much to transport it. Solar power is abundant and never-ending, and the technology is fairly inexpensive, yet people do not use it. Idaho has great expanses to set up solar and wind farms. A nuclear energy company is willing to build a plant in Elmore or Owyhee County (I cannot remember which). The nuclear power plant would supply as much as 75 percent of the states, mind you, the state, not a couple of counties but the entire State of Idaho, power needs. Yet no one wants it because of all the disinformation and propaganda. The French had found a way to recycle the spent fuel rods years ago; yet, we still bury ours. The technology is out there and available. We just need to get the big oil companies hands out of the cookie jar so to speak.

I am sorry if it sounds like I am rambling on. I am just a frustrated citizen who is tired of getting the run around from the government as well as big business. Then time for talk has been over for a long time. Now is the time for action.

Thank you and God bless,

JOSE.

I work out of my home/office and not as directly impacted as 99 percent of the folks in America who commute, but our food prices are going up due to the ethanol failed policies as it do not make sense to appease midwest farmers when more efficient Idaho sugar is better (less votes though for liberals). Here is a good summary from Center for individual freedom: (Please be a Fighter.)

When it comes to the price Americans are paying for gasoline at the pump, will conservative in Congress fight tooth and nail to increase domestic production or will they allow liberals to choke off your supply of oil and increase gas prices even higher?

That is the question that hangs like a storm cloud over each of us . . . over our children . . . and over our grandchildren. Some in Congress have already tried repeatedly to increase the price we pay at the pump, even as the price of a gallon of gasoline rose to more than $4.00!

As you know, Harry Reid and others in the Senate tried to sneak the Boxer Climate Bill past the American people. That legislation, according to Senate Minority Leader Mitch McConnell would have raised the price at the pump as much as $1.40 a gallon—that is on top of the more than $4 you are already paying!

When the Boxer Climate bill failed, liberals tried again last Tuesday to ram through additional taxes on gasoline. On Thursday, Representative John Peterson proposed a measure that would have lifted the ban on oil exploration in areas between 50 to 200 miles off the United Sates coast, a restriction that had been in place since 1981! On a straight party-line vote, Democrats on the House Appropriations Subcommittee killed the measure dead!

Then, on Saturday, Senator Barack Obama joined with other Democrats and called for a ''windfall profits tax'' on gasoline—a tax for which consumers will undoubtedly end up footing the bill!

And make no mistake—some in Congress, bowing to the radical environmental groups that openly support higher gas prices will not quit! They will not stop until they have raised the price of gasoline even more!

But what about conservatives? And what about the American people for that matter? As prices continue to rise at the pump, will they cave to the opposition that is simply using this situation as an excuse to tax us even more? Or will they finally fight?

BRUCE.

I live in rural eastern Idaho. I work a fulltime job to which I commute and I also operate a small cattle ranch. The energy crisis is greatly reducing my expendable income as travel costs have more than doubled and is putting me out of the agricultural business.

The oil prices have increased my operating costs in several aspects. The cost of fertilizer has tripled since last year, so this year I could not afford to put fertilizer on my pasture. The cost of electricity is up 50 percent due to the loss of the BPA credits and increased power generation costs and the cost of gasoline for the trucks and tractors has more than doubled.

Then to make things worse, the nation's efforts to turn corn into fuel have resulted in a reduction in the amount of hay being grown with the result being that the cost of hay to feed my cattle through the winter has more than doubled in the last year to over $200 dollars a ton.

With the cost of feed up, the cost of cattle has dropped. When all this is added up, there is no profit in my operation. I am at the point where I have to decide if I can subsidize my operation from my salary in hopes that things will even out or I will be forced out of business entirely. I have been in the livestock business for over 30 years, producing food for this nation, and this is the first time I have been faced with going completely out of business.

I saw this crisis coming several years ago and I wonder why my government did not. This country has let the environmental extremists and political expediency push us into the current situation. We have not built a nuclear reactor for decades. We have not built enough refineries, we have not developed our oil and coal deposits. Now we are in a crisis that will continue to get worse because it will take a decade or more to develop the resources and build the infrastructure if we started today. Projects of this magnitude take forward planning and anticipation, they aren't done over night.

We cannot survive a decade unless something is done quickly, because the costs will continue to go up and bring the economy to a standstill!

The menial efforts at alternative sources of energy are doing very little and are not the solution. Ethanol is reducing our food production, driving food costs up and still has to be subsidized to make it worth doing. Wind power is noble in the view of some, but will not make a large enough difference to reduce the cost of power.

The oil companies, U.S. and foreign, fertilizer companies and ethanol producers are posting record profits as they rape the income of U.S. citizens. CEOs across the nation are receiving record income, while the average people are lining up at soup kitchens just to stay alive. What is wrong with that picture?

The spineless Congress needs to take on the environmentalists, get past the global warming scare and start drilling off shore and in ANWAR instead of worrying about future elections. An aggressive effort also needs to be taken to build nuclear reactors and coal fired plants with clean coal technologies. The technology exists to develop these resources without significant environmental impact. Doing so would help us take control of our destiny instead of being held hostage forever.

Science knows that the volcanic eruptions across the planet are spewing much more greenhouse gasses into the atmosphere than is being produced by people. I am also amazed that legislators are actually listening to studies about cattle belching.

I am just one small operator in the agricultural world, but the economics are the same for the large operators. No one will miss me when I go out of business this year, but a flood starts with a few drops of rain, and the flood is coming if something is not done soon! If this nation does not act soon, the U.S. will be at the mercy of other countries for food just as we are for oil and life as we know it will never be the same.

It is time that Congress gets off their posteriors and shows some leadership! Take definitive action and do it now, while we have a chance to salvage this situation!

Congress apparently has no effective influence over the ever increasing cost of oil or gasoline at the pump. As a Senior Companion, I am compelled to drive as far as necessary to visit the elderly clients. The Public Health Service attempts to reimburse us for fuel mileage driven at a reasonable rate to compensate us for the fuel used. We understand that the reimbursement rate is going to have to be reduced because of budgetary constraints. Well, if it is as impossible as it appears to be to control fuel costs, perhaps it would be possible to find the funds to increase the mileage rate to compensate those of us who have to provide service to our clients despite high fuel prices.

GEORGE.

As the wife of a farmer, the economy is strong in the sense of commodity prices, but yet they are at their weakest when it comes to our fuel prices. Several of our neighbors have had to sell their semis that they used to use to haul grain for themselves and others in the community, just to pay their fuel bills for those trucks. With the price of fuel as well, my husband is not able to take as much income off from the farm, because there is not much left. There are 3 families that depend upon the farm to support them.

On the home front, I have had to make the choice for a while now, whether to buy groceries, or put gas in our vehicles. I drive a minivan that averages 23–25 miles to the gallon. At the current cost of gas right now, it costs me on average $90 to fill it up. That is one week's worth of groceries at our house. There are four of us in the home, 2 adults and 2 children with another due in November. We have a limited income right now, because of the weather our growing season has been affected. So for the last few months, we have lived off of about $1800 a month. We do not drive the newest vehicles, our newest vehicle is my 1998 minivan that we purchased in 2007 after our other vehicle was totaled in a car accident. My husband has his 1995 farm truck which is gas, and the family truck which is diesel. We are only paying on one of these vehicles. Sad to say, but the 1995 diesel truck is the one we are paying on, even though with the price of diesel, it sits in the driveway, unless we have to haul hay or cattle. We have our mortgage payment which is not outrageous, $646 a month. With me expecting, my doctor's appointments are over an hour away, about 100 miles plus roundtrip once a month for right now. I am also the parts pickup person for our farming operation. In the last week, I have made 3 trips out of town for parts to different stores, because not all of them carried the same parts. My brother has been in and out of the hospital for cancer treatments to get rid of a tumor that is otherwise inoperable. I have had to help my mother out with his care as well, as he needs someone with him 24/7. Living in a rural community as I do, our grocery prices have been affected by fuel costs as well. I pay $4 a gallon for milk, where elsewhere it is about $3.00. Bread is about $3.00 a loaf, whereas elsewhere I have purchased the same bread for $1.59 a loaf. Cheese is currently a want and not a need at our house, with a 2 pound loaf of cheese costing $10 where a year ago, it was $6.99. Those are our main staples in our home, especially the milk with two young kids at home ages 4 and 5. We could apply for WIC, but then someone else has to foot the bill to feed our family, and I was not raised that way. There is no money leftover at the end of the month for savings for just in case circumstances, which is very unsettling for me and my husband.

The best thing that Congress can do is to allow more options for drilling in the U.S., and quit depending on the foreign oil. There are numerous opportunities in the United States, which would create jobs, instead of sending them across the border to Mexico, as well as force the price of oil down. The other thing too, is if Congress would put the control of prices back into the oil companies' hands, I feel they would do a much better job at forcing the prices lower. Our country is rich in abundance of oil, if Congress would allow it. Why do you think that in Saudi Arabia, and Iraq fuel prices have not affected their country! They have an over abundance of oil. We have more than them, but yet we aren't allowed to utilize it because of such ridiculous restrictions Congress has imposed on companies. Which is fueled by environmentalists who are still using more energy than the average American family (Al Gore and his followers). We would not be destroying anything by drilling in these locations, obviously if we weren't meant to have the oil that is there, the good Lord would not have put it there for our responsible use!

TANSY, *Malad*.

Because of the huge rise in gas prices it now costs me $90 to fill up my gas tank not to mention my husband's van. We now have no money for emergencies or any extras because of the huge increase in the price of gas. It has hurt our income a lot more than we had anticipated. I would suggest having incentives for gas preservation and I appreciate everything you plan on doing to help keep the cost of gas prices down. You have my vote this year because you really care

What happens to the people of Idaho including finding ways to keep gas prices from continuing to rise.

Keep up the good work, Senator.

CARLA.

I appreciate you asking for thoughts on energy. I believe we need to embrace and pursue alternatives to oil. Honda today unveiled a hydrogen powered car. What does Detroit offer? Something that really galls me is that the U.S. gives billions to countries that hate us, why? I am not a fan of welfare, but every dollar going to the poor in this country is spent here, how much of the money given to foreign countries is spent here? I know it is not that simple. I appreciate your efforts for Idaho and the U.S.

JACK, *Boise.*

ADDITIONAL STATEMENTS

60TH ANNIVERSARY OF THE AIR FORCE JUDGE ADVOCATE GENERAL'S CORPS

● Mr. GRAHAM. Mr. President, I wish to congratulate the men and women of the Air Force Judge Advocate General's Corps on the occasion of its 60th anniversary. On January 25, 1949, under the authority of the Air Force Military Justice Act, the Air Force issued General Order 7 creating the Air Force Judge Advocate General's Department, later changed to Judge Advocate General's Corps.

Since that time, the men and women of the Judge Advocate General's Corps have become the living embodiment of their guiding principles of wisdom, valor, and justice. They have provided countless commanders, policymakers, and clients with the benefit of invaluable professional, candid, and independent counsel. Further, they have done so while living the core values of the Air Force: integrity, service before self and excellence in all they do.

The hallmark of their service to this great country is a profound respect for, and adherence to, the rule of law. Their steadfast dedication to the rule of law allows the U.S. Air Force to conduct itself in the best traditions of America and retain the highest moral ground.

The men and women who currently serve in the Judge Advocate General's Corps, and those that came before them, can be exceptionally proud of their service and the contributions they have made to our national security. As a former active duty Judge Advocate and current reserve Judge Advocate, I am intensely proud of my association with the Judge Advocate General's Corps. I am pleased to acknowledge this great achievement and congratulate the Corps for their service to this Nation.●

HONORING SIVAD PRODUCTIONS, INC.

● Ms. SNOWE. Mr. President, this week, our country celebrated two historic events. On Monday, we commemorated the life and accomplishments of Dr. Martin Luther King, Jr., on what would have been his 80th birthday. The following day, January 20, our Nation's first African-American President, Barack Obama, was inaugurated on the west front of the U.S. Capitol. During this special and remarkable week, I rise to celebrate an African-American owned small business in my home State of Maine that has consistently sought to make a difference in people's lives, and has succeeded every step of the way.

Sivad Productions, Inc., located in Portland, offers its clients a wide variety of general contracting services. From administrative services and video production, to real estate and information technology, Sivad provides customers with superior quality and years of knowledge and experience. In March of 2008, Sivad Productions was named a Small Business Administration certified 8(a) firm. The 8(a) program is a business development tool that assists small disadvantaged businesses to compete in the Federal marketplace by helping them gain a myriad of procurement opportunities.

One of the most innovative projects that Sivad Productions' president, Dudley Davis, has been a part of is the Youth News & Entertainment Television, or YNETV. YNETV produces youth programming, and involves young adults in the process of producing, directing, and creating the shows. In nearly a decade and a half, students of high school and college age have created over 600 television episodes seen on many of the Maine affiliate stations of major networks.

Of YNETV's television shows, its most popular is Youth in Politics. Area high school and college students from across Maine debate the pressing issues facing Maine and America by engaging in thoughtful and substantive discussions and hosting candidate forums. The show's goal is the civic education and wider political participation of Maine's young adults. YNETV frequently features an equal number of college Democrats and college Republicans to provide balance, and deals with issues as varied as the war in Iraq to academic freedom.

Mr. Davis has forged a reputation as someone who has contributed immensely to the betterment of the community in southern Maine. He has long been associated with the YES! Summer Basketball League and The Basketball Academy, which seek to provide young athletes with an outlet to participate in sports in a positive environment. Parents and students alike have praised Mr. Davis's ''exceptional ability to inspire, motivate and teach,'' and commended his admirable contributions to Maine's children. Mr. Davis has also been honored by the Maine Commission for Community Service for his motivated and exceptional service to Maine youth programs.

President Obama has made a passionate and eloquent plea for increased community service on the part of all Americans. It is a call that Dudley Davis heard long ago. Mr. Davis's determination to effectuate positive change for the youth of southern Maine is laudable, and his tremendous work has certainly not gone unnoticed. I thank Mr. Davis for his passion and dedication, and wish everyone at Sivad Productions, Inc., much success in the years to come.●

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 384. An act to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program.

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. BECERRA of California, Ms. MATSUI of California, and Mr. SAM JOHNSON of Texas.

The message also announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mrs. MALONEY of New York and Mr. BRADY of Texas.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 384. An act to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–527. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations'' (Docket No. APHIS–2007–0052) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–528. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the funding transfers made during fiscal year 2008; to the Committee on Armed Services.

EC–529. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved

retirement of Lieutenant General Michael D. Maples, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–530. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Responsible Prospective Contractors'' (RIN0750–AG20) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Armed Services.

EC–531. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; List of Firms Owned or Controlled by the Government of a Terrorist Country'' (RIN0750–AG22) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Armed Services.

EC–532. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; DoD Law of War Program'' (RIN0750–AF82) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Armed Services.

EC–533. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Removal of North Korea from the List of Terrorist Countries'' (RIN0750–AG18) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Armed Services.

EC–534. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Strategies for the Commercialization and Deployment of Greenhouse Gas Intensity Reducing Technologies and Practices''; to the Committee on Energy and Natural Resources.

EC–535. A communication from the Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''National Water Quality Inventory: Report to Congress, 2004 Reporting Cycle''; to the Committee on Environment and Public Works.

EC–536. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List, Final Rule'' (RIN2050–AD75) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Environment and Public Works.

EC–537. A communication from the Deputy Under Secretary for International Affairs, Department of Labor, transmitting, pursuant to law, a report entitled ''Progress in Implementing Capacity-Building Provisions under the Labor Chapter of the Dominican Republic—Central America—United States Free Trade Agreement''; to the Committee on Finance.

EC–538. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; U.S.-International Atomic Energy Agency Additional Protocol'' (RIN0750-AF98) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Foreign Relations.

EC–539. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''Citizens' Report: FY 2008 Summary of Performance and Financial Results''; to the Committee on Health, Education, Labor, and Pensions.

EC–540. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Investment Advice—Participants and Beneficiaries'' (RIN1210–AB13) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–541. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties Under ERISA Section 502(c)(4)'' (RIN1210–AB24) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–542. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Bulletin Relating to Exercise of Shareholder Rights'' (RIN1210–AB28) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–543. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Bulletin Relating to Investing in Economically Targeted Investments'' (RIN1210–AB29) received in the Office of the President of the Senate on January 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–544. A communication from the Director, Office of Counternarcotics Enforcement, Department of Homeland Security and the Deputy Associate Attorney General, transmitting, pursuant to law, a report relative to the Southwest Border Counternarcotics Strategy due to Congress by April 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–545. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's compliance with the Sunshine Act during calendar year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–546. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2008; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Lisa Perez Jackson, of New Jersey, to be Administrator of the Environmental Protection Agency.

*Nancy Helen Sutley, of California, to be a Member of the Council on Environmental Quality.

By Mr. BAUCUS for the Committee on Finance.

*Timothy F. Geithner, of New York, to be Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAMBLISS (for himself, Mr. CORNYN, Mr. COBURN, and Mr. ISAKSON):

S. 296. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 297. A bill to amend the Act entitled ''An Act authorizing associations of producers of aquatic products'' to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself, Mr. CONRAD, and Mr. CHAMBLISS):

S. 298. A bill to establish a Financial Markets Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 299. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Mr. GREGG:

S. 300. A bill to enable the Assistant Secretary for Communications and Information of the Department of Commerce to resume timely processing and distribution of TV converter box coupons by increasing its fiscal authority to make payments, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Ms. KLOBUCHAR):

S. 301. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP; to the Committee on Finance.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 302. A bill to authorize the International Boundary and Water Commission to reimburse State and local governments for expenses incurred by such governments in designing, constructing, and rehabilitating the Lower Rio Grande Valley Flood Control Project; to the Committee on Foreign Relations.

By Mr. VOINOVICH (for himself, Mr. LIEBERMAN, and Mr. CARPER):

S. 303. A bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 304. A bill to amend the Internal Revenue Code of 1986 to stimulate business investment, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. VITTER):

S. 305. A bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Nebraska (for himself, Mr. CRAPO, Mr. WYDEN, Mr. THUNE, Mr. BROWN, Mr. JOHANNS, and Ms. STABENOW):

S. 306. A bill to promote biogas production, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 307. A bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. TESTER, Mr. THUNE, Mr. CONRAD, Mr. CRAPO, and Mr. BROWN):

S. 308. A bill to amend title 23, United States Code, to improve economic opportunity and development in rural States through highway investment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. TESTER, Mr. THUNE, Mr. CRAPO, and Mr. CONRAD):

S. 309. A bill to amend title 23, United States Code, to improve highway transportation in the United States, including rural and metropolitan areas; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 310. A bill to amend the Public Health Service Act to ensure that safety net family planning centers are eligible for assistance under the drug discount program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 311. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself and Mr. ENSIGN):

S. 312. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 45

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 45, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 85

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 96

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 98

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 98, a bill to impose admitting privilege requirements with respect to physicians who perform abortions.

S. 138

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to repeal alternative minimum tax limitations on private activity bond interest, and for other purposes.

S. 144

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 167

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 167, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 169

At the request of Mr. ISAKSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 169, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 181

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 181, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 250

At the request of Mr. SCHUMER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

S. 252

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care for veterans, and for other purposes.

S. 253

At the request of Mr. ISAKSON, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 253, a bill to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit, and for other purposes.

S. 271

At the request of Ms. CANTWELL, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 271, a bill to amend the Internal Revenue Code of 1986 to provide incentives to accelerate the production and adoption of plug-in electric vehicles and related component parts.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. KOHL, and Ms. KLOBUCHAR):

S. 301. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise to introduce a bill today. Over the past several years, I have worked to establish greater transparency in the financial relationships and financial disclosure requirements between physicians and manufacturers of drugs, of biologics, and medical devices.

In the last Congress, the 110th, Senator HERB KOHL of Wisconsin and I introduced what is entitled the Physician Payments Sunshine Act, which is intended to bring some much-needed transparency to these relationships between physicians and manufacturers.

To explain why this bill is so important, let me point to a number of investigations I have conducted in the depth and scope of these relationships between physicians on the one hand, and manufacturers of drugs, biologics, and medical devices on the other hand.

My findings to date are troubling and reveal significant undisclosed financial ties between physicians and industry. Some examples: These relationships, at times, resulted in annual incomes of over $1 million to individual physicians from just one company.

Another example. My investigations determined that several prominent physicians at major universities had failed to disclose large sums of money to their research institutions. That was despite institutional as well as Federal requirements that these reportings take place.

This was also despite these physicians' involvement with Federal research study products made by the various drugmakers with whom they have financial relationships.

This Federal research has involved billions of dollars in taxpayers' money to fund this research.

My oversight has confirmed the need for a consistent, easy-to-understand national system of disclosure, as opposed to a patchwork of disclosure requirements at State and institutional levels, although I compliment States that have such laws on the books.

Today I am here to introduce, along with Senator KOHL, the Physician Payment Sunshine Act of 2009. The Physician Payment Sunshine Act would require that manufacturers of drugs, biologics, and medical devices disclose, on an annual basis, any financial relationships that they have with physicians. That information would be posted online by the Secretary of Health and Human Services in a format that is searchable, that would be clear and easy for the public to understand.

Whether the relationship is as simple as buying a doctor's dinner or as complex as a multimillion-dollar consulting arrangement, these relationships may affect prescribing practices and may influence research.

More importantly, they can obscure the most important issue existing between doctors and patients, and that is a question every doctor and patient has to consider: What is best for the patient?

This legislation Senator KOHL and I are introducing today closely parallels the version I circulated last year and follows some recent MedPAC recommendations.

MedPAC recommended a lower annual reporting threshold of $100—in the previous bill, it was higher—no de minimis exceptions for payments and a tighter preemption provision.

MedPAC will publish their final recommendations in their March report to Congress. I will take those recommendations into consideration and intend to continue pursuing policies that go beyond the transparency in health care than even the existing bill does.

There is a greater need for this legislation, and that greater need is demonstrated by a witness testifying at the Finance Committee hearing on health reform last year that industry and physician relationships are pervasive.

Drug and device companies spend billions and billions every year on marketing, product development, and research, and much of this money goes directly to doctors.

Last year, the Des Moines Register wrote:

> Your doctor's hand may be in the till of a drug company. So how can you know whether the prescription he or she writes is in your interest or the best interest of a drug company?

That is a pretty good question that we all ought to be looking at.

Many of these relationships are beneficial and appropriate. That is why we don't outlaw any of these relationships. What we do is make them be reported. And some of these should be reported on a more regular basis than they are even without this legislation.

Physicians play important roles in inventing and refining new devices or in conducting medical research. They are hired to educate other doctors. We don't do anything in this legislation to end those professional relationships.

But as is often the case, a few bad apples can spoil the whole barrel. It is clear Congress needs to act now to pass disclosure legislation.

Currently, drug and device makers have to comply with a number of State requirements, each State giving its own definition and own rules.

Patients as well as other doctors have no way to learn about these important relationships. This information should not only be available to those few Americans lucky enough to live in a State already requiring some level of disclosure.

Even in the States currently requiring disclosure, most do not apply that law to medical device companies. Some States do not even make public the information they collect, which is of little value to patients who might want to know if their doctors have a relationship with a drug company or a medical device company about which they ought to know.

Now, this bill isn't adding new burdens to the industry. By creating a central reporting system, the legislation actually relieves burdens. In addition, I am hopeful that this bill will enjoy the same wide-ranging support as the prior legislation that Senator KOHL and I put in during the 110th Congress.

I want to be clear—and this is the second time I am being clear on this point—this legislation does not regulate the business of drug and device companies. Let the people in industry do their business since they have the training and the skills to get the job done. But keep the American people apprised of the business you are doing and how you are doing it. After all, what is at risk isn't merely private interest but the health and well-being of all Americans who depend upon the drugs and medical devices to sustain and to improve their lives.

In this process of what we call transparency, in this process that we call sunshine legislation, I often quote from an opinion of Justice Brandeis, I think in 1914, where he said: ''Sunlight is the best disinfectant.'' And that is what Senator KOHL and I are aiming to accomplish with this Physician Payment Sunshine Act, just a little sunlight so the public is better informed.

Mr. KOHL. Mr. President, I rise today to reintroduce the Physician Payments Sunshine Act, along with my colleague Senator GRASSLEY. This legislation will be a great step forward in increasing transparency of the relationships between pharmaceutical and medical device companies and our Nation's physicians, for the benefit of their patients.

I want to begin by underscoring the fact that industry payments to physicians for research purposes or products they have helped develop are completely legitimate. Medical breakthroughs as a result of research have saved countless lives and could not have been achieved without the diligence of these me cal professionals. We must acknowledge, however, that conflicts of interest do exist in some cases. Transparency will help to illuminate the difference between legitimate and questionable relationships.

It has been estimated that the drug industry spends $19 billion annually on marketing to physicians in the form of gifts, lunches, drug samples and sponsorship of education programs. Americans pay the price as through unnecessarily high drug costs and skyrocketing health insurance premiums. Rising drug prices hurt us all by undermining our private and public health systems, including Medicare and Medicaid.

Even more alarming is the notion that these gifts and payments can compromise physicians' medical judgment by putting their financial interest ahead of the welfare of their patients. Recent studies show that the more doctors interact with drug marketers, the more likely doctors are to prescribe the expensive new drug that is being marketed to them.

As a businessman, I understand that companies have the right to spend as much as they choose to promote their products. But as the largest payer of prescription drug costs, the Federal Government has an obligation to examine and take action when companies attempt to manipulate the market.

I believe the Physician Payments Sunshine Act presents a long overdue solution to combat this potentially harmful influence. The legislation would require manufacturers of pharmaceutical drugs, devices and biologics to disclose the amount of money they give to doctors through payments, gifts, honoraria, travel and other means. These disclosures would be registered in a national, publicly accessible online database, managed by the U.S. Department of Health and Human Services. Those companies who fail to report will be subject to financial penalty.

In the year and a half since the Sunshine bill was first introduced, several States have passed their own laws forcing disclosure, and several leading pharmaceutical companies have voluntarily implemented disclosure guidelines. A comprehensive national bill would create a one-stop information

vault, here patients could easily gain access to data about these relationships. It is my hope that this online database will encourage patients to discuss any concerns they may have with their doctors.

A great deal of money changes hands in the health care field, and a good percentage of it is helping Americans live healthier lives. The Physician Payments Sunshine Act will provide the transparency necessary to raise that percentage. We deserve nothing less.

By Mr. VOINOVICH (for himself, Mr. LIEBERMAN, and Mr. CARPER):

S. 303. A bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce the Federal Financial Assistance Management Improvement Act of 2009 with Senator LIEBERMAN and Senator CARPER.

When I came to the Senate in 1999, I introduced the Federal Financial Assistance Management Improvement Act of 1999 with Senators LIEBERMAN, Thompson and DURBIN because as a former mayor and governor, I had seen first-hand the problems and complications that existed in the federal grant making process.

Congress enacted our legislation to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, improve the delivery of services to the public and coordinate the delivery of those services, and progress was made under the law, which is commonly known as ''P.L. 106–107.'' A 2005 Government Accountability Office, GAO, report noted that ''[m]ore than 5 years after passage of P.L. 106–107, cross-agency work groups have made some progress in streamlining aspects of the early phases of the grants life cycle and in some specific aspects of overall grants management . . . .'' However, GAO also noted that work remained to be done and in 2006 suggested that Congress consider reauthorizing the Federal Financial Assistance Management Improvement Act of 1999, which expired in 2007.

I believe that Congress should heed GAO's advice and reauthorize this important law, so last year I introduced S. 3341 with Senator LIEBERMAN to reauthorize the Federal Financial Assistance Management Improvement Act and make improvements to that Act based on the 2005 and 2006 recommendations of GAO. The bill passed the Senate in September 2008.

Today we are reintroducing that legislation, which requires the Director of the Office of Management and Budget, OMB, to improve the grants.gov website or develop another public website that allows grant applicants to search and apply for grants, report on the use of grants, and provide required certifications and assurances for grants. I believe such a website will enhance the transparency required by the Federal Funding Accountability and Transparency Act that Congress enacted in 2007.

The bill also requires the Director of OMB to develop a strategic plan for an end-to-end electronic capability for non-Federal entities to manage the Federal financial assistance they receive and requires each Federal agency to plan actions to implement that strategic plan. Each federal agency would be required to report to OMB on progress made in achieving its objectives under the OMB strategic plan, and the Director of OMB would be required to report to Congress biennially on progress made in implementing the Federal Financial Assistance Management Improvement Act.

In 1999 I said the Federal Financial Assistance Management Improvement Act was an important step toward detangling the web of duplicative Federal grants available to States, localities and community organizations. Last year I said that while some progress was made under that law to detangle the web, work remained to be done. I hope that Congress will quickly reauthorize this law so that OMB and Federal agencies continue their efforts to simplify and streamline the Federal grant process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 303

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 ''Federal Financial Assistance Management Improvement Act of 2009''.

SEC. 2. REAUTHORIZATION.

Section 11 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking ''**and sunset**''; and

(2) by striking ''and shall cease to be effective 8 years after such date of enactment''.

SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.

Section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d) the following:

''(e) WEBSITE RELATING TO FEDERAL GRANTS.—

''(1) IN GENERAL.—The Director shall establish and maintain a public website that serves as a central point of information and access for applicants for Federal grants.

''(2) CONTENTS.—To the maximum extent possible, the website established under this subsection shall include, at a minimum, for each Federal grant—

''(A) the grant announcement;

''(B) the statement of eligibility relating to the grant;

''(C) the application requirements for the grant;

''(D) the purposes of the grant;

''(E) the Federal agency funding the grant; and

''(F) the deadlines for applying for and awarding of the grant.

''(3) USE BY APPLICANTS.—The website established under this subsection shall, to the greatest extent practical, allow grant applicants to—

''(A) search the website for all Federal grants by type, purpose, funding agency, program source, and other relevant criteria;

''(B) apply for a Federal grant using the website;

''(C) manage, track, and report on the use of Federal grants using the website; and

''(D) provide all required certifications and assurances for a Federal grant using the website.''; and

(3) in subsection (g), as so redesignated, by striking ''All actions'' and inserting ''Except for actions relating to establishing the website required under subsection (e), all actions''.

SEC. 4. REPORT ON IMPLEMENTATION.

The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by striking section 7 and inserting the following:

''SEC. 7. EVALUATION OF IMPLEMENTATION.

''(a) IN GENERAL.—Not later than 9 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a report regarding the implementation of this Act.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each report under subsection (a) shall include, for the applicable period—

''(A) a list of all grants for which an applicant may submit an application using the website established under section 6(e);

''(B) a list of all Federal agencies that provide Federal financial assistance to non-Federal entities;

''(C) a list of each Federal agency that has complied, in whole or in part, with the requirements of this Act;

''(D) for each Federal agency listed under subparagraph (C), a description of the extent of the compliance with this Act by the Federal agency;

''(E) a list of all Federal agencies exempted under section 6(d);

''(F) for each Federal agency listed under subparagraph (E)—

''(i) an explanation of why the Federal agency was exempted; and

''(ii) a certification that the basis for the exemption of the Federal agency is still applicable;

''(G) a list of all common application forms that have been developed that allow non-Federal entities to apply, in whole or in part, for multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies) through a single common application;

''(H) a list of all common forms and requirements that have been developed that allow non-Federal entities to report, in whole or in part, on the use of funding from multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies);

''(I) a description of the efforts made by the Director and Federal agencies to communicate and collaborate with representatives

of non-Federal entities during the implementation of the requirements under this Act;

''(J) a description of the efforts made by the Director to work with Federal agencies to meet the goals of this Act, including a description of working groups or other structures used to coordinate Federal efforts to meet the goals of this Act; and

''(K) identification and description of all systems being used to disburse Federal financial assistance to non-Federal entities.

''(2) SUBSEQUENT REPORTS.—The second report submitted under subsection (a), and each subsequent report submitted under subsection (a), shall include—

''(A) a discussion of the progress made by the Federal Government in meeting the goals of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009, and in implementing the strategic plan submitted under section 8, including an evaluation of the progress of each Federal agency that has not received an exemption under section 6(d) towards implementing the strategic plan; and

''(B) a compilation of the reports submitted under section 8(c)(3) during the applicable period.

''(c) DEFINITION OF APPLICABLE PERIOD.—In this section, the term 'applicable period' means—

''(1) for the first report submitted under subsection (a), the most recent full fiscal year before the date of the report; and

''(2) for the second report submitted under subsection (a), and each subsequent report submitted under subsection (a), the period beginning on the date on which the most recent report under subsection (a) was submitted and ending on the date of the report.''.

SEC. 5. STRATEGIC PLAN.

(a) IN GENERAL.—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating sections 8, 9, 10, and 11 as sections 9, 10, 11, and 12, respectively; and

(2) by inserting after section 7, as amended by this Act, the following:

''SEC. 8. STRATEGIC PLAN.

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a strategic plan that—

''(1) identifies Federal financial assistance programs that are suitable for common applications based on the common or similar purposes of the Federal financial assistance;

''(2) identifies Federal financial assistance programs that are suitable for common reporting forms or requirements based on the common or similar purposes of the Federal financial assistance;

''(3) identifies common aspects of multiple Federal financial assistance programs that are suitable for common application or reporting forms or requirements;

''(4) identifies changes in law, if any, needed to achieve the goals of this Act; and

''(5) provides plans, timelines, and cost estimates for—

''(A) developing an entirely electronic, web-based process for managing Federal financial assistance, including the ability to—

''(i) apply for Federal financial assistance;

''(ii) track the status of applications for and payments of Federal financial assistance;

''(iii) report on the use of Federal financial assistance, including how such use has been in furtherance of the objectives or purposes of the Federal financial assistance; and

''(iv) provide required certifications and assurances;

''(B) ensuring full compliance by Federal agencies with the requirements of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009;

''(C) creating common applications for the Federal financial assistance programs identified under paragraph (1), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(D) establishing common financial and performance reporting forms and requirements for the Federal financial assistance programs identified under paragraph (2), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(E) establishing common applications and financial and performance reporting forms and requirements for aspects of the Federal financial assistance programs identified under paragraph (3), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(F) developing mechanisms to ensure compatibility between Federal financial assistance administration systems and State systems to facilitate the importing and exporting of data;

''(G) developing common certifications and assurances, as appropriate, for all Federal financial assistance programs that have common or similar purposes, regardless of whether the Federal financial assistance programs are administered by different Federal agencies; and

''(H) minimizing the number of different systems used to disburse Federal financial assistance.

''(b) CONSULTATION.—In developing and implementing the strategic plan under subsection (a), the Director shall consult with representatives of non-Federal entities and Federal agencies that have not received an exemption under section 6(d).

''(c) FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 6 months after the date on which the Director submits the strategic plan under subsection (a), the head of each Federal agency that has not received an exemption under section 6(d) shall develop a plan that describes how the Federal agency will carry out the responsibilities of the Federal agency under the strategic plan, which shall include—

''(A) clear performance objectives and timelines for action by the Federal agency in furtherance of the strategic plan; and

''(B) the identification of measures to improve communication and collaboration with representatives of non-Federal entities on an on-going basis during the implementation of this Act.

''(2) CONSULTATION.—The head of each Federal agency that has not received an exemption under section 6(d) shall consult with representatives of non-Federal entities during the development and implementation of the plan of the Federal agency developed under paragraph (1).

''(3) REPORTING.—Not later than 2 years after the date on which the head of a Federal agency that has not received an exemption under section 6(d) develops the plan under paragraph (1), and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the head of the Federal agency shall submit to the Director a report regarding the progress of the Federal agency in achieving the objectives of the plan of the Federal agency developed under paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(d) of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by inserting '', until the date on which the Federal agency submits the first report by the Federal agency required under section 8(c)(3)'' after ''subsection (a)(7)''.

By Mr. DORGAN:

S. 304. A bill to amend the Internal Revenue Code of 1986 to stimulate business investment, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing legislation called the Main Street Recovery Act to boost business investment and help jumpstart the ailing U.S. economy. We are facing our most serious financial challenge since the Great Depression and we must respond aggressively. Our financial services sector is in shambles and other business sectors are suffering.

Employers have been slashing jobs at an alarming rate—including 2.6 million jobs last year—to reduce operating costs. Some economists are predicting that the unemployment rate could jump to 10-percent or more this year in many parts of the country.

The manufacturing and construction sectors have been particularly hard hit during this downturn. The manufacturing sector laid off 791,000 workers in 2008. The unemployment rate among construction workers in December was 15.3 percent, eight percentage points higher than for the economy as a whole. More than 1.4 million experienced construction workers are currently unemployed.

I believe immediate action is needed to prevent our economy from sliding into a deeper recession that would lead to more bankrupt businesses and massive layoffs of workers across the country. That is why I will support a stimulus program that will create jobs by investing in infrastructure projects such as roads, bridges, water projects and more.

But I also think we need to provide some targeted tax incentives to encourage the business community to consider making capital investments even during the economic slowdown. The legislation I am introducing today includes the following tax incentives that I believe can stimulate business investment: a temporary 15-percent investment tax credit. To encourage manufacturers and producers not to wait on making crucial equipment and machinery purchases, we should give them every incentive to make these purchases now or in the near future when these investments will most benefit the economy.

We can accomplish this by offering a temporary, 15-percent tax credit through June 30, 2010 for businesses that purchase new equipment and machinery that is used as an integral part of manufacturing or production. Investment tax credits have been proven to work and will help generate growth and jobs in the nation's manufacturing and construction sectors.

Enhanced 50-percent bonus depreciation. To promote business investment now, when the economy needs it most,

we should extend the expiring 50-percent bonus depreciation for eligible assets placed in service over the next 18 months. This will help businesses make capital investments during the economic downturn by allowing businesses to write-off a larger share of their eligible business investments more quickly from their federal income taxes.

Increased $250,000 small business expensing. To help small businesses buy the equipment and machinery they need to weather this economic storm and begin to grow again, we should extend the expiring expensing provision that allows small businesses to expense, i.e. immediately deduct, up to $250,000 of their equipment and machinery purchases over the next year and a half.

In addition, there are many business owners that do not require new equipment or machinery but instead want to build a new business—maybe a restaurant, perhaps a retail shop or make interior and other improvements to such properties. Expanding the bonus depreciation and small business expensing provisions outlined above to cover investments in commercial real property will help provide business owners with the financial assistance they need to build that building or make long overdue improvements.

I am very pleased to have the support of the U.S. Chamber of Commerce and the National Restaurant Association for my proposals as part of a robust economic stimulus package.

The Senate is working on a large economic recovery package and I am optimistic that the package will include these important provisions. I am told that the Senate Finance Committee plans to mark up the tax portion of this package next week, and I am pleased that Chairman BAUCUS has recognized the need to help our Main Street businesses. In my judgment, including the tax incentives I have proposed will help stimulate much-needed economic activity and get our economy growing and creating jobs once again.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 307. A bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am pleased to be joined today by my colleague Senator MIKE CRAPO, to introduce this important piece of legislation for America's rural hospitals. I first introduced this legislation in 2007 with Senator Smith, and I am proud to continue our fight for rural hospitals in this Congress. Today, my fellow Oregonian, Representative GREG WALDEN, is introducing this same bill in the House of Representatives.

The Medicare program is turning rural communities into ''health care sacrifice'' zones. Under current law, critical access hospitals either have to risk their financial viability or their patient's health if a 26th patient walks in their door. Rural hospitals need greater flexibility from the Medicare program to fulfill their obligations to their communities—especially, but not limited to, their veterans—in times of public health emergencies.

The Balanced Budget Act of 1997 merged a Montana initiative, the medical assistance facility demonstration, and the Rural Primary Care Hospital program into a new category of hospitals called critical access hospitals CAH. By design, the Critical Access Hospital program in Medicare ensures that rural communities have access to acute care and emergency services 24 hours a day, 7 days a week.

In order to obtain this designation, hospitals must meet certain requirements, such as being located more than 35 miles from any other hospital, or receiving certification by the state to be a ''necessary provider.'' Critical access hospitals must also provide 24-hour emergency care services.

As a designated critical access hospital, Medicare pays these hospitals based on its reported costs. Each critical access hospital receives 101 percent of its costs for outpatient, inpatient, laboratory, and therapy services. There are nearly 1,300 hospitals across the United States in 47 states that operate under a critical access hospital designation. Twenty-five of them are in Oregon.

One requirement of this program is that there be no more than 25 beds occupied by patients at any one time. This requirement has proven to be too constricting for facilities during times of unexpected need, such as during an influenza outbreak or an influx of tourism to the community.

Critical access hospital administrators in Oregon, especially Dennis Burke from Good Shepherd Medical Center in Hermiston and Jim Mattes at Grande Ronde Hospital in LaGrande, have expressed to me how this restriction has lead to unnecessary risks to patient safety and health. Hospital administrators have been forced to divert the 26th and 27th patient in their hospitals to a hospital much farther from their homes and families.

This legislation makes two important changes to the Medicare Critical Access Hospital Program. First, this bill will provide the flexibility necessary for a critical access hospital to either choose to meet either the 25-bed-per-day limit or work with a limit of 20-beds-per-day averaged throughout the year. During times of spikes in public health need, these hospitals would be able to care for more patients even if the hospital would exceed the use of 25 beds.

Second, this bill exempts beds used by veterans whose care is paid for or coordinated by the Department of Veterans Affairs, VA, from counting against the 25-bed limit or 20-bed yearly average. This change gives CAHs the flexibility they need to treat America's military veterans at a time when the VA has divested in hospital care for our rural veterans, forcing them into these already tightly restricted community hospitals.

This bill also ensures that these hospitals are meeting the requirements under the law without breaking the bank. This new yearly average of 20 beds is set lower than the daily limit, 25 beds, to ensure that Medicare does not inappropriately expand this program. For example, Grande Ronde Hospital would save Medicare an average of $100,000 each year for ambulance transfers of Medicare/Medicaid patients, all of whom could be treated within their facility had it been able to be flexible on counting bed days.

I believe that these simple changes in the current law are critically important to keeping our rural hospitals open and their communities' health care needs served. As we look to expand access to health coverage, this bill will ensure that the nearly 1,300 critical access hospitals in the country have the flexibility they need to remain open for the millions of Americans who depend on them.

I hope my colleagues will join me in supporting this bill, and I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY and other members of the Finance Committee to secure passage of this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 307

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 ''Critical Access Hospital Flexibility Act of 2009''.

SEC. 2. FLEXIBILITY IN THE MANNER IN WHICH BEDS ARE COUNTED FOR PURPOSES OF DETERMINING WHETHER A HOSPITAL MAY BE DESIGNATED AS A CRITICAL ACCESS HOSPITAL UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1820(c)(2)(B) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)) is amended—

(1) in clause (iii), by inserting ''(or 20, as determined on an annual, average basis)'' after ''25''; and

(2) by adding at the end the following flush sentence:

''In determining the number of beds for purposes of clause (iii), only beds that are occupied shall be counted.''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

SEC. 3. CRITICAL ACCESS HOSPITAL INPATIENT BED LIMITATION EXEMPTION FOR BEDS PROVIDED TO CERTAIN VETERANS.

(a) IN GENERAL.—Section 1820(c) of the Social Security Act (42 U.S.C. 1395i–4(c)) is amended by adding at the end the following new paragraph:

''(3) EXEMPTION FROM BED LIMITATION.—For purposes of this section, no acute care inpatient bed shall be counted against any numerical limitation specified under this section for such a bed (or for inpatient bed days with respect to such a bed) if the bed is provided for an individual who is a veteran and the Department of Veterans Affairs referred the individual for care in the hospital or is coordinating such care with other care being provided by such Department.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 37. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

TEXT OF AMENDMENTS

SA 37. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; as follows:

On page 7, strike lines 11 through 20 and insert the following:

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on the date of enactment of this Act, except as provided in subsection (b).

(b) CLAIMS.—This Act, and the amendments made by this Act, shall apply to each claim of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, if—

(1) the claim results from a discriminatory compensation decision, and

(2) the discriminatory compensation decision is adopted on or after that date of enactment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 22, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 22, 2009, at 9:30 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''What States are Doing to Keep us Healthy'' on Thursday, January 22, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, January 22, 2009 at 10 a.m.

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

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that on Monday, at 4 p.m., the Senate proceed to Executive Session to consider the nomination of Calendar No. 3, Timothy Geithner to be Secretary of the Treasury; that there be 2 hours of debate with respect to the nomination, equally divided and controlled between the chair and the ranking member of the Finance Committee or their designee; that at 6 p.m., with no intervening action or debate, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table; that there be no further motions in order, the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 2

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Geithner nomination and resuming legislative session, the Senate proceed to Calendar No. 18, H.R. 2, the Children's Health Insurance Program Improvements Act.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR—NOMINATION'S DISCHARGED

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider Calendar Nos. 1, 2, 4 and 5, and that the Banking Committee be discharged of PN64–4, PN65–14; that the Commerce Committee be discharged of PN64–10; that the Senate proceed to their consideration, en bloc; that the nominations be confirmed, and the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action and the Senate return to Legislative Session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Susan E. Rice, of the District of Columbia, to be the Representative of the United States of America to the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Susan E. Rice, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

ENVIRONMENTAL PROTECTION AGENCY

Lisa Perez Jackson, of New Jersey, to be Administrator of the Environmental Protection Agency.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Helen Sutley, of California, to be a Member of the Council on Environmental Quality.

HOUSING AND URBAN DEVELOPMENT

Shaun L.S. Donovan, of New York, to be Secretary of Housing and Urban Development.

SECURITIES AND EXCHANGE COMMISSION

Mary L. Schapiro, of the District of Columbia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2014.

DEPARTMENT OF TRANSPORTATION

Ray LaHood, of Illinois, to be Secretary of Transportation.

NOMINATION OF SHAUN DONOVAN

Mr. DODD. Mr. President, today we are considering the nomination of Mr. Shaun Donovan, Commissioner of the New York City Department of Housing Preservation and Development to become the Secretary of the Department of Housing and Urban Development, HUD.

Mr. Donovan, has been nominated for a job fraught with significant challenges yet, for that very reason, imbued with great opportunities.

For the past 3 or 4 years, the country has been facing a growing housing

problem that had its origins in the scourge of predatory lending that has resulted in record high foreclosure rates.

This housing crisis has been a primary cause of the deepening recession to which none of us are immune. Across the country, between 9,000 and 10,000 homeowners face foreclosure every day. Foreclosures in my State were up over 71 percent since last year, and it is expected that we will have more than 13,000 subprime foreclosures in the next two years. Nationwide, cities such as Bridgeport, which had inordinately high rates of subprime loans, are struggling to keep themselves afloat as those loans reset one-by-one and families find themselves with nowhere to turn.

I recently met with leaders in my State where I heard about the toll this crisis is taking on our minority communities. Some say this crisis will result in a net loss in homeownership rates for African Americans, wiping out a generation of wealth, gains and opportunities.

But let there be no doubt that this crisis today affects every American in one way or another. In all, by some counts, we can expect some 8 million homes to go into foreclosure absent some form of additional action.

Unfortunately, the previous administration was slow to acknowledge the housing problem, and when it finally did, timid in its response. Even as we witnessed foreclosures tear apart neighborhoods and wreak havoc upon our economy, the Administration refused to use the authority or funds we gave it in the Emergency Economic Stabilization Act to tackle the foreclosure crisis head on—despite the Congress's crystal clear intent in writing that law.

Surprisingly—and unfortunately, in my opinion—HUD has not played a central role in addressing the housing crisis. Frankly, it has been, to quote National Journal, ''at best, a second string player . . .'' following in the wake of other government departments with far less expertise in housing than the professionals at HUD (January 10, 2009).

Indeed, as the cover page of CQ Weekly says, ''The housing crisis remains at the core of the economy's woes . . .'' (January 12, 2009).

Put simply, we cannot address our economic crisis until we address the underlying housing crisis.

And to do that, we need an active, aggressive, and well-run HUD with leadership that is confident in its mission and unafraid to act. As President Obama has himself said, ''HUD's role has never been more important.''

Unfortunately, HUD has been mismanaged and ridden with scandal in the last several years. Let me be clear that these problems did not arise under the able leadership of our colleague, then-Secretary Martinez. I would also say that in recent weeks, Secretary Preston has made some improvements.

But fundamentally, HUD has been left adrift at a time when bold leadership and a clear direction were never more important.

Just a week or two ago, we learned about the Wrights—a middle-class family in Windsor, Connecticut in danger of losing their home. Like thousands of families across the country, the Wrights were lured into a mortgage they were assured they could afford but couldn't—not because they acted irresponsibly but because they became pregnant with their second child, and Mrs. Wright ran out of the paid sick time she was afforded as a teacher.

This is the kind of story being repeated in every community across America today. With the right leadership, I believe HUD can be an effective partner in helping families like the Wrights. That is the opportunity Mr. Donovan has—to restore HUD as a leading voice in addressing the crisis facing our country today.

I would say to my colleagues that Mr. Donovan is the most experienced nominee for HUD secretary that Senate has considered in my long experience. In addition to his degrees in architecture and public administration from Harvard, Mr. Donovan has run the multifamily program at the Federal Housing Administration and was, for a time, the Acting Housing Commissioner. He has worked in the private nonprofit sector as a housing developer and he has worked as a managing director of a large, multi-family mortgage company.

Since 2004, Mr. Donovan has been the commissioner of New York City's Department of Housing Preservation and Development. In that role, he managed 2,800 employees and helped develop and manage Mayor Bloomberg's ''New Housing Marketplace Plan,'' one of the most ambitious local housing plans in the nation. The $7.5 billion plan calls for the creation or preservation of 165,000 units of affordable housing, about half of which has been accomplished to date.

Beyond the statistics and the numbers that so dramatically underscore Mr. Donovan's accomplishments, I want to welcome him for the kind of leadership and vision I am confident he will bring to the Department at a time when such leadership is needed so desperately.

For example, as early as 2004, long before most of the rest of the country was focused on the subprime crisis and the foreclosures they would lead to, Mr. Donovan told a Newsday reporter that he was worried about the coming ''flood of foreclosures'' and the impact it would have on homeowners and neighborhoods.

Mr. Donovan sees the role of HUD as being more than a caretaker for physical housing structures, or as a mortgage insurance company. He understands the danger of stove-piping within this arena, and sees HUD as the Federal Government's primary tool to help build communities—an agency that helps to provide housing opportunities for homeowners and for renters along a spectrum of incomes and ages. He understands the need to coordinate housing with transportation, including public transportation and transit, to improve access to jobs and other economic opportunities—and we need someone with that vision at the helm.

Finally, Mr. Donovan is a man of the utmost integrity who has shown a proven ability to work constructively with all interested parties. His nomination is being supported, enthusiastically, I want to add, by a wide variety of housing groups, from the Realtors, to the Homebuilders, to the Low Income Housing Coalition, to many nonprofit organizations and many, many others.

I want to express my thanks to Mr. Donovan for the leadership he will bring to this critically important department and, more importantly, the hope he will offer to millions of families at this uncertain moment.

I urge my colleagues to support the nomination of Mr. Donovan to be Secretary of the Department of Housing and Urban Development.

CONFIRMATION OF RAYMOND LAHOOD

Mrs. HUTCHISON. Mr. President, I come to the Floor today as the ranking member of the Senate Commerce, Science and Transportation Committee in support of the nomination of Raymond LaHood to be the 16th Secretary of Transportation.

As a former 7-term Member of Congress representing the 18th District of Illinois, and a former member of the House committee on Transportation and Infrastructure, Congressman LaHood is well-qualified for this position.

This week, the Commerce Committee held a full committee hearing to consider his nomination. To Congressman LaHood's credit, and with the cooperation of Chairman ROCKEFELLER, our committee quickly discharged his nomination in order to fill this important Cabinet position.

I am pleased that our committee moved expeditiously on Congressman LaHood's nomination and I am hopeful the full Senate will move just as quickly.

As my colleagues know, the range of problems confronting the new Secretary of Transportation are amongst the most difficult that any new department leader has faced in quite some time.

In a few short months, important policy, budgetary and regulatory decisions will need to be made on several transportation and infrastructure issues. I am confident that Congressman LaHood is up to the task and will hit the ground running.

As my colleagues know, the existing highway program expires at the end of September. Until then, Congress and the new administration will have to work very hard on a reauthorization. This will be a very difficult process due

to the current fiscal state of the highway trust fund and because of the current formula's disparate treatment between the States.

In addition, we desperately need to create stability in our aviation infrastructure programs by passing a full fiscal year 2009 FAA extension, along with completing a multiyear FAA Authorization bill. I have encouraged Representative LaHood to support a full fiscal year extension of the current FAA Reauthorization bill, through September 30, 2009, along with committing to work with him on a new FAA Authorization bill.

Without congressional and administration cooperation, the FAA's plan to modernize our air traffic control system—known as NextGen—could squander precious time and resources. Our Nation's skies and airports are severely congested; we need a Secretary in place immediately to oversee and manage the funding, implementation, and transition to NextGen.

I am also confident the DOT will have a renewed focus and appreciation for our Nation's Amtrak and high speed rail system. This is an area we have neglected too long. While the Amtrak reauthorization that was just signed into law was an important step, we need strong leadership at the Department to ensure that we have a national passenger rail system that works. Congressman LaHood is a strong advocate for Amtrak and I look forward to working with him to implement the priorities of that important legislation.

I encourage my colleagues to support Representative Hood's nomination.

Mr. DURBIN. Mr. President, one of the nominations just confirmed was that of Ray LaHood, former Congressman from the State of Illinois who, by this action, will become our next Secretary of Transportation in the Obama Cabinet. It was my great honor to introduce Congressman LaHood to the Senate Commerce Committee yesterday, along with former House Republican Leader Bob Michel. I had asked President Obama to consider this nomination because of my high regard for Ray LaHood, both personally and politically.

We served together for many years. He has represented my hometown of Springfield. Despite our clear partisan differences, we have become not only fast friends but real allies. Ray LaHood is an extraordinary person. Born and raised in Peoria, IL, he served as a schoolteacher before coming to work for Bob Michel in Washington, where he served as his chief of staff. He then succeeded Bob Michel as a Congressman from the district which had Peoria as its major city and proceeded to represent large portions of north central Illinois and most of the former congressional district of former Congressman Abraham Lincoln.

Ray LaHood is a person whom I not only respect but like very much. His word is good. He is a hard worker. He has the right values and politics. When politics in Washington became so corrosive and divisive, Ray LaHood led an effort in the House to establish dialogue between Democrats and Republicans. When I have worked with him on issues such as the Abraham Lincoln Presidential Library in Springfield, the future of the 183rd Air National Guard unit in Springfield's capital airport, and a variety of other issues, I have found him to be hardworking, diligent, and committed to the public good.

I believe President Obama has made an extraordinarily good choice for Secretary of Transportation. It is a department which will be very busy because the new Recovery and Reinvestment Act understands that we need new bridges, roads, airports, and mass transit so that America's economy can get back on track and grow. Ray LaHood is a great person to be heading up that department.

His wife Kathy and family were with him yesterday before the Commerce Committee. They are a great group. He is very proud of his children and should be. They have done extraordinarily good things in their lives as well. I am glad we moved quickly on this nomination for Ray LaHood as Secretary of Transportation. I know he is probably following this proceeding, and I wish him the very best. I know he is going to be exceptional in his service not only to President Obama in the Cabinet but also to the United States of America.

UNANIMOUS CONSENT AGREEMENT—S. RES. 18

Mr. DURBIN. Mr. President, I ask unanimous consent that with respect to S. Res. 18, the following be the order of listing:

Rules: names will be listed as: SCHUMER, DODD, BYRD, INOUYE, FEINSTEIN, DURBIN, NELSON of Nebraska, MURRAY, PRYOR, UDALL of New Mexico, WARNER;

Small Business: the last two names appear SHAHEEN and HAGAN.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senator as a member of the Commission on Security and Cooperation in Europe during the 111th Congress: the Senator from Maryland, Mr. CARDIN.

The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senator as Chairman of the Commission on Security and Cooperation in Europe during the 111th Congress: the Senator from Maryland, Mr. CARDIN.

The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appoints the Senator from Mississippi, Mr. COCHRAN, as a member of the Board of Regents of the Smithsonian Institution for the 111th Congress.

ORDERS FOR MONDAY, JANUARY 26, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. Monday, January 26; 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 there then be a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each; further, that at 4 p.m. the Senate proceed to executive session as under the previous order.

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

PROGRAM

Mr. DURBIN. Mr. President, under the previous order, at 6 p.m. Monday the Senate will proceed to a rollcall vote on the confirmation of the executive nomination of Timothy Geithner to be Secretary of the Treasury.

ADJOURNMENT UNTIL MONDAY, JANUARY 26, 2009, AT 2 P.M.

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 7:31 p.m., adjourned until Monday, January 26, 2009, at 2 p.m.

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

RAY LAHOOD, OF ILLINOIS, TO BE SECRETARY OF TRANSPORTATION.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

SHAUN L. S. DONOVAN, OF NEW YORK, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2014.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, January 22, 2009:

DEPARTMENT OF STATE

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE

UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

ENVIRONMENTAL PROTECTION AGENCY

LISA PEREZ JACKSON, OF NEW JERSEY, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXECUTIVE OFFICE OF THE PRESIDENT

NANCY HELEN SUTLEY, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SHAUN L. S. DONOVAN, OF NEW YORK, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF TRANSPORTATION

RAY LAHOOD, OF ILLINOIS, TO BE SECRETARY OF TRANSPORTATION.

SECURITIES AND EXCHANGE COMMISSION

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2014.

EXTENSIONS OF REMARKS

ABIGAIL SELDIN OF TIERRA VERDE, FLORIDA EARNS PRESTIGIOUS RHODES SCHOLARSHIP

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. YOUNG of Florida. Madam Speaker, it is with great pride that I rise today to honor Abigail Seldin, a constituent from Tierra Verde, Florida I have the privilege to represent, who has earned a prestigious Rhodes Scholarship.

Abigail has studied anthropology at the University of Pennsylvania and plans to graduate in May with both a Bachelor's and Master's Degree. She put her studies to use in the field of anthropology to amass an in-depth knowledge about the little-known Lenape Indian Tribe of Pennsylvania. Because of her dedication, Abigail was also named the first undergraduate curator of an exhibit at the University of Pennsylvania's Museum of Archaeology and Anthropology.

With 769 applicants this year, the Rhodes Scholarship is a revered prize awarded only to those with the highest level of academic success and Abigail is one of only 32 students nationwide to receive this award. She joins a long history of distinguished Americans who have made the journey overseas to participate in international study at England's prestigious Oxford University.

Madam Speaker, I would also like to congratulate Abigail's parents and sisters as well as all of her past and present teachers for inspiring her to reach her goals and beyond. Following my remarks, I will include for my colleagues a story about Abigail's accomplishments as reported by Rita Farlow of The St. Petersburg Times.

At a time when we are encouraging students to strive for educational excellence, I would urge my colleagues to join me in paying tribute to Rhodes Scholar Abigail Seldin as she is a symbol of what is right about our nation's schools and universities and to wish her luck in her future studies at Oxford University.

[The St. Petersburg Times, November 24, 2008]

PINELLAS WOMAN A RHODES SCHOLAR

(By Rita Farlow)

A University of Pennsylvania student from Tierra Verde is among this year's winners of the prestigious Rhodes Scholarships.

Abigail P. Seldin, a 20-year-old anthropology student, organized an exhibit about the previously unknown history of Lenape Indians that is now on display at the University of Pennsylvania Museum.

Seldin is one of 32 men and women from across the United States to win the scholarships for study at England's Oxford University. Winners were officially announced Sunday, but Seldin received the news after an interview with a selection committee on Saturday.

''I was shocked,'' Seldin said. ''I didn't say anything for about five minutes. I managed 'Thank you' and 'I'm honored' but my mind was blank.''

Seldin, who plans to graduate in May with a bachelor's and a master's degree in anthropology, became the first undergraduate to curate an exhibit at the university's Museum of Archaeology and Anthropology.

History books say the Lenape tribe left Pennsylvania by 1803, Seldin said, but there were some who stayed behind, intermarrying with whites but quietly continuing their indigenous ways through the generations.

Seldin said she admired the survival of cultural traditions despite the difficulty involved in maintaining them in secret.

Seldin said she will postpone plans to coauthor a book with Chief Robert Ruth of the Lenape Nation of Pennsylvania while she studies social anthropology abroad.

Though her family lives in Tierra Verde, Seldin attended a boarding school at Phillips Academy Andover in Massachusetts. She graduated in 2005.

She is not the only 2008 Rhodes winner with Florida ties.

Florida State University college football star safety Myron Rolle, who had to miss part of Saturday's game against Maryland for his Rhodes interview, also received the award.

Rolle, of New Jersey, is a pre-med student and hopes to become a neurosurgeon.

''It was a very exciting day, and I'm thrilled to have the opportunity to study at Oxford,'' Rolle said after arriving in College Park, Md., to play in the second half of the game.

Well-known Rhodes scholars from the United States include former President Bill Clinton, former basketball star and Sen. Bill Bradley, author and social critic Naomi Wolf and former Gen. Wesley Clark.

The winners were picked from 769 applicants endorsed by 207 colleges and universities nationwide. The students will enter Oxford University in England—the world's oldest English-language university—next October.

Created in 1902, the scholarships are the oldest of the international study awards available to American students and provide for two or three years of study. The scholarships have an estimated value of $50,000 for each year of study.

Since the program's inception, 3,164 Americans from 309 colleges and universities have won Rhodes Scholarships.

This report includes information from the Associated Press and Times archives. Rita Farlow can be reached at farlow@sptimes.com or (727) 445–4162.

RECOGNIZING HOSTELLING INTERNATIONAL USA'S 75 YEARS OF SERVICE

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. McCOTTER. Madam Speaker, today, I rise in recognition of Hostelling International USA's 75 years of service to intercultural understanding and youth travel.

Founded in 1934, Hostelling International USA is a nonprofit organization promoting hostels and related programs in our nation, so our youth may experience the personal enrichment of foreign and domestic travel. Throughout the world, interest in hostel stays has increased to the point where, now, nearly 1 million travelers stay at hostels every year.

Established in 1943, the Michigan Council of Hostelling International USA endures as a resource providing exciting programs to Michigan's youth. These programs, known as ''Opening Doors, Opening Minds'', facilitate student's experiences of our nation and the world. The Michigan Council also conducts travel workshops in local libraries to encourage adults and youth alike to expand their knowledge and understanding through travel.

I congratulate Hostelling International USA for their 75 years of service and for their continued commitment to opening doors for our nation's youth.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MR. K. CYRUS MELIKIAN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor Mr. K. Cyrus Melikian of Haverford, Pennsylvania, who died of heart failure on November 27, 2008.

Mr. Melikian's parents escaped the 1919 Armenian massacre and immigrated to Philadelphia shortly before he was born. After graduating from Northeast High School, he attended the University of Pennsylvania and then served in the military.

Mr. Melikian developed the concept of a coffee vending machine while serving in the Army Air Force at Wright Field in Ohio during World War II. He and an officer, Lloyd K. Rudd, were annoyed that the PX was not serving coffee. After their discharge in 1946, Mr. Melikian and Mr. Rudd successfully devised and created an automatic coffee dispenser to the delight of the many football fans who purchased their coffee for 10 cents a cup outside of Shibe Park in Philadelphia, Pennsylvania.

As their success grew, Mr. Melikian and Rudd sold their company in 1967. Then with the help of his sons, he established Automatic Brewers & Coffee Devices. At ABCD, Mr. Melikian developed pods for single or double orders of espresso, coffee-pod packaging machines and brewers, and coffee-bean grinders integrated into brewers.

His other inventions included a commercial microwave oven and an ice dispenser for soda cups in vending machines. He was responsible for numerous patents.

In addition to his successes as an inventor, Mr. Melikian was also an award-winning marksman, helping to found the trapshooting program at Aronimink Golf Club.

Mr. Melikian was a member of several gourmet societies and was the founder and chairman of the Philadelphia chapter of the International Bacchus Society. In 1961, he and Mr.

Rudd coauthored The Wonder of Food. In the 1970s, Mr. Melikian wrote a syndicated newspaper feature about the history of famous dishes and, in the 1990s, he established and taught at a chef training school.

Madam Speaker, I ask that my colleagues join me today in honoring Mr. K. Cyrus Melikian, an innovative entrepreneur who made coffee drinking a convenient pastime. May his life be an inspiration to all fellow citizens and we extend our utmost respect and condolence to his family.

IN REMEMBRANCE OF CHARLES WALTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Charles Walters, a profoundly respected writer and prolific advocate of organic and sustainable farming, and in honor of his outstanding dedication to this country.

Charles Walters was born a few years prior to the Great Depression on June 18, 1926. He grew up in a time of great challenge and great change and he dedicated his life to serving his country. During World War Two, Charles served in the Army Air Corps and later served in the Korean War in the Air Force cartography unit. He attended Creighton University and Denver University, earning a master's degree in Economics.

Charles was one of the earliest contributors to discourse on organic farming and authored thousands of articles on the topic over the past 40 years. An accomplished writer, he served as editor for the National Farmers Organization, authored a number of books on economics and agronomy, and published two novels. He was also the founder and editor of Acres U.S.A., America's oldest monthly magazine on organic and sustainable farming. Charles was the recipient of the American Monetary Institute's Lifetime Achievement Award, in recognition of his invaluable contributions to the field of economics. In addition to his love of writing, he enjoyed history, poetry and foreign travel. He is survived by his wife Ann, his three children, Fred, Tim and Jennifer and his three granddaughters, Emily, Diana and Kara.

Madam Speaker and colleagues, please join me in celebrating the life of Charles Walters—an accomplished and innovate writer and in honor of his leadership and advocacy for organic and sustainable farming.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 15, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes:

Mr. BERMAN. Mr. Chair, I thank Chairman FRANK for introducing H.R. 384, the TARP Reform and Accountability Act of 2009, and I join in support of this legislation that is aimed at bringing liquidity back to our capital markets and enhancing oversight of the Troubled Asset Relief Program.

I particularly want to draw attention to Section 402 of the Act, which provides important support to the struggling municipal bond market from those TARP funds already released. I thank the chairman for including this provision, which is intended not only to address municipal offerings, but also to include qualified 501(c)(3) bonds as described in Section 145 of the Internal Revenue Code. These important offerings have also been impacted by the liquidity crisis over the past several months.

More specifically, the tightening of credit in our financial markets has greatly affected the 501(c)(3)/non-profit bond market and the many non-profit organizations that rely on these bonds' issuance to carry out their charitable missions. Non-profit organizations provide a much needed back-stop to government programs and ensure that many of the Nation's most vulnerable citizens receive basic needs such as food, shelter, or drug rehabilitation. Without access to sufficient, affordable lines of credit, many charitable programs go unrealized. Particularly now, that cannot be allowed to happen.

This new legislation should alleviate this problem and increase liquidity in the bond market, as it makes clear that 501(c)(3) bonds, as defined by Section 145 of the Internal Revenue Code, are considered ''municipal securities.'' It is further my understanding that the support offered by Section 402 of the Act is not a ''federal guarantee'' under section 149 of the Internal Revenue Code, so that the legislative direction and solutions offered in today's bill will be available to the non-profit agencies who rely upon these types of bonds for their important work.

Furthermore, for new lending that is attributable to TARP investments and assistance, I encourage the secretary to clarify that 501(c)(3) bonds are eligible investments, and hold accountable those banks receiving funds to ensure that these not-for-profit organizations issuing bonds have access to affordable and competitive rates when seeking letters of credit to support their bond offerings. By holding financial institutions receiving TARP money accountable to use part of those funds to assist the non-profit sector, the secretary will help bring liquidity back to the non-profit bond market.

THE CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mrs. MALONEY. Madam Speaker, I am introducing today the Credit Cardholders' Bill of Rights Act of 2009. This legislation is the same bill that passed the House on a vote of 312 to 112 in the 110th Congress as H.R. 5244, except that we have made it effective 3 months from enactment.

This legislation would amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan. The Credit Cardholders' Bill of Rights prohibits certain unfair and deceptive credit card practices and provides consumers with tools to manage their credit card debt responsibly. The bill prohibits retroactive rate increases on existing balances except under limited circumstances, including where the consumer is over 30 days late in making payment, and requires creditors to provide consumers with a reasonable time to pay off the balance. It requires creditors to provide a written notice of any rate increase at least 45 days before the increase takes effect, and to send periodic statements to consumers no less than 25 days before the due date. The bill prohibits double cycle billing and requires creditors to allocate payments among balances so as to allow consumers to take full advantage of promotional rates and to make payments towards balances with higher rates. The bill limits overlimit fees and bans fees on interest-only balances. It prohibits creditors from knowingly issuing a credit card to a minor who is not emancipated. For credit cards on which fees in the first year exceed 25 percent of the credit limit, the bill prohibits such fees from being paid from the credit available under the card account agreement (except late or overlimit fees). The bill also provides for additional data collection to enable better oversight and regulation.

INTRODUCING THE NATIONAL EMERGENCY CENTERS ESTABLISHMENT ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to reintroduce the National Emergency Centers Establishment Act, a bill that I first introduced in the 109th Congress.

Many of us share the belief that the Federal Government's response to Hurricane Katrina was disorganized and inadequate. The Federal Emergency Management Agency, FEMA, was far too slow to respond and evacuees were left stranded in massive shelters with egregious standard-of-living conditions.

Sixteen months following the devastation wreaked by Hurricane Katrina, more than 13,000 residents who were displaced by the storm were still living in trailers provided by FEMA. Eighteen months after Katrina, half of the homes in New Orleans still did not have electricity. Shortly thereafter, FEMA informed Congress that 60,000 families in Louisiana still lived in 240 square foot trailers—usually at least 3 people to a trailer.

The sluggish and derisory reaction of our Federal Government to disaster victims affects me personally. In 2004, four hurricanes ravaged my home State of Florida, all of which literally destroyed parts of the counties in my district. In the immediate and long-term aftermath, our communities saw FEMA's shortcomings. More than 18 months after Hurricane Wilma struck in 2005, citizens were still residing in trailers labeled on the outside ''FEMA.''

The lack of natural disaster preparedness efforts and temporary housing options for disaster-stricken citizens only exacerbated an unbearable situation. Deficient recovery responses have led to elongated recovery rates in my district and across this Nation.

Two main problems—increasing the availability of temporary housing in times of national emergencies and improving training and preparedness for national emergencies—must be resolved to ensure that the humanitarian catastrophe that occurred in the gulf coast and continues to happen today will never occur again.

We have an obligation to better prepare and more adequately respond to the needs of communities hit by natural disasters. We have a responsibility to ensure that basic needs of disaster victims are met immediately following the devastation.

My legislation establishes six National Emergency Centers throughout the United States. The Centers will be used, first and foremost, to provide temporary housing, medical and humanitarian assistance, including education, for individuals and families displaced due to an emergency. The Centers will also serve as a centralized location for the training and coordination of first responders in the instance of an emergency. In addition, the Centers will improve the coordination of preparedness, response, and recovery efforts between governments, private companies, not-for-profit entities, and faith-based organizations.

The National Emergency Centers will be located on military bases, with a preference wherever possible for those installations closed during the most recent Base Realignment and Closures, BRAC, round. I am proposing these sites because the necessary infrastructure to house, feed, educate, and care for evacuees over an extended period of time is already in place, thus limiting the cost and time needed to construct these facilities.

Madam Speaker, our Nation was not prepared for the disastrous hurricanes that struck Florida and the gulf coast in 2004 and in 2005. The establishment of National Emergency Centers will go a long way to ensuring that our response to national emergencies are not as disastrous as the disasters that created the emergencies in the first place.

I ask my colleagues to support this legislation and urge the House Leadership to bring this bill to the floor for its swift consideration.

IN HONOR OF GERTRUDE PINTZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mrs. Gertrude Pintz, upon the recent celebration of her 100th birthday.

Gertrude Pintz was born on December 29th, 1908 in Austria-Hungary. She has been blessed over her lifetime with strength, joy, her family and friends. She is known for seeing only the good in others and beauty in life. Mrs. Pintz lives every day with a grateful heart, warm smile and positive outlook.

Mrs. Pintz married the love of her life, Sebastian, and together they raised three sons—Sebastian, Adam and the late Henry. She remains close with her sons, seven grandchildren and ten great-grandchildren. As the matriarch of her family, Mrs. Pintz hosted the family's annual Thanksgiving dinner at her Cleveland home, continuing this tradition until the age of 88. In her early seventies, following the passing of her beloved husband, Mrs. Pintz embarked on pursing her artistic talents. She enrolled in a four-year art school, where she studied oil painting. To this day, her artwork adorns the homes of numerous family members and friends.

Madam Speaker and colleagues, please join me in honor of Mrs. Gertrude Pintz upon the joyous occasion of her 100th birthday. Her love of family, love of life and youthful soul all serve as an inspirational example for all of us to follow. I wish Mrs. Pintz an abundance of peace, health and happiness today, and throughout the years to come.

CORPORAL JOSEPH HERNANDEZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great respect and deep sadness that I wish to commend United States Army Corporal Joseph M. Hernandez for his bravery and his willingness to fight for his country. Corporal Hernandez, who was assigned to 1st Battalion, 4th Infantry Regiment out of Hohenfels, Germany, was killed in the Zabul Province of Afghanistan when an improvised explosive device detonated near his vehicle on Friday, January 9, 2009. His sacrifice will be forever remembered by those he fought to protect.

A native of Hammond, Indiana, Joseph graduated from Mount Carmel High School in Chicago, Illinois, in 2003. Known for his patriotism and his commitment to serving others, it was no surprise to anyone close to him that he decided to join the Army.

Joseph's family remembers him as a warmhearted individual who loved boxing, building model airplanes, fishing, and working on cars. Quite the talented young man, he also loved to sing, as well as play the piano and the guitar, and he played soccer in high school. A person of a strong faith, Joseph was active in his church as an altar server and cantor, and at one point, even considered entering the priesthood.

Corporal Hernandez leaves behind a loving family that misses him very much. He is survived by his devoted wife, Alison (nee Gordon) Hernandez, and their two sons, Jacob and Noah, whom Joseph truly treasured. Joseph also leaves to cherish his memory his adoring parents, Elva Hernandez and Jesse (Vicki) Hernandez, and his brothers, Jason and Jessie (Chrissy) Hernandez, as well as his loving grandparents, Josephine and Salvador Pompa. He also leaves behind many other friends and family members, as well as a saddened but proud community and a grateful nation.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Corporal Joseph M. Hernandez. Corporal Hernandez sacrificed his life in service to his country, and his passing comes as a setback to a community already shaken by the realities of war. Corporal Hernandez will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

A TRIBUTE TO RIMBAN GEORGE T. MATSUBAYASHI ON THE OCCASION OF HIS RETIREMENT FROM THE BUDDHIST CHURCHES OF AMERICA AFTER NEARLY 50 YEARS OF SERVICE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Rimban George T. Matsubayashi. After almost 50 years of serving as a minister for the Buddhist Churches of America, including more than nine years as head priest of the Los Angeles Honpa Hongwanji Buddhist Temple in Downtown Los Angeles in the 34th District, Reverend Matsubayashi will retire on January 31, 2009.

Rev. Matsubayashi, who is also fondly known as Rev. George or Matsubayashi-sensei, graduated Summa Cum Laude from Ryukoku University in Kyoto, Japan in 1960. Later that year, he began his ministerial service in the Jodo Shinshu tradition of Buddhism in the United States at the Honpa Hongwanji Mission of Hawaii at the Honolulu Betsuin Buddhist Temple. While in Hawaii, Rev. George studied at the English Language Institute at the University of Hawaii. In 1963, he enrolled in the doctoral studies program at the University of Wisconsin. In 1964, he transferred to the PhD program in the Department of Oriental Languages at the University of California, Los Angeles.

In 1965, Matsubayashi-sensei was appointed to the Venice Hongwanji Buddhist Temple in Los Angeles. When the temple became independent in 1976, Rev. George served as its first resident minister. He remained there until 1999. During his 34 years at Venice Hongwanji, Rev. George was active in a wide variety of community organizations. He served on the board of United Way's Western Region. He was a member of the Clergy Council for the Pacific Division of the Los Angeles Police Department. He also gave his time as a Reserve Chaplain for LAPD's Central and Pacific divisions.

In 1999, Rev. George was appointed as the Rimban, or head priest, of the Los Angeles Honpa Hongwanji Buddhist Temple, which is also referred to as "Nishi" to the local Japanese American community. During his tenure, Rev. George oversaw the 100th Anniversary of the temple in 2005. The event featured the addition of the new Wisteria Chapel and the Muryo Koju-do (nokotsudo-columbarium) built to commemorate the temple's pioneering members and to continue the proud legacy of the Issei—first generation Japanese Americans—for future generations.

Since joining the Los Angeles Honpa Hongwanji Buddhist Temple, Rev. George's community involvement extended well beyond the church's walls. He serves on the Little Tokyo Coordinating Council, the Los Angeles Buddhist Federation and as a volunteer chaplain at several hospitals on the west side of Los Angeles.

In addition to his spiritual and community work, Rev. George is also a devoted husband, father and grandfather. Rev. George and his wife, Kiyoko "Kay" Matsubayashi, have four children: Craig and his wife, Raquel; Dean and his wife, Kim; Tina and her husband, Howard; and Erik and his wife, Cindy. They are also the proud grandparents of Jared, Lindsay, Chase and Emma.

Madam Speaker, on the occasion of Rev. George's retirement, I ask my congressional colleagues to please join his dutiful congregation, his family and me in thanking him for his many years of service to the Buddhist Churches of America and our community. While we wish him well in this new phase of his life, Rev. George will always be Sensei, or teacher, in the hearts and minds of the generations of families whom he has touched during his many years of ministerial service.

HONORING MR. JOE PANIAGUA

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. GRANGER. Madam Speaker, I rise today to pay tribute to the loyal service rendered to the City of Fort Worth, Texas by Mr. Joe Paniagua from 1986 until his retirement in December 2008.

As a former member of the city council and Mayor of Fort Worth, I had the opportunity of working directly with "Joe P.," as he is known by all at City Hall.

Although a native of Corpus Christi, Joe P. joined the City of Fort Worth's employment rolls in 1986 as a Municipal Courts customer service representative. He held a series of positions before being promoted to be the city's chief state and federal legislative program coordinator and grants manager. In that capacity, he faithfully and tirelessly represented the city through six Texas Legislative Sessions, from 1991 through 2001.

Joe P. spent countless hours driving that long and lonely stretch of I-35 back and forth each week between Fort Worth and Austin in loyal service to our city. I have heard stories of his sleeping on friends' couches in Austin in the early days in order to save the city money.

His hard work paid off on many issues that benefitted our community including the successful passage of legislation creating a revenue-sharing program between Fort Worth and Dallas, which supports DFW Airport, one of the busiest airports in the world. Joe P. also worked to streamline Texas crime district laws and to secure legislation allowing municipalities to include "best value" as consideration for purchases.

Joe P. was promoted to Assistant City Manager in September 2001 and retired as First Assistant City Manager on December 31, 2008.

Not only has Joe P. been a loyal public servant to our city, but he and his wife Elsa and their two children, Jose Francisco and Elissa, are well known and beloved citizens of our community.

In closing, I can say without reservation that the City of Fort Worth, Texas and our community at large have benefitted from the service of Joe Paniagua. I invite my colleagues to join me in honoring Joe Paniagua and his family upon the occasion of his retirement.

IN RECOGNITION OF RODEL RODIS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. SPEIER. Madam Speaker, Rodel Rodis, attorney, author and educator, has been a dedicated member of the Board of Trustees of San Francisco Community College District for eighteen years from 1991–2008. Since his appointment in 1991, Rodel was elected and re-elected by San Francisco voters in 1992, 1996, 2000, and 2004. During his tenure, he was chosen by his peers to serve as President and Vice President of the Board three times.

In addition to his service on the Board, Rodel has volunteered his limited additional time but abundant energy to serve as Chairman of the Association of Community College Trustees, National President of the Association of Asian/Pacific Islander Community College Trustees, founder and Northern California Chair of the National Federation of Filipino American Associations and President of the Filipino Bar Association of Northern California.

A natural leader, Rodel previously served two terms as President of the San Francisco Public Utilities Commission where he was instrumental in the decision to transfer fifteen acres of SFPUC property in the South Balboa Reservoir to City College where it will be put to great use for the benefit of the general public, hosting, among other projects, a Joint Use Facility and Performing Arts Center .

Rodel Rodis' achievements are many. While a Trustee, he worked with the Board to advance equality of opportunity through the Latina/Latino Services Network; African American Scholastic Program; Asian Pacific American Student Success; Women's Resource Center and Multicultural Infusion Project. He was also instrumental in passing local bond measures for renovating campus facilities and expanding the use of technology throughout the system.

As we both know, Madam Speaker, San Francisco is a community of diverse neighborhoods. Mr. Rodis recognizes this and has been a strong advocate for the new Mission Campus, the Chinatown/North Beach Campus and the Wellness Center.

Throughout Rodel's career, he has been far more than just an elected representative. His passion for education and his commitment to fairness, equality and the expansion of opportunities for all San Franciscans has made Rodel something of a community touchstone—a person whose wisdom, good humor and professionalism remind us all of what it means to be a citizen.

Madam Speaker, the good work of the San Francisco Community College District makes all of us proud. I am confident that it will continue to provide excellent educational opportunities and career training even without Rodel Rodis' leadership, but his shoes will no doubt be hard to fill and his nearly two decades of public service will long be appreciated.

TRIBUTE TO HRANT DINK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor the memory of Hrant Dink, a beloved journalist, activist, and a man of conscience. Two years ago, on January 19, 2007, Mr. Dink was assassinated in front of his office building in Istanbul.

As a Turkish Armenian, he worked tirelessly to unite the Armenians and the Turks. Serving as the editor-in-chief of Agos, Turkey's only bilingual Armenian and Turkish newspaper, Hrant Dink was a leader. When it came to the Armenian Genocide, he rejected the Turkish government's subversion of history. Instead of accepting state denial of the Armenian Genocide, he advocated for truth and battled Turkey's strangling grip on freedom of speech.

For these convictions, Hrant Dink was tried for insulting Turkishness under Article 301 of the Turkish Penal Code. For these convictions, Hrant Dink was brutally assassinated.

Two years later, Turkey's citizens who speak honestly about the Armenian Genocide still face potential prosecution and imprisonment for publically denigrating the Turkish Nation or Turkish Republic. This ultra-nationalism hijacks history at the expense of freedom of speech, stifling discussions by the Turkish people.

Two years later, the investigation into Hrant Dink's murder is in disarray, corruption in the judicial and police system runs deep, and Turkey's moral authority is weakened. The many involved in Hrant Dink's killing, from members of the gendarmerie to extremist nationalists, have been charged or imprisoned for their actions, but it has become apparent that Istanbul and Trabzon's security departments had information that Hrant Dink would be killed, but failed in their duty to protect him. Turkey should act swiftly to bring justice to the memory of Hrant Dink.

This hate and denial produces an environment of fear. This environment produces extreme nationalist organizations that manipulate young men to kill in the name of the Turkish Republic. The law enforcement community was tainted by officers who portrayed Hrant Dink's assassin as a proud Turkish citizen, placing a Turkish flag in his hand and flashing photographs to celebrate a murder.

Now, more than ever, Turkey must shun this behavior and embrace the lessons that Hrant Dink taught—the need for reconciliation between the different realities in Turkey.

There are those on the extreme fringe who stone Armenian Churches and in the midst of soccer matches chant in jubilation the name of Hrant Dink's killer. These individuals may be extreme, but the Turkish government fosters their existence through laws like Article 301.

But there also exists the people in Turkey who see past government intimidation and chant "We are all Armenian, we are all Hrants," as they gather in thousands upon thousands to celebrate his life.

On the wake of the 60th anniversary of the United Nations Convention on Genocide, thousands of Turkish intellectuals signed on to a letter apologizing to the Armenian people for the genocide. This promising show of empathy amongst the Turkish people is welcome.

The apology states, ''My conscience does not accept the insensitivity showed to and the denial of the Great Catastrophe that the Ottoman Armenians were subjected to in 1915. I reject this injustice and for my share, I empathize with the feelings and pain of my Armenian brothers and sisters. I apologize to them.''

Unfortunately, the Turkish state remains set on its same path to impede reconciliation. A probe launched by a Turkish state prosecutor will investigate the apology campaign to decide if it violated Article 301. As the judicial system continues to assault freedom of speech, elected officials also hamper progress. Recently, Parliamentarian Canan Aritman employed racism against Armenians. Angered by President Abdullah Gul's response to the campaign, she suggested that ''Abdullah Gul should be the president of the whole Turkish nation, not of his ethnic origin.'' She then encouraged fellow parliamentarians to ''investigate the ethnic origin of the president's mother.''

On behalf of Hrant Dink's memory, I call on Turkey to come to terms with its own history and shed the shackles of suppression. In honor of Hrant Dink these actions would be an apt call to conscience.

INTRODUCTION OF THE ASSESSMENT ACCURACY AND IMPROVEMENT ACT OF 2009

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. PETRI. Madam Speaker, as Congress considers the reauthorization of the No Child Left Behind Act this year, we have an obligation to listen closely to the students, parents, and educators that we represent to ensure that our efforts result in responsible and pragmatic improvements. While we have made great strides in the areas of assessment and accountability over the last 7 years, this reauthorization provides a critical opportunity to learn from our experiences and fine-tune the law.

One example of a lesson my constituents have learned, and have vigorously shared with me, is that we should be encouraging States to move towards better assessment models. As I have met with educators over the past year, one of the primary concerns that I have heard is that the State assessment fails to provide information of value to educators and administrators. Even more disturbing, it often takes 4 to 6 months before scores are returned to schools, which leaves little or no time for teachers to use the information to address student performance before they advance to the next grade.

However, I believe there is a sensible solution that Congress can adopt to address these concerns and give States more options in assessment design. Today, Representative DAVID WU and I are introducing the bipartisan Assessment Accuracy and Improvement Act of 2009 to give States the option to use adaptive testing as their statewide assessment measuring reading, math, and science to fulfill No Child Left Behind requirements. I believe that this legislation will give States the ability to truly track the academic growth of every child and provide more accurate information to teachers, parents and school administrators through the use of an adaptive test.

For those who may be unfamiliar with adaptive testing, it is a test that changes in response to previously-asked questions. For example, if a student answers a question correctly, the test presents a question of increased difficulty. If a student answers incorrectly, the test presents a question of decreased difficulty. As you can see, an adaptive test customizes itself to a student's actual level of performance with a great degree of accuracy.

Giving States the flexibility to use an adaptive test and to ask questions outside of grade level will improve the accuracy of student assessment and enable educators to target appropriate instruction for each child based on performance at, above, or below grade level. In addition, using an adaptive test over time will allow accurate measurement of the performance growth of each individual student.

In my district in Wisconsin, nearly a third of school districts currently use their own funds to participate in adaptive testing in addition to the State assessment required by NCLB. Educators and administrators appreciate the diagnostic information it yields and the efficiency that it provides. I believe that school districts nationally are already ''speaking with their wallets'' by spending scarce resources to voluntarily participate in this testing because it provides valuable information that the State assessment does not. And, although our bill does not require States to adopt adaptive testing, it gives them the freedom to do so should they decide it is a better model for their students and educators.

Madam Speaker, adaptive testing and growth models are the key to putting the ''child'' back into No Child Left Behind. I hope that our colleagues will join us in this pragmatic and responsible improvement to the law as we work towards a bipartisan reauthorization this year.

TRIBUTE TO JON W. DUDAS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. CONYERS. Madam Speaker, I rise today on behalf of myself, Mr. SMITH of Texas, Mr. COBLE, Mr. SENSENBRENNER, Mr. BERMAN, and Mr. WOLF to honor Jon W. Dudas, a distinguished public servant who is leaving the helm of the United States Patent and Trademark Office (''USPTO'') on January 20, 2009. Jon has served as Under Secretary of Commerce for Intellectual Property and Director of the USPTO since July 2004. He previously served as acting Under Secretary and Director, and Deputy Under Secretary and Deputy Director from 2002 to 2004.

As head of the world's leading intellectual property (''IP'') office, Jon developed and articulated administration positions on patent, copyright, and trademark issues, both domestic and foreign and effectively steered the operations of the USPTO, an organization of approximately 9,000 employees dedicated to providing and maintaining the intellectual property protections that promote innovation and technological advancement.

Under Jon's leadership, the USPTO's university-style examiner training academy, peer review pilot, electronic filing and processing, and accelerated examination programs were developed and implemented. Additionally, the USPTO's hoteling programs for its patent and trademark examiners serve as a gold standard for other Federal agencies and the USPTO continued to be recognized as the leader in Federal Government telework initiatives.

In the critical area of appropriations for the USPTO's vital operations, Jon worked tirelessly with the Congress and the administration to ensure USPTO's full access to all collected fees over the last 4 years, breaking a streak of fee diversion. His assistance and counsel were also greatly valued and appreciated during the House's development of patent reform and other pieces of important IP legislation.

Prior to joining the Bush administration, Jon served 6 years as Counsel to the U.S. House Judiciary Subcommittee on Courts and Intellectual Property, and Staff Director and Deputy General Counsel for the House Judiciary Committee. He guided enactment of major patent, trademark, and copyright legislation, including the 1999 American Inventors Protection Act and the Digital Millennium Copyright Act. He was also instrumental in the passage of the 1996 Trademark Anti-Counterfeiting Consumer Protection Act, a law making it more difficult for seized counterfeit merchandise to re-enter the consumer marketplace.

I know that our colleagues and the intellectual property community join Mr. SMITH of Texas, Mr. COBLE, Mr. SENSENBRENNER, Mr. BERMAN, Mr. WOLF and me in commending Jon for the USPTO's substantive achievements during his tenure.

We are honored to have this opportunity to publicly commend a truly dedicated public servant. We wish Jon all the best in his future endeavors.

HONORING McCROSSAN BOYS RANCH HITCH TEAM

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to honor members of the McCrossan Boys Ranch Hitch Team in Sioux Falls, South Dakota for their participation in the 2009 Presidential Inauguration Parade. The inauguration of President Barack Obama marked a defining moment in history and these young men were excellent ambassadors for South Dakota at an event of such magnitude.

McCrossan Boys Ranch is a unique program, which reaches out to educate troubled youths from across the region. The ranch provides a vital opportunity for young men who face conflict in their lives and who wish to seek a more positive direction. The ranch's purpose is to give students outlets to explore, allowing them to grow as individuals and to serve the community around them. The ranch teaches important skills such as horsemanship, trade skills and agricultural methods that are applied toward community service projects like Habitat for Humanity.

Additionally, McCrossan Boys Ranch youth are members of numerous extracurricular

groups, such as 4-H, the Boy Scouts of America and the Fellowship of Christian Athletes. The ranch and its students give back to the community in many ways and display the dedication, purity of purpose and selfless service that personified the spirit of the 2009 Inauguration Parade.

The educational and service mission of McCrossan Boys Ranch is an admirable and worthy cause. It is an organization that instills American values in young men and helps them make valuable contributions to the fabric of our society.

Madam Speaker, it is because of its mission, as well as its achievements, that I rise today in recognition of the McCrossan Boys Ranch Hitch Team for their participation in the 2009 Inauguration Parade.

IN RECOGNITION OF KENDRA KASTEN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. SPEIER. Madam Speaker, I ask my colleagues here in the House of Representatives to join me in bestowing our sincere thanks to Kendra Kasten, a woman who has devoted thousands of hours of volunteer service to her community and personally helped countless children better their reading skills.

After devoting her professional life to teaching children and her precious free-time to lifting others up and never seeking recognition herself, Kendra is being duly honored by the Town of Hillsborough, California with their ''Community Care Award''.

The Community Care Award ''honors a person in a salaried position with the School District or Town of Hillsborough or other vital community role.'' Ms. Kasten is the embodiment of the criteria set forth for the award, specifically in regard to having ''made a sustained and significant contribution that has broadly touched the lives of our children. These contributions are widely recognized as having lasting impact to our community.''

As both a parent and teacher, Kendra Kasten has given her all to the betterment of her community. A reading specialist, she currently works with Kindergarten to Second Grade students in small groups to help with the development of crucial literacy skills. Kendra also teaches weekly whole-class lessons to 2nd graders in the area of syllabication.

Kendra's lesson plans come from years of teaching experience. She formalized and organized her experience at the urging of her colleagues and used it to benefit all teachers in her school district.

Madam Speaker, in addition to teaching, this vibrant and amazing woman has volunteered in her children's classrooms and the Town Library and served on more committees than any one person could possibly squeeze into a single lifetime. Her husband, Hillsborough Town Councilman Tom Kasten, and children Jeff and Alyssa are fortunate to have such a dynamic partner and role model and also deserve our thanks for loaning their wife and mother to the community.

It is with a great deal of pride that I recognize a true community leader and selfless volunteer—Ms. Kendra Kasten.

INTRODUCTION OF THE FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mrs. MALONEY. Madam Speaker, today, I proudly join in a bipartisan effort with Representatives FRANK WOLF, STENY HOYER, DANNY DAVIS, ED TOWNS, GEORGE MILLER, LYNN WOOLSEY, CHRIS VAN HOLLEN and many others to reintroduce the Federal Employees Paid Parental Leave Act. I am also pleased that Senator WEBB will be introducing the companion bill in the Senate as well. This bill will provide four weeks of paid leave to federal employees when they have a new child.

The House passed this important legislation in the 110th Congress with a strong bipartisan majority and I am hopeful that we will be able to promptly pass the bill in both houses and send it to President Obama for his signature.

More than ever, families need access to paid parental leave. In the face of rising unemployment and falling home and equities values, families cannot afford to risk losing a job or going without pay after the birth of a new child. Families are already squeezed like never before and the cost of raising a child is only growing. USDA estimates that a family will spend an additional $11,000 in the first year of having a new child.

Few families can afford to forgo a month's pay which is why this bill is so critical. If we truly believe in the value of family, then we need to value the work that families do. This means that we need to stop asking parents to choose between a paycheck and caring for a new child. Unlike a generation or two ago, today both parents work outside the home and both need time off from work when they have a new child. Yet, most do not have access to paid family leave.

By providing paid parental leave to Federal employees, the Federal Employees Paid Parental Leave Act establishes the Federal Government as a model employer. This landmark bill is the first to provide paid family leave for new parents. It is good for the Federal agencies, is good for Federal employees, and is cost effective. Finally, this bill signals our commitment to valuing our employees and their families.

Madam Speaker, I am hopeful that together we can work to value families and the work they do and demonstrate our commitment by passing this important bill.

HADLEY, MASSACHUSETTS, TO CELEBRATE 350TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to celebrate the 350th Anniversary of Hadley, Massachusetts. I would like to share some local history as provided by the Hadley guide into the official record.

Hadley was founded by a dissenting Connecticut congregation under the leadership of Re. John Russell in 1659. As an agricultural community on the east bank of the Connecticut River, John Pynchon purchased the site of the new settlement from the Indians on behalf of the settlers. The first settlers laid out this area, formerly known as the Norwottuck Meadow, as the center of the new settlement before their arrival, with the Town Common, referred to as ''the Broad Street,'' as the central feature. The common measured 20 rods wide and one mile long, with the Connecticut River defining both ends, and was reportedly based on the original plan of Wethersfield, Connecticut. Eight-acre home lots were ranged along both sides of the common, with farmlands behind.

In 1675–76, during King Philip's War, to guard against Indian attacks, a palisade that ran far enough behind the houses to include most of the barns and farm buildings enclosed the street and common. One such attack occurred on June 12 of 1676. Legend has it that the town was saved from destruction when, at a critical moment, one William Goffe showed up in the midst of the townspeople, warned them of the danger, and led the town in fending off the assault, disappearing shortly afterward. Goffe, later known as ''The Angel of Hadley,'' became the subject of many legends.

Though the years, the common remained the focus of town life. The meetinghouse occupied a prominent site, animals were pastured on the open land, militia drills were held periodically, and Hadley's Liberty Pole was erected there during the Revolutionary War. Taverns at the north and south ends and at the center of the common served the needs of passengers on the ferry, stagecoach, and riverboat routes.

By the 1670s, the town rapidly developed northward. The North Hadley Mill Pond, also known as Mill River, became the site of the Hopkins Corn Mill, and millers and farmers settled in Hopkins Meadow. The rent paid by mill workers to live here went to support the Hopkins School, which founded by Edward Hopkins of England, a former governor of Connecticut.

Hadley has long been the subject of much folklore, especially when it came to witchcraft. The most notable ''witch'' in the town of Hadley was Mary Webster, who, although acquitted of ''familiarity with the devil'' in a Boston Court in 1683, was nonetheless hung, unsuccessfully, by young Hadley men in 1685.

As the number of settlers south of Mount Holyoke grew, the desire for a local place of worship also grew. As an answer to the problems of settlers traveling many miles to church, the towns of Hatfield, Granby, South Hadley and Amherst formed from the sprawling town of Hadley. The town continued to grow as an agricultural town during the 1700s. While subsistence farming was most common during this time, the exporting of everything from produce to beef to furs grew. Most of the products were taken by flatboat down the Connecticut River and to the Boston area as well. It was around 1792 that broomcorn became the dominant crop in Hadley. So abundant was this crop that Hadley would come to be known as the Nation's broomcorn and broom manufacturing capital. Broom and brush making became a thriving industry here, exporting all across New York and New England, and as far as Ohio.

Over time the soil that produced so much broomcorn slowly depleted. By 1840, tobacco would take its place as the major crop as well

as seed onions and other vegetables. The Massachusetts Central Railroad crossed the northern half of the common in 1887, providing a faster way for Hadley farmers to ship their produce to market. The Connecticut Valley Street Railway lay out along Russell Street about 1900 made local travel to Northampton and Amherst easier.

It was during the late 1800s that, because of labor shortages and a drop in land values, Hadley experienced somewhat of a decline in farming. It was also about this time that a large number of Irish and, later, Polish immigrants that were recruited from Ellis Island for labor purposes settled in Hadley. It was the Polish immigrants that are credited with saving Hadley's farmland as they worked the fine Hadley soil back into fertility. By 1920, asparagus became the popular crop in Hadley, soon making the town the asparagus capital of the world. Most recently, a shipment of Hadley asparagus from Alligator Brook Farm was shipped to former President Bush at the White House in July 2008 after the President had remarked how ''fabulous'' German asparagus was during his visit with German Chancellor Angela Merkel. Once again, Hadley was able to claim its rightful title of ''The asparagus capital of the world.''

Today, in spite of commercial development along Route 9, Hadley remains largely agricultural and residential. It has the largest number of acres in agriculture in the Pioneer Valley, which includes crops of corn, potatoes, tobacco and scores of other vegetables. Malls and commercial businesses now lie along Russell Street on Route 9 to the east of the town's center.

Hadley is a beautiful place to live. I am proud to represent this town which is rich with history and join with its citizens in celebrating Hadley's 350th Anniversary.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in a vote on the floor of the House of Representatives yesterday.

The vote was on an amendment offered by Representative MAURICE HINCHEY of New York to H.R. 384, the TARP Reform and Accountability Act. Had I been present, I would have voted ''aye'' on that question.

H.R. 4156, THE SECURITY CLEARANCE OVERSIGHT AND ACCOUNTABILITY ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. ESHOO. Madam Speaker, today I am proud to introduce the Security Clearance Oversight and Accountability Act. This Act is the result of the work the Subcommittee on Intelligence Community Management of the House Permanent Select Committee on Intelligence. I'm pleased, Mr. ISSA, the Ranking Member of the Subcommittee during the 110th Congress, has again joined me as a co-sponsor of this legislation. I hope we will move this legislation quickly, given the strong bipartisan support that it enjoys. It will improve our insight into the security clearance process, and by doing so, improve the process itself.

Security clearances are the gateway to serving our Nation in national security, homeland security, and many foreign policy positions. Over time, the number of Federal employees and contractors holding clearances has stretched into the hundreds of thousands, clogging the clearance system and creating tremendous backlogs. Following the tragic attacks of September 11, 2001, our country faced an urgent need to expand its national security workforce, but hiring was hampered, and continues to be hampered, by our clearance system. It is imperative, especially as we transition to a new Administration, that security clearances not be a hindrance to our national security.

In 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act, IRTPA, which contained many provisions to improve the security clearance process. During the last Congress, our Subcommittee undertook a thorough review of the process and the progress toward meeting the goals of the Act. We had round-table meetings with representatives of industry and representatives of the Intelligence Community agencies. We carefully reviewed all reports submitted in response to the Intelligence Reform Act as well as GAO reports on security clearance reform in the Department of Defense. We held a series of open hearings with Administration witnesses and GAO to discuss accomplishments and areas where progress was lacking and we intend to continue that oversight in the 111th Congress. This bill will assist us in that task while improving the quality of our security clearances.

In addition to our own oversight, we requested that the GAO review the security clearance processes inside the Intelligence Community and report its findings. GAO brings decades of experience and deep expertise to this task. For more than 20 years its experts have examined the personnel security practices in the Department of Defense. This is the first time that Intelligence Community security practices will be subjected to such scrutiny. We look forward to Intelligence Community's cooperation with the GAO and to reviewing the results of GAO's work.

This bill is designed to remedy the shortcomings we identified last Congress. It takes a new approach to reform by requiring agencies to report to Congress annually on certain metrics related to the security clearance process. The metrics in this bill would enable Congress and HPSCI to perform effective oversight, would allow both branches to track improvements from year to year, and would allow agencies to judge the effectiveness of each other's security clearance process, improving confidence in the system. In a few areas where adequate metrics have not been developed, the Administration is required to propose metrics to Congress.

Just a few weeks ago, the Administration's Joint Security and Security Reform Team issued its proposal for security clearance process transformation. Their vision of a transformed process includes consolidated databases, interactive electronic applications, investigative techniques tailored to individual cases, automated investigation tools, automated clearance adjudication, and a more aggressive reinvestigation schedule for individual holding security clearances. Many of these reforms were required by the IRTPA and I am pleased to see their long-delayed implementation.

The security clearance process is a key to our national security establishment and we must make sure that it works as efficiently as possible. An effective security clearance system keeps out those who pose a security risk, while quickly identifying those who are trustworthy to work in the system. For too long it has been a troubled system. This legislation will allow us to confirm the necessary progress we must make in this critical area.

TARP DISAPPROVAL VOTE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. HARMAN. Madam Speaker, today I voted to disapprove the release of the second half of the so-called TARP funds. The Senate has already approved the release, so mine is essentially a protest vote. But it is a protest that should be heard.

The Bush Administration presented the $700 billion Troubled Asset Relief Program to Congress as an asset purchase program. We were told that the Treasury Department would use the funds primarily to purchase mortgage-backed securities and other toxic assets, and then banks and credit unions would use their cleaned-up balance sheets to free up credit while the government helped renegotiate home mortgages. The focus was supposed to be about keeping people in their homes.

But looking back, it feels more like a classic bait and switch. Rather than spend the money as promised, the Bush Administration took advantage of loopholes in the law to funnel money directly to banks, who have been loathe to part with it. And the Bush Administration did this with scant oversight or accountability. We still have little idea how the first $350 billion was spent, or whether much of it made any difference.

What is clear is that little of the funds went to the small banks and credit unions that actually keep our communities growing. I understand that only one bank holding company in my district, out of dozens of struggling community banks and credit unions, has received any help under the TARP.

The TARP has essentially become a $350 billion bank consolidation fund. And in the meantime, the key driver behind this crisis—home foreclosures—has been all but ignored.

My constituents have noticed, and they continue to express overwhelming disapproval of the way the program has been run thus far.

Yesterday, I voted for H.R. 384, Chairman FRANK's TARP Reform and Accountability Act, which I believe would have made vital changes to the TARP—including the adoption of a home foreclosure program modeled after the one proposed by FDIC Chair Sheila Bair.

But I understand that the Senate has no plans to take up the Frank Bill, and instead will rely on assurances from NEC Chairman Larry Summers that the Obama Administration will use the second $350 billion responsibly.

Larry Summers is a friend and an enormous talent, and I have great respect for President Obama and his team. But Congress is the constitutionally designated steward of taxpayer dollars. We should insist on the limitations in the Frank bill before releasing another $350 billion.

I expect to support a robust and effective stimulus bill. I wish the second tranche of TARP had been totally revamped and added to the stimulus proposal.

TRIBUTE TO DR. RAYMOND ORBACH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to our country are exceptional. The United States has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent to make our Nation a better place to live and work. Dr. Raymond Orbach is one of these individuals. On January 23, 2009, Dr. Orbach's term serving as the first Under Secretary of the Office of Science at the U.S. Department of Energy will come to an end.

Dr. Orbach began his academic career as a postdoctoral fellow at Oxford University in 1960 and became an assistant professor of applied physics at Harvard University in 1961. He joined the faculty of the University of California, Los Angeles, UCLA, 2 years later as an associate professor and became a full professor in 1966. From 1982 to 1992, he served as the provost of the College of Letters and Science at UCLA.

From 1992 to 2002, Dr. Orbach served as chancellor of the University of California (UC), Riverside, located in the 44th Congressional District of California. Under his leadership, UC Riverside doubled in size, achieved national and international recognition in research, and led the University of California in diversity and educational opportunity. In addition to his administrative duties at UC Riverside, he sustained an active research program; worked with postdoctoral, graduate, and undergraduate students in his laboratory; and taught the freshman physics course each year. As the Distinguished Professor of Physics, Dr. Orbach set the highest standards for academic excellence.

Dr. Orbach was nominated by President Bush to serve as the first Under Secretary for Science at the U.S. Department of Energy (DOE) on December 13, 2005. He was confirmed unanimously by the U.S. Senate on May 26, 2006, and was sworn in by Secretary of Energy Samuel Bodman on June 1, 2006.

In his capacity as under secretary, Dr. Orbach's primary responsibility was to serve as chief scientist for DOE, providing advice to the Secretary of Energy on all scientific and technical programs in DOE. Serving as chief scientist within DOE, Dr. Orbach advised the Secretary of Energy on a variety of topics, including the annual assessment of the reliability and safety of the U.S. nuclear warhead stockpile, which is developed each year by the Secretary of Defense and Secretary of Energy for the President of the United States. As Under Secretary for Science, he was responsible for the department's implementation of the administration's American Competitiveness Initiative to help drive continued U.S. economic growth. He also was responsible for leading the department's efforts to transfer technologies from DOE national laboratories and facilities to the global marketplace, serving as the department's technology transfer coordinator, in accordance with the Energy Policy Act, and was chair of the DOE Technology Transfer Policy Board, responsible for coordinating and implementing policies for the department's technology transfer activities.

Dr. Orbach's tireless passion for science has contributed immensely to the betterment of the Department of Energy and the United States of America. I am proud to call Dr. Orbach a fellow American and friend. I know that many people around the country are grateful for his service and salute him as he ends his term.

IN HONOR OF ''CLUB''

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. SPEIER. Madam Speaker, I have often said that women working together can accomplish great things. I rise this evening to pay tribute to such a group of women, born and raised in the depression in our favorite city, San Francisco, who have helped, consoled, networked, laughed, cried and raised their families together since meeting as schoolchildren some 70 years ago. This special group of ladies is known to themselves and in excess of 100 sons, daughters, grandchildren and great-grandchildren by the simple name: ''Club.''

The original eight members met as children in the Excelsior District. Marie Regalia (later Kennealy), Anne Desmond (Cordes), Ann Espinosa (Sanchez), Connie Slevin (Voreyer), Mary McBrady (Ghiorso) and Rose Damonte (Larsen) were students at Epiphany Catholic School and Grover Cleveland Elementary but played together at Crocker Amazon Park and remained together through High School and into adulthood.

Along the way, they picked up new members Irene and Janet Loretto, Gena O'Brien, Shirley Kennealy, Jeanne McKevitt, Barbara Dykstra, Elli Morris and Lori Carlin. The group has raised 58 children between them, trading used clothes, toys and baby furniture and providing moral, psychological and baby-sitting help long before modern innovations like the internet, self-help books and Oprah.

Madam Speaker, the women of ''Club'' represent the finest of America. Each has made a profound mark on her community—from serving on boards of charities, presiding over parish women's guilds, coaching and teaching young girls, and unselfishly passing on their hard-earned wisdom to anyone looking for guidance.

After graduating from high school in 1950, the women pledged to meet regularly to compare notes and ideas on how to navigate their rapidly changing world. Most are daughters of immigrants who were raised in the customs and traditions of ''the old country'' and were now charged with charting their own course. For nearly six decades, they have stayed in constant touch, sharing lunches, laughs and the kind of camaraderie that comes only with a lifetime of mutual experiences. Together, they have celebrated births and weddings, grieved at funerals, offered support during divorces and other setbacks and lent a hand whenever any of them needed a lift. In addition, ''Club'' has held more than 100 showers for births, weddings and ordinations to the priesthood.

The families of these confident and outgoing women know all-too-well the far-reaching influence of ''Club''. Indeed, few important decisions are made without running it by the group and woe to the husband who does something foolish or insensitive enough to top the agenda at a monthly get-together.

Madam Speaker, you and I have both said that it is San Franciscans that make San Francisco such a special place. I can think of no greater example to illustrate this point than the vibrant, beautiful and passionate ladies known to all who have made their acquaintance as ''Club.''

THE ADVANCING ONE COMMUNITY AWARD

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. CONYERS. Madam Speaker, today, Iowa State University will host its celebration of the life and legacy of Dr. Martin Luther King, Jr. The Advancing One Community Award given in his name will recognize the laureates' commitment to an inclusive multicultural community and efforts to reduce injustice and inequity. Receiving this award will be Mary de Baca, who has never shied from that struggle.

Mary de Baca coordinates diversity programs for the world-renowned College of Agriculture at Iowa State University. She is the program and financial advisor to the George Washington Carver Internship Program. She is the faculty advisor to the Iowa State University chapter of Minorities in Agriculture, Natural Resources, and Related Sciences (MANRRS). She has built that club into a national powerhouse: it has been National MANRRS Chapter of the Year three of the last four years. She has established linkages between Iowa State and historically Black land grant colleges, Hispanic serving institutions, and tribal colleges so that they can share faculty, laboratory equipment, and resources, and bring talented minority students into the academic pipeline. As a result, Iowa State is a leader in training minority graduate students and professors, although Iowa is not often thought of as the most diverse state in the Union.

Mary de Baca's commitment to diversity is in the long tradition of the University. This is, after all, the school which admitted George Washington Carver when no other school would allow him to study at all, much less achieve a PhD. This is the school whose football stadium is named after the man who integrated its sports teams in 1923, Jack Trice. Trice followed in Dr. Carver's footsteps. He came to Iowa to study agriculture so he could go South and help the community. But he

never got the chance; he was tragically killed on the football field by the opposing team.

Iowa State also took a chance on one of the few Latinos to receive a Doctorate in the 1950s, her late husband, Robert C. de Baca, who Mary de Baca met when he was a young professor of animal science. She joined him in postings abroad, where she did some of the first home economics studies on the lives of rural Latin American women. With him, she built up a renowned herd of Black Angus cattle on the farm where she still lives. In her own family life, Mary de Baca has done her part to increase the number of minority professionals: she is the proud mother of three children, doctor Monica, businesswoman Suzanna, and civil rights lawyer Luis, who is a valued member of our Judiciary Committee team.

Between college and graduate school, Mary de Baca returned home to Southern Indiana teach high school home economics. As a young teacher, she stubbornly overrode the protests of white parents to ensure that African-Americans could participate in cheerleading, the homecoming court, and other extra-curricular activities. Vernon Jordan described the State at the time in this way: ''Although Indiana is above the Mason-Dixon line, it has a tough history regarding race. For a time it had the largest and most active chapters of the Ku Klux Klan in the country. It was a mess in the 1920s and 1930s. When I was there in the 1950s, it wasn't exactly a racial utopia.'' But one can imagine the young Mary de Baca mentoring those students and helping them reach their potential without fanfare or drama, just as she does today.

As an educator for over 50 years, Mary de Baca has helped to move us toward the more inclusive and equal world for which Dr. King fought. I congratulate her on receiving this honor in his name from her students, her colleagues, and her University.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury ansd ensure accountability under such Program, and for other purposes:

Mr. LANGEVIN. Mr. Chair, I rise in support of H.R. 384, the TARP Reform and Accountability Act, which will ensure that TARP funding will be spent responsibly and transparently in an effort to get the economy back on track.

In order to stabilize our economy and get credit flowing again to families and small businesses, we need to fundamentally change the practices of the Troubled Assets Relief Program before the remaining $350 billion streams into the marketplace. Unfortunately, the Bush Administration mismanaged the financial rescue funds approved in 2008 and failed to follow congressional intent when it came to executing the Emergency Economic Stabilization Act. The Bush administration failed to address the foreclosures as the source of this crisis, and it did not effectively use TARP funds to restore our economy's flow of credit. Along with my constituents, I am deeply disappointed that the past administration did not adequately track how taxpayer money was spent to ensure that banks were using it for the intended purposes.

Congress must only move forward with the release of the remaining TARP funds if they are confident that these failures will be remedied. H.R. 384 amends the Troubled Assets Relief Program provisions of the Emergency Economic Stabilization Act by strengthening accountability, closing loopholes, and increasing transparency. This measure sets up a blueprint to carefully track and monitor all the TARP funds, including previous and future allocations. It requires Treasury to provide a minimum of $40 billion on foreclosure mitigation to help homeowners address the mortgage crisis. H.R. 384 limits executive bonuses for firms participating in TARP and assists cities and other tax-exempt issuers in finding investors for their bonds. Under the direction of the Obama administration, I believe the TARP funding will adhere to these new transparency and accountability provisions, while also working to ensure that our taxpayers' needs are the top priority.

During this difficult economic crisis, we need to stand up for Rhode Island families looking to secure student loans, car loans, home loans or mortgage refinancing. We need to make sure that small business owners have access to the capital they need to make payroll or invest in their companies. And we need to stabilize the pensions and savings that our retirees are counting on. I believe this recovery plan is essential for Rhode Island families. H.R. 384 will bring us closer to the original intent of TARP—to help those most in need during these difficult times.

I want to thank my friend, Chairman FRANK, for his tireless work on this issue, and I encourage my colleagues to vote for this bill.

THE INTRODUCTION OF THE SHORT SEA SHIPPING ACT OF 2009 (H.R. 528)

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. McHUGH. Madam Speaker, on January 14, 2009, I introduced H.R. 528, the Short Sea Shipping Act of 2009. This measure would provide the tax incentive necessary to increase the transportation of freight via coastal and inland waterways, which would have significant environmental and economic benefits.

Specifically, the Short Sea Shipping Act of 2009 would exempt from the Harbor Maintenance Tax, HMT, nonbulk commercial cargo that is loaded at a port in the United States mainland and unloaded at another port in the United States mainland after transport solely by coastal or river route or unloaded at a port in Canada located in the Great Lakes/St. Lawrence Seaway System.

Likewise, the bill's exemption would apply to nonbulk commercial cargo that is loaded at a port in Canada located in the Great Lakes Seaway System and unloaded at a port in the United States mainland. Of note, the bill defines the Great Lakes Seaway System as the waterway between Duluth, Minnesota, and Nova Scotia and encompasses the five Great Lakes, their connecting channels, and the St. Lawrence River. In fact, this is the primary difference between my bill and legislation (H.R. 981) that I cosponsored in the 110th Congress. This change was made necessary by the progress made in the development of the proposed Melford International Terminal in Nova Scotia, which is projected to handle nearly 1.5 million 20 foot equivalent units, TEUs, annually by 2015.

The HMT is a levy that is imposed on the value of cargo that is imported to a port within the United States or that is transported between U.S. ports. The tax, which is assessed at a rate of 0.125 percent of the cargo value, including passengers, is assessed only once on cargo that is transported between one U.S. port and another, either at the point of departure or arrival but not both. However, cargo that is carried from a foreign port may be taxed twice, upon arrival at the initial U.S. port and again if transported to another U.S. port aboard a different vessel. Cargo that is transported along the inland waterways is subject to the Inland Waterways Fuel Tax instead of the HMT, but the Great Lakes are not considered part of the inland waterways system.

For too long, the imposition of the HMT has served as a barrier to the development of a robust United States short sea shipping industry. In fact, former Secretary of Transportation Mary E. Peters has stated that ''the HMT is the most significant impediment under current law to the initiation of such services to Great Lakes ports'' because the ''avoidance of the HMT is a main motivation for shipping cargo from Canada to the United States by trucks instead of water.''

By providing this exemption to the HMT, Congress can give cargo shippers an incentive to move cargo via marine. The increased viability of such a water transportation option would subsequently combat current highway congestion, a burgeoning problem facing our Nation's transportation infrastructure. The shift of cargo transportation from common domestic cargo routes to underutilized coastal and inland waterways would also improve the flow of commerce and reduce air pollution generated by ground transportation.

Additionally, by providing such an incentive to the enhancement of the short sea shipping industry, Congress has the opportunity to spur significant economic activity. Ships would have to be built and crews would have to be hired. In New York's 23rd Congressional District alone, which I am privileged to represent, illustrating just one example, the Port of Oswego would realize a significant expansion of traffic, resulting in millions of dollars in economic impact and the creation of dozens of jobs.

Madam Speaker, by enacting H.R. 528, the 111th Congress can eliminate roadblocks and promote the utilization of an efficient, economical, and sustainable means of cargo transportation, while addressing the growing need for reliable transportation alternatives and additional capacity. Accordingly, I ask my colleagues to work with me to enact this important measure.

TRIBUTE TO COLONEL JERRY WARNEMENT

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. SHUSTER. Madam Speaker, I rise today to salute the service of COL Jerry Warnement, whose dedication to excellence has earned him three separate colonel commands and two lieutenant colonel commands over the course of a career that has spanned more than 30 years.

Having studied extensively and earning two masters degrees, Colonel Warnement is an outstanding officer whose leadership and extraordinary command of logistics have made him a mainstay of combat service support for all of the Army. From 1988 to 1990, Colonel Warnement served as Commander of the 15th Forward Support Battalion, 1st Cavalry Division. Here, his logistical support during two NTC rotations, and his subsequent efforts to deploy his battalion to Desert Shield/Storm were especially praiseworthy and indicative of the colonel's dedication and self sacrifice.

Colonel Warnement's service to his country extended to the classroom as well as the field. As a professor of military science for the University of Pennsylvania and five satellite universities, Colonel Warnement was responsible for recruiting, retaining, and commissioning a highly competent, freshman class which resulted in 95 percent of his students being commissioned on time and prepared for active duty. While Assistant Chief of Staff for the Material, 19th Theatre Army Area Command, the colonel consistently demonstrated his multifunctional leadership capabilities as he accomplished a diversity of missions on time, within budget, and always with the best interest of the soldiers at heart. From 1995 to 1997, as Commander of Anniston Army Depot, Colonel Warnement managed 2,900 personnel, a $266 million operating budget—spread out over 25 miles—and accomplished every mission within budget. His unparalleled ability to manage money, material, and personnel ensured positive results, while his performance indicators within his area of responsibility were among the best in the world.

In his most recent and final assignment, Colonel Warnement exhibited brilliance in his ability to command one of the most unique and important colonel-level logistics organizations in the Army. His sound judgment and strong leadership guaranteed mission accomplishment. This coupled with his professional initiative to develop the Army's Logistics Integrated Database, while executing additional field training within budget, will have a long-term positive impact on the United States Army and the Nation as a whole.

Throughout his career, Colonel Warnement has faithfully executed his duties at home and abroad. He is a soldier's soldier and a consummate professional. Colonel Warnement's performance reflects great honor and credit upon himself, the Army, the Army Materiel Command, and our Nation.

HONORING MAYOR ALAN AUTRY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate and express my appreciation for the service of Alan Autry as mayor of Fresno, California. Alan's first term began in January 2001, and he served for 8 years as Fresno's mayor. During this time, Alan's leadership and passion for the community of Fresno led to an unprecedented turnaround in the city, which is evident from its infrastructure and aesthetic value to its safety and fiscal responsibility.

Alan had much success in his two terms, including bridging the gap between North and South Fresno, or ''The Tale of Two Cities'' according to Alan. He successfully brought insight and urban renewal and development to Fresno's poorest neighborhoods, by increasing infrastructure, sidewalks, gutters, and streetlights in many areas of the city previously neglected with regard to modern essentials.

Under Alan's service, downtown Fresno was visually transformed. He championed a movement to aesthetically improve many areas of Fresno, the largest project of which was modernizing the convention center.

The safety and security of Fresno's residents was vastly improved by Alan's city policies, which included bringing up-to-date police and fire stations, and improving, cleaning, and expanding public spaces like city parks, which provide places for families and students to engage in healthful and constructive activity.

Alan is also a true fiscal conservative and a vigilant guardian of taxpayer money. When he took office in January 2001, Fresno's ledger showed that the city was $500,000 in debt. By January 2009, Fresno had a significant turnaround with a surplus of $17.5 million.

Education was also an important element in Alan's ''Tale of Two Cities'' platform. He fought hard against multiple levels of government to seek to influence and improve Fresno's notoriously under-performing schools, because he believes that good, effective schools are foundational in a healthy community.

Alan possesses a concern and care for his community that characterized his terms as mayor and underlines his leadership style. He was often out within the community talking to and caring for people. This helped to make him a very popular and well-respected member of the community and an esteemed leader. I congratulate Alan on the job he did in his 8 years as Fresno's mayor; I am proud to call him my friend, and continue to look forward to sharing many ideas and projects with him in the future.

COMMEMORATING THE 36TH ANNIVERSARY OF THE ROE V. WADE DECISION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. HOLT. Madam Speaker, I rise today to commemorate the 36th anniversary of Roe v. Wade.

On January 22, 1973, Supreme Court Justice Harry Blackmun penned the historic majority opinion in the Roe v. Wade case. He wrote that ''right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy.'' Justice Blackmun's words confirmed the 7–2 landmark decision that all women have the constitutional right to choose.

Roe v. Wade established that reproductive healthcare is a personal matter that should be left to individuals. The question of whether or not to have an abortion is not an easy one, it is one of the most difficult decisions that a woman can face. While a woman's doctor, clergy, friends, and family may have opinions, the ultimate decision rests solely with her. This is not a decision that should be forced upon a woman by any government.

Having the right to choose is an essential right that should be protected, however there is much that can and should to be done to decrease the need for abortion. That is why I have consistently supported comprehensive sexual education in our schools. Our investment in abstinence-only education over the last 8 years has failed in giving our teenagers the medically accurate, life-saving information about birth control and sexually transmitted infections they need to make informed decisions. I also support overturning the ''global gag rule.'' President Bush enacted the ''global gag rule'' 8 years ago today to prohibit international family planning organizations that receive funding from the United States from being able to advocate for choice. The global gag rule also bans foreign non-governmental organizations, NGOs, from being able, using their own funds, to engage in free speech and assembly activities on a woman's right to choose, and also prevented health care providers from counseling the world's poorest women about all their legal health care options. Reversing this policy will improve maternal and child health in developing countries, reduce infant mortality, lead to better diagnosis and treatment of sexually transmitted diseases and reduce the incidence of unintended pregnancy and abortion.

Roe v. Wade marked a drastic change in our national policy on reproductive rights and I urge my colleagues to commemorate the 36th anniversary of this ruling.

36TH ANNUAL MARCH FOR LIFE

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. HERGER. Madam Speaker, today is the 36th annual March for Life marking the anniversary of Roe v. Wade, the Supreme Court decision that denied the American people the ability to address the abortion issue through their ballot box. I commend the estimated 200,000 Americans who traveled to our nation's capital to proclaim the inalienable human rights of unborn children. The organizers of this important event never let this anniversary pass without calling on our Nation to

promote an American culture where every child's right to life is emphatically defended.

I find hope and encouragement today because Americans increasingly agree that abortions occur too frequently in our nation. I believe people with different views about Roe v. Wade should build on this sentiment and work together to ensure that the alternatives to abortion are well known to women facing an unexpected pregnancy. In doing so, I believe we can dramatically reduce the number of abortions in our Nation and begin to create a culture where unborn children are universally welcomed by their parents and protected by law.

IN COMMEMORATION OF THE 36TH ANNIVERSARY OF ROE V. WADE

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize the 36th anniversary of the Roe v. Wade decision and in particular the efforts of those who have worked for the right to life that the decision made so tenuous. Today, as they have since 1974, thousands of people marched on Washington to show their dedication to a movement that has seen many gains in the past few years. These people march for a culture where 50 million innocent lives would be saved, and where people are valued beyond their simple worth as a thing. They also march to mourn these lives of the unborn. They march, ultimately, for the dignity of humanity which has been denied for too many people.

This year's march is particularly poignant, because these hundreds of thousands have come after millions, including myself, came to celebrate the election of American's first black President. We also celebrated the life and accomplishments of civil rights leader Dr. Martin Luther King, Jr. I'm proud of how far America's come, as we break down racial and ethnic barriers that many thought were invincible, but we know there's more to do. As Dr. King's niece, Alveda King commented after the election of President Obama, ''[Dr. King's] dream of full equality remains just a dream as long as unborn children continue to be treated no better than property.''

Madam Speaker, we've made many gains towards a culture of life in recent years. The number of abortions has fallen every year since their peak in 1990, and there have been successes at both the state and federal level: federal funding for research requiring the destruction of human embryos has been restricted, we continued to observe the Mexico City Policy, ''partial birth abortion'' has been banned, and many states have policies requiring parental consent for minors. I hope that President Obama and this Congress will continue down this road, and remember the culture of life that we recognize today.

TRIBUTE TO SERGEANT MAJOR CURTIS B. GREEN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Mr. SHUSTER. Madam Speaker, I rise today to salute the service of Sergeant Major Curtis B. Green, whose meritorious service to the United States Army has spanned thirty years and culminated with his distinguished service as Sergeant Major of Letterkenny Army Depot.

Throughout his career, Sergeant Major Green has been an exceptional leader and has served in numerous positions of great responsibility. Beginning his military career as a rifleman, he spent 9 years in the 82nd Airborne Division followed by assignments in Germany, Aberdeen Proving Ground, and Alaska. In the past 10 years Sergeant Major Green has compiled an exceptional record of achievement at Fort Sill, Camp Casey, and Camp Red Cloud, Fort Hood, and Letterkenny Army Depot. In each position he consistently produced exceptional results.

After 4 years as a unit first Sergeant, his exceptional record earned him the rank of Sergeant Major as well as immediate reassignment as the 2nd Infantry Division G4 Maintenance Sergeant Major. Here he led the Division maintenance inspection teams and became Division Readiness NCO. In 2003 he returned to the United States and was assigned as Support Operations Sergeant Major and was directly responsible for the coordination of external and internal support among division battalions and COSCOM support units. And later, when deployed to Iraq—Sergeant Major Green left with an advance party and was responsible for preparing the area for the arrival of the 1st Cav.—his dutiful performance earned him the Bronze Star.

In 2005, Sergeant Major Green became the Letterkenny Army Depot Sergeant Major. His logistics background and strong military leadership skills facilitated a quick transition into a predominately civilian organization. Here, he identified with the Letterkenny workforce, and orchestrated rehabilitative transfers that dramatically improved soldier performance.

Sergeant Major Green's accomplishments were not limited to improving the depot's mission. He also reached out to the depot community and provided outstanding leadership for Armed Forced Week activities, the depot/community organizational day program, and increased support to the local Scotland School for Veteran's Children. Sergeant Major Green took the initiative to lead depot soldiers and workers to visit local veteran homes, and his work to clean up and repair local cemeteries is also noteworthy.

Throughout his career, Sergeant Major Green faithfully discharged his extensive duties at home and abroad. Over the last 30 years he has made great personal sacrifices for the good of the United States military. Sergeant Major Green is a soldier's soldier and a consummate professional. He has demonstrated great concern for our soldiers and their families, and his significant contributions will have a lasting impact upon our Nation. Sergeant Major Green's professional performance reflects great honor and credit upon himself and the United States Army.

IN RECOGNITION OF MAYOR CHRISTINE KROLIK, HILLSBOROUGH ASSOCIATED PARENT GROUPS' CITIZEN OF THE YEAR

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 2009

Ms. SPEIER. Madam Speaker, Mayor Christine Krolik of the Town of Hillsborough, California has served her community well, ever since moving there more than a decade ago. Now, the community is rightly honoring her with the Hillsborough School District Associated Parents Groups' ''Citizen of the Year Award''.

Mayor Krolik is a woman of boundless energy and keen intellect with a limitless can-do attitude. Her cheerful disposition and amazing ability to organize chaos into a cohesive plan are unmatched. To the benefit of her community and our country, Christine has used her awesome powers for good, volunteering for causes great and small, political and charitable, serious and fun.

Since beginning her professional career more than 20 years ago as an actor and director in New York, Ms. Krolik has shared her knowledge and enthusiasm with grateful students and peers in Glenside, Pennsylvania; Greenwich, Connecticut and Gulfstream, Florida as well as her adopted home, northern California.

As Literacy Manager and Special Project Producer for the beloved Magic Theater at San Francisco's Fort Mason, Christine again put her love for theater and impressive performance ability to work for the betterment of the greater community.

Christine's passion for helping others is aptly displayed in the many roles she has filled with the Concours d'Elegance, Hillsborough's principal fund-raising event to benefit its schools. She has also served on the Board of Directors of Hillbarn Theater and the Shelter Network, assuring that every segment of California's 12th Congressional District benefits from her hard work and considerable ability.

It is more than fitting for the Associated Parents' Groups to bestow this honor on Mayor Krolik. Long before she joined the Town Council in 2004, Christine served her community by devoting many hours of volunteer work and she is always the first person anyone calls when they need something done quickly, professionally and cheerfully.

Madam Speaker, I salute Mayor Krolik and thank her husband, Jeff, and sons John and Billy, for sharing Christine with a very appreciative community.

Daily Digest

HIGHLIGHTS

Senator-Elect Michael F. Bennet, of Colorado, was administered the oath of office by the Vice President.

Senate passed S. 181, Lilly Ledbetter Fair Pay Act.

Senate

Chamber Action

Routine Proceedings, pages S733–S795

Measures Introduced: Seventeen bills were introduced, as follows: S. 296–312. **Pages S786–87**

Measures Passed:

Lilly Ledbetter Fair Pay Act: By 61 yeas to 36 nays (Vote No. 14), Senate passed S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, after taking action on the following amendments proposed thereto:

Pages S739–59, S759–76

Rejected:

By 40 yeas to 55 nays (Vote No. 7), Hutchison Amendment No. 25, in the nature of a substitute. **Pages S739, S741–45**

Specter Amendment No. 26, to provide a rule of construction. (By 53 yeas to 43 nays (Vote No. 8), Senate tabled the amendment.) **Pages S739, S753–58**

Specter Amendment No. 27, to limit the application of the bill to discriminatory compensation decisions. (By 55 yeas to 39 nays (Vote No. 9), Senate tabled the amendment.) **Pages S739, S754, S758**

Enzi Amendment No. 28, to clarify standing. (By 55 yeas to 41 nays (Vote No. 10), Senate tabled the amendment.) **Pages S739, S748–53, S758–59**

Enzi Amendment No. 29, to clarify standing. **Pages S739, S748–53**

DeMint/Vitter Amendment No. 31, to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities. (By 66 yeas to 31 nays (Vote No. 11), Senate tabled the amendment.) **Pages S741, S761–64**

Isakson Amendment No. 37, to limit the application of the Act to claims resulting from discriminatory compensation decisions, that are adopted on or after the date of enactment of the Act. (By 59 yeas to 38 nays (Vote No. 12), Senate tabled the amendment.) **Pages S745–48, S760–61, S764**

Vitter Amendment No. 34, to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects. (By 59 yeas to 38 nays (Vote No. 13), Senate tabled the amendment.) **Pages S772–75**

Appointments:

Congressional Budget Office: The Chair, on behalf of the Vice President, pursuant to the provisions of Section 201(a)(2) of the Congressional Budget Act of 1974, the Speaker of the House of Representatives and the President Pro Tempore of the Senate, appointed Dr. Douglas W. Elmendorf as Director of the Congressional Budget Office effective immediately for the remainder of the term expiring January 3, 2011. **Page S759**

Commission on Security and Cooperation in Europe: The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed the following Senator as Chairman of the Commission on Security and Cooperation in Europe during the 111th Congress: Senator Cardin. **Page S794**

Board of Regents of the Smithsonian Institution: The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., section 42 and 43, appointed Senator Cochran as a member of the Board of Regents of the Smithsonian Institution for the 111th Congress. **Page S794**

Majority Party Appointments—Agreement: A unanimous-consent agreement was reached providing that with respect to S. Res. 18, making majority party appointments to certain Senate committees for the 111th Congress, the following be the order of listing:

Committee on Rules and Administration: Senators Schumer, Dodd, Byrd, Inouye, Feinstein, Durbin, Nelson (NE), Murray, Pryor, Udall and Warner.

Committee on Small Business and Entrepreneurship: The last two names appear as Senators Shaheen and Hagan. **Page S794**

Children's Health Insurance Program Reauthorization Act—Agreement: A unanimous-consent agreement was reached providing that on Monday, January 26, 2009, following disposition of the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury, Senate begin consideration of H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program. **Page S792**

Nomination—Agreement: A unanimous consent-time agreement was reached providing that at 4 p.m., on Monday, January 26, 2009, Senate consider the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury, and that there be 2 hours of debate relative to the nomination, equally divided and controlled between the Chairman and Ranking Member of the Committee on Finance, or their designees; provided further, that at 6 p.m., Senate vote on confirmation of the nomination. **Pages S792, S794**

Nominations Confirmed: Senate confirmed the following nominations:

Susan E. Rice, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

Susan E. Rice, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

Lisa Perez Jackson, of New Jersey, to be Administrator of the Environmental Protection Agency.

Ray LaHood, of Illinois, to be Secretary of Transportation.

(Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.)

Shaun L.S. Donovan, of New York, to be Secretary of Housing and Urban Development.

(Prior to this action, Committee on Banking, Housing, and Urban Affairs was discharged from further consideration.)

Mary L. Schapiro, of the District of Columbia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2014.

(Prior to this action, Committee on Banking, Housing, and Urban Affairs was discharged from further consideration.)

Nancy Helen Sutley, of California, to be a Member of the Council on Environmental Quality.

Pages S792–94, S794–95

Messages from the House: **Page S785**

Measures Referred: **Page S785**

Executive Communications: **Pages S785–86**

Executive Reports of Committees: **Page S786**

Additional Cosponsors: **Page S787**

Statements on Introduced Bills/Resolutions: **Pages S787–92**

Additional Statements: **Page S785**

Amendments Submitted: **Page S792**

Authorities for Committees to Meet: **Page S792**

Record Votes: Eight record votes were taken today. (Total—14) **Pages S744–45, S758–59, S763–64, S775**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:31 p.m., until 2 p.m. on Monday, January 26, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S794.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of James B. Steinberg, to be Deputy Secretary, who was introduced by Senator Hutchison, and Jacob J. Lew, to be Deputy Secretary for Management and Resources, who was introduced by Senator Schumer, both of the Department of State, after the nominees testified and answered questions in their own behalf.

HEALTH ISSUES AND STATES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine what

States are doing to keep citizens healthy, after receiving testimony from Iowa State Senator Jack Hatch, Des Moines; L. Allen Dobson, Jr., North Carolina Community Care Networks, Inc., Raleigh, on behalf of the Community Care of North Carolina and the North Carolina Department of Health and Human Services; JudyAnn Bigby, Massachusetts Secretary of Health and Human Services, Boston; Jonathan Fiedling, County of Los Angeles Public Heath, Los Angeles, California; and William Emmet, Campaign for Mental Health Reform, Washington, D.C.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of Dennis Blair, of Pennsylvania, to be Director of National Intelligence, after the nominee, who was introduced by Senator Inouye, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 33 public bills, H.R. 626–658; 2 private bills, H.R. 659–660; and 6 resolutions, H. Con. Res. 25 and H. Res. 78–82, were introduced. **Pages H484–86**

Additional Cosponsors: **Page H486**

Reports Filed: There were no reports filed today.

Committee Elections: The House agreed to H. Res. 78, electing certain minority members to the following standing committees: Committee on Agriculture: Representative Cassidy. Committee on the Budget: Representative Aderholt, to rank after Representative Nunes, and Representative Harper. Committee on Energy and Commerce: Representative Scalise. Committee on Oversight and Government Reform: Representative Schock. Committee on Science and Technology: Representative Smith (NE), to rank after Representative Bilbray. Committee on Transportation and Infrastructure: Representatives Guthrie, Cao, Schock, and Olson, all to rank after Representative Latta. Committee on Veterans' Affairs: Representative Lamborn, to rank after Representative Bilbray, and Representative Roe (TN). **Page H445**

Joint Economic Committee—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Joint Economic Committee: Representatives Maloney and Brady (TX). **Page H447**

Privileged Resolution: The House agreed to H.J. Res. 3, relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008, by a yea-and-nay vote of 270 yeas to 155 nays, Roll No. 27. **Pages H447–68**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Wednesday, January 21st:

Expressing support for designation of the week of February 2 through February 6, 2009, as "National School Counseling Week": H. Res. 56, to express support for designation of the week of February 2 through February 6, 2009, as "National School Counseling Week", by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 28 and **Page H468–69**

Commending the University of Florida Gators for winning the Bowl Championship Series National Championship Game: H. Res. 58, to commend the University of Florida Gators for winning the Bowl Championship Series National Championship Game, by a ⅔ recorded vote of 399 ayes to 5 noes with 7 voting "present", Roll No. 29. **Page H469–70**

Committee Elections: The House agreed to H. Res. 80, electing the following Members to a certain standing committee of the House of Representatives: Committee on Standards of Official Conduct: Representatives Zoe Lofgren (CA), Chairman; Representatives Chandler, Butterfield, Castor (FL), and Welch. **Page H470**

Board of Regents of the Smithsonian Institution—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Representatives Becerra, Matsui, and Sam Johnson (TX). **Page H470**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, January 26th. **Page H470**

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H467–68, H468–69, and H469–70. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 3:25 p.m.

Committee Meetings

PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Committee on Armed Services: Held a hearing on preventing weapons of mass destruction proliferation and terrorism. Testimony was heard from the following officials of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: former Senator Bob Graham of Texas, Chairman; former Senator James Talent of Missouri, Vice Chairman; and Graham Allison, Commissioner.

COMMITTEE ORGANIZATION

Committee on the Budget: Met for organizational purposes.

ECONOMIC STIMULUS

Committee on Energy and Commerce: Ordered reported, as amended, portions of the economic recovery package under the Committee's jurisdiction, which includes health, broadband, and energy provisions.

MORTGAGE MODIFICATION; COMMITTEE ORGANIZATION

Committee on the Judiciary: Held a hearing on the following bills: H.R. 200, Helping Families Save Their Homes in Bankruptcy Act of 2009; and H.R. 225, Emergency Homeownership and Equity Protection Act. Testimony was heard from Representatives Miller of North Carolina and Marshall; and public witnesses.

Prior to the hearing, the Committee met for organizational purposes.

INFRASTRUCTURE INVESTMENT

Committee on Transportation and Infrastructure: Held a hearing on Infrastructure Investment: Ensuring an Effective Economic Recovery Package. Testimony was heard from Jim Doyle, Governor, State of Wisconsin; Astrid Glynn, Secretary of Transportation, State of New York; Terrell G. Dorn, Director, Physical Infrastructure Issues, GAO; and public witnesses.

COMMITTEE ORGANIZATION

Committee on Veterans' Affairs: Met for organizational purposes.

ECONOMIC STIMULUS

Committee on Ways and Means: Ordered reported, as amended, H.R. 598, To provide for a portion of the economic recovery package relating to revenue measures, unemployment, and health.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 23, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of January 26 through January 31, 2009

Senate Chamber

On *Monday*, at 4 p.m., Senate will consider the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury, and vote on confirmation of the nomination.

Also, Senate will begin consideration of H.R. 2, Children's Health Insurance Program Reauthorization Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: January 27, to hold hearings to examine challenges facing the Department of Defense, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: January 27, to hold hearings to examine investment securities fraud, focusing on regulator and oversight concerns, 10 a.m., SD–538.

Committee on the Budget: January 28, to hold hearings to examine federal response to the housing and financial crisis, 10 a.m., SD–608.

January 29, Full Committee, to hold hearings to examine the global economy, focusing on outlook, risks, and implications for policy, 10 a.m., SD–608.

Committee on Foreign Relations: January 28, business meeting to consider the nominations of James B. Steinberg, to be Deputy Secretary, and Jacob J. Lew, to be Deputy Secretary for Management and Resources, both of the Department of State, 9:30 a.m., SD–419.

January 28, Full Committee, to hold hearings to examine global climate change, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: January 27, to hold hearings to examine access to prevention and public health for high risk populations, 10 a.m., TBD.

January 29, Full Committee, to hold hearings to examine quality in health reform, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: January 28, to hold hearings to examine lessons from the Mumbai, India terrorist attacks, 10 a.m., SD–342.

Committee on the Judiciary: January 27, to hold hearings to examine health information technology (IT), focusing on protecting Americans' privacy in the digital age, 10 a.m., SD–226.

January 28, Full Committee, business meeting to consider the nomination of Eric H. Holder, Jr., to be Attorney General, 10 a.m., SH–216.

Committee on Veterans' Affairs: January 28, to hold an oversight hearing to examine veterans' disability compensation, focusing on the appeals process, 9:30 a.m., SR–418.

House Committees

Committee on Armed Services, January 27, hearing on the priorities of the Department of Defense in the new Administration, 1:30 p.m., 2118 Rayburn.

January 28, Subcommittee on Military Personnel, hearing on Sexual Assault in the Military: Victim Support and Advocacy, 10 a.m., 2212 Rayburn.

Committee on Financial Services, January 27, to meet for organizational purposes, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, January 28, to meet for organizational purposes, 10 a.m., 2172 Rayburn.

Committee on House Administration, January 27, to meet for organizational purposes, 1 p.m., 1310 Longworth.

Committee on the Judiciary, January 27, Subcommittee on Constitution, Civil Rights, and Civil Liberties, hearing on H.R. 157, District of Columbia House Voting Rights Act of 2009, 10 a.m., 2141 Rayburn.

Committee on Science and Technology, January 28, to meet for organizational purposes, 10 a.m., 2318 Rayburn.

Committee on Small Business, January 28, to meet for organizational purposes, 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, January 28, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Freight and Passenger Rail: Present and Future Roles, Performance, Benefits, and Needs, 10 a.m., 2167 Rayburn.

Next Meeting of the **SENATE**

2 p.m., Monday, January 26

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4 p.m.), Senate will consider the nomination of Timothy F. Geithner, of New York, to be Secretary of the Treasury, with a vote on confirmation of the nomination to occur following 2 hours of debate; following which, Senate will begin consideration of H.R. 2, Children's Health Insurance Program Reauthorization Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12 p.m., Friday, January 23

House Chamber

Program for Friday: The House will meet in pro forma session at 12 noon.

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record

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