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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

ENERGY LEGISLATION: THE SENATE MUST JOIN THE HOUSE IN ACTING SWIFTLY

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, despite rabid partisanship, this House of Representatives has successfully pursued a productive legislative agenda this year. Among many important bills, such as the expansion of children's health insurance and passage of economic recovery legislation, we passed the American Clean Energy and Security Act just this past June.

This bill would reduce greenhouse gas pollution, create market incentives for investment in clean energy jobs, invest in green job training for workers, create incentives for farmers to sequester carbon, reduce our dependence on foreign oil, and protect trade-sensitive industries from highly polluting foreign competition.

According to prominent economists, it would spur investments in technology that would further stimulate the economy right now.

Since we passed this bill, a growing number of businesses such as Apple Computer, Exelon, Pacific Gas and Electric, Johnson & Johnson, Timberland, Nike, Dominion Virginia Power and so many others from diverse sectors of the economy have called on the United States Senate to act. Many of these businesses believe climate change legislation is so important to address for American business that they actually have withdrawn their membership or suspended their membership from various committees in the United States Chamber of Commerce to protest its policy of opposition to this legislation.

Now that the House has passed this bill, the Senate too must act quickly to pass it so that the United States can take its rightful place as a leading voice in the effort to reduce greenhouse gas pollution.

Despite widespread business support for the bill, some partisan interest groups vigorously opposed its passage, and I applaud my colleagues, especially those from the other side of the aisle who had the courage to support it, for overcoming the shrill dissent of powerful special interests. Because those same interest groups are preparing a campaign blitz focused on the U.S. Senate, it is an apt time to recall the discredited arguments that they will employ once again when attempting to defeat this bill.

For example, the Republican leadership claims this bill will cost the American family $3,100 per year. Not true. The Republican leadership cited an MIT study when first releasing that cost estimate. In response, the MIT professor who wrote the study wrote the minority leader here in the House pointing out that his figure vastly overestimated costs by 1,000 percent.

Moreover, the Republicans ignore a central feature of the bill to protect consumers. The American Clean Energy and Security Act distributes carbon allowances to the companies or cooperatives from which Americans buy electricity. And by law, the bill says that they have to use those allowances to protect consumers from any price increases.

Our Republican colleagues also ignore the impact new efficiencies will have on electric bills. The House Energy bill will improve building codes by 30 percent, establish new efficiency standards for appliances and invest billions of dollars in home weatherization and efficiency programs. As a result, consumers will see a reduction in their electric bills as they consume less electricity. According to the nonpartisan American Council for an Energy-Efficient Economy, those savings will average $750 per household when the bill is fully implemented.

Another common refrain from the opposition is that a cap-and-trade system is new, complicated and unworkable. As my colleagues will recall, it was a cap-and-trade system that allowed us to successfully stop the expansion of the ozone hole by reducing CFC pollution, and we cut acid rain and smog pollution by reducing emissions from coal-fired power plants with a cap-and-trade program in the 1990s. At the time, those same voices claiming that this would kill the economy said the same thing. And yet in the 1990s, we saw some of the most rapid expansion of economic growth in U.S. history.

Madam Speaker, scientists are observing more rapid climate change than their models anticipated. We do not have the luxury of inaction or delay. Moreover, the welfare of our economy demands that America lead in the clean energy revolution. We cannot allow China, Spain and other nations to profit from the construction of wind turbines, solar, advanced batteries and the like while Americans lose their jobs. Now is the time for the U.S. Senate to join us here in the House in passing a vibrant, clean energy bill to reduce greenhouse gas emissions, jumpstart our economy and lessen our reliance on foreign oil.

THE AIG BONUS DEBACLE: THE HEADACHES KEEP COMING

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, the Special Inspector General for the Troubled Asset Relief Program, Neil Barofsky, recently released an alarming audit which revealed Secretary of the Treasury Tim Geithner's complete lack of oversight and total mismanagement of American International Group's (AIG) distribution of millions in bonus payments following the company's $180 billion taxpayer bailout.

Just think about this: U.S. taxpayers own 80 percent of AIG, and AIG is using taxpayer money to pay themselves huge bonuses. Let's examine Mr. Geithner's role as Secretary of the Treasury and his role with AIG.

Mr. Geithner, as we will recall, was President of the Federal Reserve of New York prior to becoming Secretary of the Treasury in January of this year. Interestingly enough, on September 29, 2008, during Mr. Geithner's time as president, AIG officials briefed a senior vice president at the New York Fed about the details of AIG's deferred compensation plan, bonuses, and retention payments for its Financial Products group. AIG even e-mailed the New York Fed official copies of its compensation plans. Mr. Geithner was president of the New York Fed at the time the bank knew about the bonuses, and yet he maintains that he was ''not apprised of the specifics.''

Please, Mr. Secretary, just admit you knew about the bonuses and you were just trying to protect your friends on Wall Street at taxpayers' expense.

Now let's fast forward to March of this year. Mr. Geithner is now Secretary of the Treasury, and the news breaks to the American people about AIG—the company that is ''too big to fail,'' and in need of $180 billion in taxpayer bailout—would be distributing $165 million in retention payments to employees of its financial products subsidiary. Now, this unit, I will remind everybody, of course, is the same entity responsible for writing the credit default swap policies that contributed directly to the company's near collapse. Yet again, we have Secretary Geithner claiming that he only found out about the AIG bonuses on March 10, 2009, just 3 days before they were paid.

Please, Mr. Secretary, if a company is in bankruptcy, you don't give out bonuses.

Given that sources at the Federal Reserve have stated that ''Treasury staff was informed that the March 15 bonus payment date was upcoming,'' surely Mr. Secretary, as head of the U.S. Department of the Treasury, you must have known about the payments. It is even harder to believe in light of the Special Inspector General's report which notes ''Federal Reserve Board of New York officials e-mailed the Treasury's internal counsel, legal counsel, the amounts and timing of the AIG financial products retention award'' plan.

So even his legal counsel knew about it.

Madam Speaker, everybody at the Federal Reserve knew about the AIG bonus issue, and officials at the Treasury surely knew. Yet somehow, the head of our Treasury Department and former head of the New York Fed at the time of the AIG bailout, said he was completely in the dark.

Please, Mr. Secretary, just admit you knew all the about the bonuses.

Mr. Barofsky's audit concludes that ''This, coupled with Treasury's subsequent limited communications with the Federal Reserve Board of New York with respect to executive compensation, has meant that the Secretary of the Treasury invested $40 billion of taxpayers' funds in AIG, designed AIG's contractual executive compensation restrictions and helped manage the government's majority stake in AIG for several months, all without having any detailed information about the scope of AIG's very substantial, and very controversial, executive compensation obligations.''

Please, Mr. Secretary.

It should also be noted that former Secretary Paulson was also complicit in the AIG bonus mismanagement. It was under Mr. Paulson's watch, after all, that the government acquired this huge stake in AIG in the first place. And it was Mr. Paulson's decision to bail out AIG, which happened to owe billions to Goldman Sachs, while subsequently letting Goldman Sachs' main competitor, Lehman Brothers, fail.

The American people were rightly outraged when they found out that AIG would be paying out millions in bonuses despite needing a $180 million taxpayer bailout. But it doesn't stop there. The audit also revealed that even kitchen assistants and elevator operators got bonuses over $7,000. So clearly, not all of the AIG bonuses were contractually obligated as the company's executives claim. The headaches just keep coming.

This is what happens when high-ranking government officials such as Mr. Paulson and Mr. Geithner have clear conflicts of interest and are trusted to manage billions in taxpayers' money. Mr. Paulson and Mr. Geithner's close ties to Wall Street are just too close for comfort for the American people and their tax dollars.

□ 1245

CONDEMNING ILLEGAL LOGGING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you, Madam Speaker.

The irreplaceable role of healthy forests as havens for biodiversity, carbon sinks and renewable resources demands that we reverse a global legacy of environmental pillaging. Illegal logging and resource extraction is not just about environmental decimation, with watershed pollution, biodiversity loss and increased carbon emissions, it's about the human loss as well: the local communities left with a culture of violence and corruption devastated without resources for survival, and beyond, to everybody on the planet.

We all benefit from the medicines, carbon capture and species diversity these forests provide. For years, I've worked to eliminate the illegal logging trade. To make sure the United States can lead by example and stop our own use of illegally logged lumber, I authored the Legal Timber Protection Act whose provisions were signed into law last year. The U.S. Government is now empowered to determine where imported wood and plants actually come from to promote legal harvest. Yet the illegal trade continues.

Last Thursday, with Chairmen PAYNE and FALEOMAVAEGA, I introduced a resolution to condemn the illegal logging and extraction of Madagascar's unique and invaluable natural resources. Madagascar hosts some of this planet's greatest diversity. Larger than the State of California, this island nation broke off from the African mainland about 160 million years ago, spawning a biological laboratory with over 150,000 plants and animals found nowhere else in the world: massive moths, towering trees, and a hundred different lemur species. The majority of Madagascar's people live on less than $2 a day, and protection of these incredible and unique resources, only 10 percent of which remain, could be key to a sustainable and economically secure future. Yet political turmoil is putting the honest livelihoods of many, as well as one of our planet's greatest treasures, in extreme peril.

In March, the democratically elected President was ousted by a political rival with the backing of the military, a move which has been condemned by the United States, the African Union and others as a military coup d'etat. That ushered in a collapse of security for these precious treasures as political instability bred further corruption and mismanagement. Twenty years of partnership with the United States and nongovernmental organizations that has resulted in more effective local management and preservation is being undone in a matter of months. The de facto government uses the nation's endangered resources to boost its regime and has issued sweeping decrees allowing the harvest and export of wood from protected forests and World Heritage Sites.

Reports from Madagascar are dire, detailing rampant illegal logging, mining, and resource degradation as detailed in an excellent report in last Friday's Washington Post. Traffickers smuggle record numbers of one of the

world's rarest tortoises to Asian and European collectors; poachers kill and roast scores of lemurs for restaurants; and armed loggers brazenly plunder protected forests, looting dwindling hardwoods for furniture. These activities not only deny locals access to basic resources, they also degrade the country's thriving eco-tourism industry which brought in almost $400 million last year.

The United States has condemned this current government and suspended all nonhumanitarian aid and terminated assistance through a Millennium Development Corporation compact. The World Wildlife Fund, Conservation International and the Wildlife Conservation Society have all denounced the subsequent wholesale exploitation of some of the world's most diverse forests and the decimation of the local people's resources and livelihood.

As the World Forestry Congress convenes this week, we have an excellent opportunity to raise awareness to stop rampant illegal logging and the harvesting of species. I am pleased that the United States Forest Service chief specifically referenced our resolution, H. Res. 839, during his address to the Forestry Congress as an example of United States commitment. The international community, all of us, must engage before it's too late for these protected species and do all we can to prevent the irreparable harm caused by illegal logging.

This resolution condemns the ongoing tragedy and calls for the restoration of the rule of law and shows that the Federal Government will fight to help the people of Madagascar protect these resources.

I hope my colleagues will join me in cosponsoring House Resolution 839 so that the House can do its part to stop this outrage.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 2 p.m.

PRAYER

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

Together let us thank God for another day of life. Lord, we are truly gifted with another opportunity to praise and thank You for our many blessings. By our being truly present to others today by our work in public service on behalf of others, Lord, may we lift up their spirits and provide some hope to those most in need.

Open our eyes, Lord, to see Your wonders that surround us. May a faith vision shape our priority of issues demanding our attention and may honest responsibility reveal just how much ability we have to respond to all Your people and the common good of the Nation.

Open our hearts, Lord, that we may trust the wisdom shared and the faith witnessed when we truly listen to one another. May each of us draw closer to one another and so strengthen the union of these United States and give You the glory both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. ADLER) come forward and lead the House in the Pledge of Allegiance.

Mr. ADLER of New Jersey 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.

GUN CONTROL

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

Mr. POE of Texas. Mr. Speaker, the Supreme Court said last year that the Second Amendment means what it says: ''The right of the people to keep and bear arms shall not be infringed.'' There is nothing vague about that personal right. Never mind, Chicago still has a gun ban law.

So the Supreme Court agreed to hear a case where those who believe in liberty are challenging the Chicago antigun law. Gun Grabbers pass a gun ban claiming it reduces crime, but crime actually goes up in banishment areas. So this is not about crime.

The antigun lobby steals individual freedom under the false pretext of providing security by government. In reality, these people want more government intrusion into our personal lives. Obliteration of the Second Amendment is one of the most intrusive methods they use. Gun control is really government control.

The Second Amendment was, among other things, originally designed to protect people against tyranny. Thomas Jefferson said, ''Those who hammer their guns into plows will plow for those who do not.''

The right to bear arms should apply even in Chicago, whether the paranoid gun control crowd likes it or not.

And that's just the way it is.

DEMOCRATS' HEALTH CARE PLAN WILL KILL JOBS

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

Mr. BOEHNER. Mr. Speaker, having run a small business, I know what it's like to meet a payroll and offer health care benefits to my employees. I know what it's like to create jobs for families struggling to make ends meet. I also understand the consequences for small businesses when Washington imposes higher taxes, new government mandates, and more red tape.

Americans know that small businesses are the engine of job creation in their communities; government is not. And more than ever before, small businesses need solutions from Washington that help create jobs and provide quality, affordable health care for their employees.

Republicans have been offering those solutions all year long: solutions like allowing small business to join together to get health insurance at lower rates—the same way that large businesses and labor unions do today; promoting wellness and expanded health savings accounts to provide additional flexibility to small businesses; and ending junk lawsuits to lower health care costs for small businesses and all Americans.

Under the Democrats' costly government-run plan, however, health care costs are going to go up and countless small business jobs will be destroyed as a result. At the heart of the Democrats' plan is a massive tax increase which will fall most heavily on entrepreneurs that run small businesses. It also includes the harsh mandate that requires employers to provide health insurance or face a steep tax.

It will kill jobs, plain and simple.

HONORING THE SERVICE OF LANCE CORPORAL ALFONSO OCHOA, JR.

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

Mr. COSTA. Mr. Speaker, I rise today to honor the service of Lance Corporal Alfonso Ochoa, Jr., who was recently killed by a roadside bomb in Afghanistan.

A native of Armona, California, Alfonso joined the Marine Corps only after graduating early from Hanford High School. His enthusiasm to his country and his commitments were apparent to all who knew him. It is my hope that Alfonso's strength, valor, and pride in our Nation will serve as an example for all of us.

My thoughts are with his father and mother, as well as his wife, whom he just married 6 months ago, and go out on behalf of all Americans.

In addition, Mr. Speaker, I would also like to mention that two other

servicemembers from the Central Valley recently sustained serious injuries overseas, and I wish them and their families comfort and strength during these difficult times and a speedy recovery.

Staff Sergeant Christian Hughes and Senior Airman Phillip Newlyn, both of Fresno, California, are at Walter Reed Medical Center; and I ask my colleagues to join me in honoring these soldiers, their courage, and their service to their country and wish them a smooth and speedy recovery.

THANK YOU, COMMANDER CARNEY

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

Mr. KIRK. Mr. Speaker, I want to praise one of my colleagues from the other side of the aisle, my shipmate in the Navy, Congressman CHRIS CARNEY.

CHRIS is a commander in the Navy and just completed 2 weeks of active duty. He served as a combat mission operations commander for the Predator and Reaper Hunter/Killer UAVs, as well as the Global Hawk.

Commander CARNEY was the first sailor to be certified as a mission commander, now with the call sign of ''Big House.'' Over the past couple of weeks, his unit flew dozens of missions over Afghanistan and Iraq providing our troops with intel and reconnaissance. They also took out Taliban terrorists with Hellfire missiles and helped with the search and rescue of Americans.

If you see Commander Congressman CHRIS CARNEY back at work today, thank him for his service to our Nation in uniform as one of our citizen-sailors.

WHITE HOUSE ATTACKS FOX NEWS FOR TELLING TRUTH

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

Mr. SMITH of Texas. Mr. Speaker, with unemployment at a 26-year high, a record budget deficit, and a looming health care bill that punishes taxpayers and bankrupts the government, what is the White House doing? They are attacking Fox News for telling the truth.

The White House spokesman says that Fox News ''is not a news organization.'' We need to fact-check the White House on whatever they say about Fox and any legislation since they are not being straight with the American people.

Separate studies by the Pew Research Center and the Center for Media and Public Affairs found that Fox News coverage is more balanced than any other network. The White House has no problem with other national news outlets because they offer biased reports and give the administration a free pass. In fact, network news programs have favored proponents of the administration's health care proposal over critics of the plan by a margin of more than 2–1, according to the Business and Media Institute.

The White House, like the national media, should let the American people make up their own minds, not try to control what they hear.

HEALTH CARE'S IMPACT ON SMALL BUSINESS

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

Mr. SMITH of Nebraska. Mr. Speaker, for generations, America's small businesses have been the engines driving our economy, and they remain one of our brightest hopes for economic recovery.

These entrepreneurs represent more than 99 percent of all businesses in the country and create more than 72 percent of the new jobs. Yet, under the guise of health care reform, Congress is set to punish these innovators by leveling more than $200 billion in new taxes. Those are taxes. The result of these new taxes will be the loss of an estimated 5.5 million jobs.

Our economy is in a precarious situation, the Federal deficit stands at $1.42 trillion, and 263,000 jobs were lost in September alone. Why would we want to push a government takeover of health care inflicting further harm on small businesses—the very strength of our economy?

WHAT HAPPENED TO AUGUST

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, there has been a lot of discussion over Fox News, but last night I watched ABC News as they talked about the new poll put out by ABC and The Washington Post. And I scratched my head as I listened to them talk about the fact the American people now support a public option. The American people are rallying to the side of ObamaCare. And I wondered how much out of step with America would my constituents be, could all of these people who showed up at these town hall meetings be; and then I had a chance to look at the questions.

You ought to examine those questions. I mean, they put the public option in a box and tied a red ribbon around it. I might have even voted for it. And if you look at the difference in the responses of those questions as we had through this entire year, it shows there hasn't been that much of a change.

Now, I guess ABC News has joined the White House and the Democratic leadership in having us ignore August. What happened to August, Mr. Speaker? The American people spoke, and yet the leaders in this body and the White House pretended it didn't happen.

We cannot ignore the American people despite what ABC and The Washington Post may try to tell us.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, October 16, 2009 at 2:18 p.m., and said to contain a message from the President whereby he makes a determination and certification of Haiti's compliance with HOPE II requirements under PL 110–246.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

HAITIAN HEMISPHERIC OPPORTUNITY THROUGH PARTNERSHIP ENCOURAGEMENT ACT OF 2008—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II) (the ''Act'') (Public Law 110–246), amended the Caribbean Basin Economic Recovery Act (CBERA) to make certain additional products from Haiti eligible for preferential tariff treatment. Under HOPE II, these imports from Haiti will continue to be eligible for preferential treatment after October 18, 2009, if I determine and certify that Haiti has met certain eligibility criteria set out in the Act.

Since enactment of HOPE II, Haiti has issued a decree establishing an independent labor ombudsman's office, and the President of Haiti has selected a labor ombudsman following consultation with unions and industry representatives. In addition, Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) Program. Haiti has also implemented an electronic visa system that acts as a registry of Haitian producers of articles eligible for duty-free treatment and has made participation in the TAICNAR Program a condition of using this visa system.

In light of these actions and in accordance with section 213A of CBERA, as amended, I have determined and hereby certify that Haiti: (i) has implemented the requirements set forth in sections 213A(e)(2) and (e)(3); and (ii) is requiring producers of articles for which duty-free treatment may be requested under section 213A(b) to participate in the TAICNAR Program and has developed a system to ensure participation in such program by such producers, including by developing and maintaining a registry of producers.

BARACK OBAMA.

THE WHITE HOUSE, *October 16, 2009.*

□ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, October 16, 2009 at 2:18 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to significant narcotics traffickers centered in Colombia first declared in Executive Order 12978 of October 21, 1995.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–70)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2009.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

BARACK OBAMA.

THE WHITE HOUSE, *October 16, 2009.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to make an announcement regarding decorum in the Chamber.

The Chair must remind all Members that under clause 5 of rule XVII and the resolution adopted by the House on July 17, 1979, as implemented by Speakers under clause 2 of rule I, the standard of dress on the floor of the House is proper business attire: for gentlemen, coat and tie. The donning of a lab coat or other attire in the nature of a distinctive uniform of another occupation is not proper.

The Chair expects the cooperation of all Members in upholding this standard of decorum.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

FAIR CREDIT REPORTING ACT AMENDMENT

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3763) to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3763

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

SECTION 1. EXCLUSION FOR CERTAIN SMALL BUSINESSES.

(a) IN GENERAL.—Section 615(e) of the Fair Credit Reporting Act (15 U.S.C. 1681m(e)) is amended by adding at the end the following new paragraphs:

''(4) EXCLUSION FOR CERTAIN BUSINESSES.—For purposes of this subsection, the term 'creditor' shall not include—

''(A) a health care practice with 20 or fewer employees;

''(B) an accounting practice with 20 or fewer employees;

''(C) a legal practice with 20 or fewer employees; or

''(D) any other business, if the Commission determines, following an application for exclusion by such business, that such business—

''(i) knows all of its customers or clients individually;

''(ii) only performs services in or around the residences of its customers; or

''(iii) has not experienced incidents of identity theft and identity theft is rare for businesses of that type.

''(5) LIMITATION ON EXCLUSION FOR BUSINESSES NO-LONGER ELIGIBLE.—To the extent that a business can no longer demonstrate that it meets the criteria under paragraph (4) that permitted its exclusion from the term 'creditor', such exclusion shall no longer apply.

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) EMPLOYEE.—With respect to a business, the term 'employee' means any individual who works for such business and is paid either wages or a salary.

''(B) HEALTH CARE PRACTICE.—

''(i) IN GENERAL.—The term 'health care practice' means a business that's primary service is providing health care via health care professionals employed by the business.

''(ii) HEALTH CARE PROFESSIONAL.—For purposes of subparagraph (A), the term 'health care professional' means an individual engaged in providing health care and licensed under State law, including physicians, dentists, podiatrists, chiropractors, physical therapists, occupational therapists, marriage and family therapists, optometrists, speech therapists, language therapists, hearing therapists, and veterinarians.''.

(b) PROCESS FOR EXCLUSION APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Trade Commission shall issue regulations, in accordance with section 553 of title 5, United States Code, that set forth the process by which a business may apply for an exclusion under section 615(e)(4)(D) of the Fair Credit Reporting Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself as much time as I may consume.

First, I want to thank Representatives MICHAEL SIMPSON from Idaho,

PAUL BROUN from Georgia, particularly CHRIS LEE from New York, as well as DAN MAFFEI from New York for helping me draft this bipartisan bill to help protect small businesses from overreaching Federal regulations during these tough economic times. In addition, I would like to thank Jon Leibowitz, chairman of the FTC, for delaying enforcement of the Red Flag Guidelines until Congress passes this commonsense fix.

American small businesses are struggling. They are often forced to comply with burdensome regulations that significantly increase their expenses. I am committed to helping small businesses, because the key to our economic recovery is tied to their ability to thrive. Today, my bill will clarify the intention of past legislation so that it isn't blindly enforced against America's small businesses.

The Federal Trade Commission went too far and went beyond the intent of Congress by considering non-financial, service-related industries to be ''creditors'' under the Fair and Accurate Credit Transactions Act of 2003. Its ruling would force thousands of small businesses to comply with burdensome, expensive regulations by forcing them to develop and implement an identity theft program.

My commonsense bill would exempt health care practices, law and accounting firms from the FTC's Red Flag Guidelines. In addition, it would create a system where the FTC has some flexibility to waive implementation of the regulations for other industries.

During these tough economic times, the Federal Government should not be placing burdensome regulations on small businesses. Small businesses are the backbone of New Jersey's economy, and they shouldn't be included under a random definition interpreted by a Federal bureaucracy. Failure to pass this bill today will hurt America and the hardworking, innovative entrepreneurs that manage and operate small businesses across this great country.

Again, I applaud the bipartisan way we crafted this legislation and urge the rest of my colleagues to vote in favor of this bill.

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

Mr. LEE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3763, which will exempt small businesses from cumbersome government regulations regarding identity theft, and I appreciate the leadership of my friend from New Jersey.

There is no question that identity theft is a serious problem in this country. Millions of Americans every year have their credit affected by identity thieves, prompting previous Congresses to enact measures to increase awareness and education about the issue. These actions have played a significant role in decreasing the number of Americans impacted by identity theft each and every year. Additionally, a policy change enacted in 2003 required large financial institutions and creditors to develop and implement identity theft programs to increase consumer protections.

Unfortunately, however, the Federal Trade Commission, the government body responsible for enforcing these guidelines, has gone too far in defining the intent of the law and has chosen to apply the guidelines to all businesses, large and small. While these reporting requirements are no doubt necessary for large businesses and corporations with thousands of customers, FTC has issued rules that it will soon begin to impose, forcing the same regulation requirements for small businesses as well.

Small businesses know their customers, and they have a more personal relationship with those they do business with. If not addressed by this Congress, small businesses will soon be mandated to follow these excessive requirements that will place an undue burden on them while not providing any real increase to consumer protections.

Specifically, the bill before us today will exempt accounting, legal and the health care practices with 20 or fewer employees from the reporting requirement. Importantly, it also provides FTC with the option of excluding other small businesses that know all its customers individually and perform services near where its customers live. By passing this fix today, Congress can provide the FTC a clear definition of how Congress intended the policy to be enacted and protect small businesses and their customers from unnecessary government intervention.

As a cosponsor of this important legislation, I urge its immediate adoption.

I reserve the balance of my time.

Mr. ADLER of New Jersey. I continue to reserve the balance of my time.

Mr. LEE of New York. With that, I would like to yield 3 minutes to my good friend from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I thank my colleague, CHRIS LEE from New York, for yielding me some time.

Mr. Speaker, it is a pleasure for me to come before you today to speak in favor of this bipartisan, commonsense bill which will help so many of our small businesses in our country. In my opinion, the manner in which this legislation was crafted, with input from both sides of the aisle, with the FTC and with the various sectors that would be adversely affected if we had not acted, is the model for how this House can work to actually solve the problems facing our country.

I wish very ardently that we could get together, Republicans and Democrats alike, and find some commonsense solutions to the health care financing in this country the same way that my friend, Mr. ADLER, and the rest of the Democratic colleagues and those of us on our side came together on this. And I think that's the way that this House ought to operate.

I congratulate Mr. ADLER for what he has done and other colleagues on both sides for bringing forth this commonsense legislation. I would personally like to thank my colleagues, Mr. ADLER and Dr. SIMPSON, for their tireless efforts as we worked to put this very effective, commonsense legislation together. I also want to thank the committee staff that helped in this process.

This legislation is a very specific exemption without which it would cost so many small businesses thousands of dollars to unnecessarily implement. But it also allows the FTC the ability to exempt other businesses that aren't one of the three industries outlined in this bill. And that just makes sense, also.

When enacted, H.R. 3763 will truly reflect the original intent of the FACT Act and codify an exemption for health care providers, accounting firms and law firms that were never meant to be wrapped in this overarching Red Flag legislation.

So, again, I would like to thank Mr. ADLER, Mr. LEE and Dr. SIMPSON and each and every person who helped bring this legislation to fruition. This is the way we ought to operate. And I think it is just a great day for this Congress as we, as Democrats and Republicans, came together on this commonsense legislation.

Mr. ADLER of New Jersey. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I have no further requests for time, so I will close by encouraging my colleagues on both sides of the aisle to support this much-needed legislation that will ensure that small businesses are not encumbered with more burdensome Federal regulation and ensure that we can get this economy back and moving forward.

With that, I yield back the balance of my time.

Mr. ADLER of New Jersey. Mr. Speaker, I have no further requests for time. I yield myself as much time as I may consume.

Before I close, I would like to reiterate the importance of this bill. Many of America's economic problems are not the fault of small businesses, but they have borne the brunt of the economic downturn. My legislation, Mr. LEE's legislation, Mr. BROUN's legislation, Mr. SIMPSON's and Mr. MAFFEI's, a bipartisan piece of legislation, will prevent one more layer of Federal regulations that would add another cost on the backs of small businesses across America.

Again, I urge all Members of Congress to support this bill. I thank Mr. BROUN for his comments about the bipartisan nature of this bill. This is my and Mr. LEE's second bill together. I hope it's the second of many to try to serve the process of this House and to serve the people of our great country.

Mr. SIMPSON. Mr. Speaker, I rise today to speak in support to H.R. 3763, to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses. This bill is a bipartisan, commonsense approach to protecting our nation's small businesses from needless, burdensome government regulation. This legislation would exempt certain businesses, including health providers, from complying with the Red Flags Rule, which requires financial institutions and creditors to develop and implement a written identity theft program.

The bill recognizes that many of our nation's small businesses, particularly health providers, are not financial institutions and therefore do not present the same level of risk as financial institutions in cases of identity theft. In fact, many of these medical and dental offices were considered creditors under the rule simply because of the fact that they are willing to work with patients on developing flexible payment plans for those patients that can't afford to pay at the time of service. Thus, this rule actually appeared to discourage efforts to improve access to care for people who can't afford to pay, which runs contrary to all of Congress's efforts, on both sides of the aisle, to improve our health system.

When Congress expressed those concerns to the Federal Trade Commission (FTC), they delayed the implementation of the rule twice, in April and again in August, as they worked with providers and other small businesses in an effort to minimize the burdens of compliance and address their concerns with the program. I would like to recognize and thank the FTC for their efforts. However, as this bill demonstrates, Congress believes that entities such as health providers, accountants and others were never meant to be included in the definition of creditor. This legislation is an appropriate next step to better defining who is a creditor and protecting our small businesses from needless costs and regulations.

I would like to thank Chairman FRANK and Ranking Member BACCHUS for working with us to craft a balanced bill to address all parties' concerns. In addition, I would like to thank Congressman ADLER and Congressman BROUN—I have greatly enjoyed working with you on this legislation. In addition, 1 would like to thank tile FTC for their willingness to work with us to address the concerns of medical providers and small businesses alike. They have been a true partner in this process, and I would like to recognize their efforts to address our concerns with this rule.

Mr. Speaker, during these difficult economic times, it is more important than ever that government push forward legislation to promote small businesses in America. In addition, we should be working with America's dentists and doctors to promote policies that improve access to care instead of burdening them with unnecessary rules and compliance measures. This legislation does exactly that.

Mr. ADLER of New Jersey. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 3763.

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. ADLER of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1430

ARMY SPECIALIST JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3319) to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3319

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

SECTION 1. ARMY SPECIALIST JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, shall be known and designated as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am very proud this afternoon to present H.R. 3319 for consideration. This measure, if passed, will designate the postal facility located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building.''

Introduced by my colleague and friend Representative TOM MCCLINTOCK of California on June 23, 2009, and favorably reported out of the Oversight and Government Reform Committee on September 10, 2009, by unanimous consent, H.R. 3319 enjoys the support of the entire California House delegation.

A native of Portola, California, Army Specialist Jeremiah McCleery proudly served in support of Operation Iraqi Freedom with the United States Army's 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Calvary Division out of Fort Hood, Texas. Regrettably, Specialist McCleery and his friend and fellow Californian, Army Specialist Jake Velloza, died on May 2 from wounds sustained after those two soldiers were shot by enemy forces in Mosul, Iraq. Specialist McCleery was just 24 years old at the time of his death.

Specialist McCleery's heroic commitment to the United States military began at the age of 4 after his father, Joe McCleery, took his young son to Twentynine Palms, California, to watch the homecoming of a unit of United States Marines returning from the 1991 Persian Gulf War. The opportunity to witness the triumphant return of those brave American soldiers prompted Specialist McCleery's lifelong desire to serve his country.

Even as a young boy, Specialist McCleery was passionate about becoming a member of America's military. As a child, he spent hours in his backyard playing the role of soldier, and soon enough he joined the Boy Scouts of America and subsequently the Civil Air Patrol.

While he intended to enlist in the United States Army following his graduation from Portola High School in 2004, Specialist McCleery delayed his enlistment after his beloved mother, Mrs. Collette McCleery, was diagnosed with cancer during his senior year. Specialist McCleery decided to stay with his family during his mother's battle with cancer, and only went on with his life's desire of enlisting in the military after his mother passed away in 2005. So, in addition to his dedication to the United States Army, Specialist McCleery will be equally remembered for his steadfast devotion to his family, especially his father, Joe, and his sister, Chastity.

Specialist McCleery enjoyed the outdoors, and specifically loved hunting, riding four-wheelers, and sport shooting with his friends, but without a doubt his favorite outdoor pastime was always fishing with his dad. Although he is no longer with us, Specialist McCleery's memory will live on with his friends and family and all those who were fortunate enough to know this great young American.

Mr. Speaker, Army Specialist Jeremiah McCleery's life stands as a shining example of the bravery and dedication of the heroic men and women who serve our great Nation at home and abroad. I urge all my colleagues to join me in honoring this fine American soldier by designating the postal facility at 440 South Gulling Street in Portola, California, in his memory.

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

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

I want to thank my colleague from Massachusetts for his tribute to Army Specialist Jeremiah Paul McCleery and to urge support of H.R. 3319 that names the United States Post Office in Portola in his memory. Miah McCleery grew up in that town, and to that town he returned as a fallen hero at the age of 24.

Let me tell you a little bit more about him. His best friend was his father, Joe. A high school friend, Josh Rogers, was asked when Jeremiah was the happiest. Josh replied, He was happiest whenever he was doing anything with his dad.

As my friend from Massachusetts said, when Jeremiah was 4 years old, his dad took him out to see the returning American soldiers from the first Gulf War; as Shakespeare said, ''This story shall the good man teach his son.'' It was from that moment in 1991 that Jeremiah wanted, more than anything, to serve his country.

Joe and Collette moved their family to the little town of Portola in 1996, where they built their home themselves as a family. It was in Portola where Miah McCleery grew up.

If you want a sense of the character of this young man, just spend a few minutes with those who knew him. His older sister, Lynette Flanagan, tells of how Miah would take on much older boys at school—not in his own defense, but in the defense of others. She said, ''He once got sent to the principal's office for getting into a fight. When my mother arrived at school, Jeremiah was not sorry for his actions. He explained with pride that he had stood up to a bully who had slapped a little girl. Jeremiah was never afraid to stand up for what he believed in, even if that would get him into trouble. It didn't matter if the bully was twice his size, he wouldn't back down.''

Jeremiah was a Boy Scout, he joined the Civil Air Patrol, and he planned to enlist in the Army as soon as he graduated from Portola High School in 2004, but that year his mother, Collette, was diagnosed with cancer and he stayed there with his family until she died. In 2007, he finally enlisted. When his sister, Chastity, begged him not to go, he said that he felt that by going into the military he was protecting his family.

By all accounts, he was an exemplary soldier who commanded the friendship and respect of his colleagues. While at Fort Hood, he became close friends with another Californian, Jake Velloza, and they shipped out to Iraq together. Before that, he had fallen in love with Amanda Harazin while stationed at Fort Hood. Amanda is known as ''A-J'' to her friends, but Jeremiah called her the ''love of his life.'' They were to have been married on May 30, but on May 2, outside of Mosul, Iraq, at a combat outpost in Hammam Alil, American soldiers were attacked by two gunmen wearing Iraqi police uniforms. Two U.S. soldiers—Jeremiah McCleery and his best friend, Jake Velloza—were killed in that attack and three others were wounded. So on May 14, the day before he was supposed to return to a happy homecoming and an impending marriage, Jeremiah McCleery returned to his hometown to be buried beside his mother in Portola.

The local paper described his return with these words, which speak volumes about the community which helped to mold this American hero. They reported, ''Across the Sierra Valley people lined the highway, some with their hands over their hearts as a mark of respect. In Portola, streets were lined with flag-waving citizens. Shopowners left their stores to join in, temporarily suspending business as usual.''

Mr. Speaker, I wanted to share a little of what I have learned about Jeremiah McCleery because it helps to answer the question that James Michener first asked, ''Where do we get such men?'' Well, we get them from the heart and soul of America. We get them from good and decent families like the McCleerys. We get them from little towns like Portola, California.

Over the summer, I had the honor to visit the men and women who guard the Tomb of the Unknown Soldier at Arlington National Cemetery. The painstaking care and the meticulous precision with which these young men and women discharge their duties in withering heat and in freezing cold 24 hours a day, 365 days a year is legendary. I asked them why they did it, and one of them told me, ''We do it to tell our country that we will never forget.''

For that reason, I bring this bill to the House today with the unanimous support of the Portola City Council, the entire California congressional delegation, and the entire community that watched Jeremiah McCleery grow from a boy to a man and, ultimately, to return as a hero. We ask that the Congress name the local post office in honor of Army Specialist Jeremiah Paul McCleery to tell our countrymen that we will never forget, and also to express our awe and our gratitude that humanity has, within itself, a small band of brothers like Jeremiah McCleery who step forward not for treasure or profit or even to defend their own freedom, but, rather, to win the freedom of a people half a world away. And they do it because their country asks them to and because it is virtuous and noble.

We owe these men and their grieving families a debt that we can never repay, except to honor their memory and to keep their sacrifice always in mind, those who gave up everything to proclaim liberty throughout all the land and unto all the inhabitants thereof.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, again, I encourage our friends on both sides of the aisle to join with Mr. McCLINTOCK in honoring Army Specialist Jeremiah McCleery through the passage of H.R. 3319.

Mr. HELLER. Mr. Speaker, I rise today to express my heartfelt support for H.R. 3319 which will designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building.''

Jeremiah McCleery was born in Glendora, California, to parents Colette and Joe McCleery on April 5, 1985. Jeremiah grew up in a very close family and was well known for telling jokes and seeing the humor in life. He enjoyed the outdoors and spent a great deal of time fishing, camping, working on his truck, and sport shooting.

Jeremiah wanted to join the Army since he was 4 years old when his father took him to watch the triumphant return of U.S. soldiers from the 1991 Persian Gulf War. The outpouring that greeted American forces during that homecoming made a lasting impression on the young Jeremiah and set him on a path to serve his country. Since that day, he was a Boy Scout and joined the Civil Air Patrol. Later Jeremiah enlisted in the Army on June 2007. Jeremiah was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division at Ft. Hood, Texas, and was deployed to Iraq. Tragically, on May 2, 2009, Jeremiah was shot and killed at a combat outpost in Hammam Alil, Iraq, north of Baghdad. Spc. Jeremiah McCleery gave his life while defending his country in Iraq.

My family and I extended our heartfelt sympathy and condolences to Jeremiah's father who lives in Sparks, Nevada, who has suffered this deep loss. We are committed to providing full support for their needs. I also remain dedicated to fulfilling all of America's promises to those who faithfully serve our nation and to their families. Therefore, I urge all of my colleagues to support H.R. 3319, which will honor Specialist Jeremiah Paul McCleery for his sacrifice.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3319.

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

The yeas and nays were ordered.

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

EXTENSION OF COMMERCIAL SPACE TRANSPORTATION LIABILITY REGIME

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3819) to extend the commercial space transportation liability regime.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3819

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

SECTION 1. COMMERCIAL SPACE TRANSPORTATION LIABILITY REGIME EXTENSION.

Section 70113(f) of title 49, United States Code, is amended by striking ''December 31, 2009.'' and inserting ''December 31, 2012.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3819, the bill now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in strong support of H.R. 3819, a bill to extend the current commercial space transportation liability regime.

First established by Congress as part of the Commercial Space Launch Act Amendments of 1988, the commercial space transportation risk-sharing liability and insurance regime has been extended four times since its original enactment. The current extension expires on December 31 of this year, and it is therefore important for Congress to act now so that there is sufficient time for this legislation to make its way to the President before the current authority expires.

The liability and insurance regime that would be extended by this legislation is three-tiered and was originally modeled on the Price-Anderson Act that governs liability risk-sharing under the nuclear power industry. Under the regime, commercial space launch providers licensed by the U.S. Government are required to provide third-party liability insurance to compensate for maximum probable losses from third-party claims up to a level of $500 million. For claims above those maximum probable losses, the U.S. Government may pay successful liability claims up to $1.5 billion in 1989 dollars above the insurance level, subject to funds being appropriated by Congress for that purpose.

□ 1445

Finally, for successful claims above those amounts, the licensee assumes responsibility for payment.

To date, not a single dollar has had to be appropriated by the U.S. Government to pay third-party claims, but the existence of the liability risk-sharing regime has enabled the development and sustainment of a commercial space launch industry in the U.S., including the emergence of several new companies in recent years.

In addition, the regime has allowed U.S. companies to remain competitive with their international counterparts, almost all of whose governments provide similar or more generous risk-sharing liability regimes to that of the U.S.

I should note that, in the Commercial Space Launch Amendments Act of 2004, we directed that there be an independent review of the current risk-sharing regime to see whether or not it was working and whether it needed to be continued or passed, and that review was completed in 2006. I think a number of the review's findings bear mentioning; and, therefore, I will quote a couple of those.

First of all: ''Private liability insurance capacity remains fragile and far below what would be needed to compensate for government indemnification if it were eliminated.''

Secondly: ''Foreign competition has increased, and all credible international competitors have risk-sharing schemes rivaling or surpassing that of the U.S.''

Finally: ''The current regime has become the industry standard. Its elimination could send the wrong signal to international customers and competitors and would be a negative factor in the competition for global launch business.''

In sum, the commercial space transportation liability and insurance regime has worked. It has not cost the American taxpayers a single dollar in claims payments to date. It has strengthened U.S. competitiveness in commercial space launch, and it is not a blank check, since any potential claims payments must be subject to prior congressional appropriation. The bill before us today extends the liability risk-sharing regime for a period of 3 years.

As Members may know, there currently is debate on the potential role to be played by would-be commercial providers of crew transportation to the international space station. At present, no such commercial crew transportation systems exist. Before a meaningful decision can be made on the potential role of commercially provided crew transportation in meeting governmental needs, important policy and safety issues will have to be addressed.

The most optimistic projections of the would-be commercial providers are that it will be at least 3 years before such crew transportation systems could be developed, and many independent observers argue it will be longer than that. Therefore, the duration of the extension contained in this bill is limited so as not to prejudge the outcome of the deliberations on those policy and safety issues or to take a position on the role to be played by commercial crew transportation systems.

So, Mr. Speaker, in closing, I would like to thank Ranking Member RALPH HALL, Space and Aeronautics Chairwoman GABRIELLE GIFFORDS, and subcommittee Ranking Member PETE OLSON for cosponsoring this important legislation. I want to extend my thanks to Dick Obermann, who is the staff director for our subcommittee, and his very good team.

This is a good bipartisan bill, and I urge Members to support it.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of H.R. 3819, extending the current commercial space transportation liability regime through the end of 2012.

The economic competitiveness of the U.S. commercial launch industry is vital to our national interests. Domestic commercial launch services are an integral part of our Nation's infrastructure and high-technology economy. Commercial launch services are used to launch a variety of U.S. civil and national security payloads, including communications, weather, remote sensing, GPS, and other systems. We can scarcely imagine a society today which does not need to have those particular devices available.

The current commercial space launch indemnification regime has been in place since 1988 and has been renewed four times. It has helped protect U.S. commercial launch providers against catastrophic third-party liability when conducting FAA-licensed launch activities. Since its inception, there has never been a loss that would trigger this regime, and Congress has never had to appropriate any funds.

By ensuring adequate liability coverage, this system has strengthened U.S. competitiveness in a global space launch market, and it has enabled private-sector investment to develop new entries into the market. In other words, this regime has worked well by not being used. It has cost nothing, and it has given our space enterprises a big boost.

Over the last 20 years, competition from foreign launch providers, including China, France, India, and Russia, has grown significantly. At the same time, the overall number of launch opportunities has decreased. The commercial space transportation liability regime enables U.S. launch providers to operate without ''betting the company'' with every launch. In a competitive market with narrow returns, this has been a vital link in strengthening this vital industry.

I join with the Chair of the Science Committee in urging my colleagues to support the U.S. commercial launch industry and to vote for H.R. 3819.

Mr. EHLERS. I have no other speakers, so I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 3819.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 793) supporting the goals and ideals of National Chemistry Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 793

Whereas chemistry is a vitally important field of science and technology that has transformed the world and improved the quality of life around the globe;

Whereas the chemical sciences have created an infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and to the health of many industries, including the chemical, pharmaceutical, electronics, agricultural, automotive, and aerospace industries, and these contributions boost economic growth, create new jobs, and improve health and standards of living;

Whereas, in order to foster the innovation that will ensure the Nation's global competitiveness, schools must cultivate the finest scientists, engineers, and technicians from every background and neighborhood, with a particular focus on increasing access to science, technology, engineering, and math education for Latinos, African-Americans, women, and other underrepresented students in these fields;

Whereas National Chemistry Week was established in 1987 by the American Chemical Society, the world's largest scientific society, to enhance public appreciation of the chemical sciences and to educate the public, particularly school-age children, about the important role of chemistry in everyday life;

Whereas 2009 marks the 140th anniversary of Dmitri Mendeleev's creation of the Periodic Table of the Elements;

Whereas the theme of National Chemistry Week in 2009, ''Chemistry—It's Elemental'', was chosen to raise public awareness about the importance of chemistry and the chemical sciences by emphasizing that the elements, forming the basis of the universe, play an integral role in daily life;

Whereas many common elements, such as copper in electrical wires, neon in lights, sodium in table salt, and aluminum in soda cans, are tangibly present in everyday life;

Whereas more than 10,000 volunteers from industry, government, and academia will observe National Chemistry Week during the week of October 18, 2009, by conducting hands-on science activities with millions of children in local schools, libraries, and museums; and

Whereas National Chemistry Week volunteers will help provide resources to science educators across the country, promote community events for recycling common elemental items such as aluminum cans, encourage students to explore creative representations of the elements in the Periodic Table, and generally act as ''chemistry ambassadors'' who emphasize the importance and contributions of chemistry to daily life: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the contributions of chemical scientists and engineers have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) supports the goals and ideals of National Chemistry Week; and

(3) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, activities, and programs to demonstrate the importance of chemistry to everyday life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 793, the resolution now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 793, a resolution recognizing the importance of chemistry and honoring National Chemistry Week.

I want to commend the gentleman from Texas (Mr. REYES) for introducing this resolution.

The importance of chemistry and chemical engineering in our lives cannot be overstated. These disciplines contribute to public health by helping to keep our water clean and our food pure. They contribute to advances in medicine through new biomaterials, drug design and drug delivery techniques. They help make cleaner and more efficient energy technologies possible, and they help keep toxins out of our homes and out of our natural environment through the development of green chemicals and materials.

In short, chemistry and chemical engineering contribute in immeasurable ways to the economic strength, security, and well-being of our Nation and all its citizens. For this reason, it is important to get young people excited about chemistry and interested in pursuing careers in chemistry and in the sciences in general. National Chemistry Week plays a great role in this effort.

National Chemistry Week activities are carried out by local sections of the American Chemical Society located in all parts of our Nation. It is estimated that over 10,000 volunteers from industry, government, and academia will participate in National Chemistry Week activities this year.

They will be working to design hands-on activities, to provide demonstrations and to develop exhibits. Through these activities, they will help stimulate the interest of young people in chemistry and in pursuing careers in science and technology.

So, Mr. Speaker, I congratulate the American Chemical Society for its efforts to establish and to sustain National Chemistry Week.

Once again, I thank Mr. REYES and his cosponsors for introducing this resolution, and I urge my colleagues to join me in recognizing the importance of chemistry in our daily lives and the positive impact of National Chemistry Week by supporting H. Res. 793.

I reserve the balance of my time.

Mr. EHLERS. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H. Res. 793, supporting the goals and ideals of National Chemistry Week.

This year marks the 21st anniversary of National Chemistry Week. It is a concept that was first introduced in 1987 by the American Chemical Society, the world's largest scientific society and one of the premier scientific societies in our Nation. Over the past 20 years, this annual event has proven to be a great success, and it will continue this week with various events, celebrating the impact chemistry has made on our society from the very beginning.

Designed to reach out to the public, especially elementary and secondary schoolchildren, the National Chemistry Week program will emphasize the importance of chemistry in everyday life with this year's theme, ''Chemistry—It's Elemental,'' which will celebrate the Periodic Table of Elements. Created 140 years ago this year by Dmitri Mendeleev, the Periodic Table of Elements articulates the very basis of the universe, and it consists of common elements used in our everyday lives as well as some fairly exotic elements which are rarely used in our everyday lives.

Activities for the week will highlight the history of elements, the roles elements play in everyday life, the common and not-so-common uses of elements, and the history of the periodic table. This week is a wonderful opportunity for the public to engage in various events designed to increase the knowledge and awareness of chemistry's everyday effects.

More than 10,000 volunteers from local areas, businesses and schools will unite this week to educate millions of children across the country. I am proud to be a cosponsor of this resolution, and I urge my colleagues to join me in honoring all those who are volunteering their time and who are promoting these various activities through National Chemistry Week.

I would just like to add a few personal observations of things that I've encountered during my lifetime as a

scientist. I'm a physicist, not a chemist; but I have learned some chemistry. I remember speaking to a group about environmental issues sometime back, and a lady came up to me afterwards, and was very concerned—actually, I would say distressed.

She said, I'm terribly concerned about all these chemicals today and what's happening to us and what it's doing to us and our bodies.

I said, Well, that's certainly something to be concerned about. Do you have any chemicals specifically that you're worried about?

She said, No, no. All of them.

So I asked her if she liked to eat oranges. She said, Oh, yes, I love oranges.

I said, In spite of the fact that they're filled with chemicals?

She said she didn't know they were filled with chemicals.

I said, Well, yes, things like vitamin C and lots of other foods and chemicals that are very useful to your body.

The point that I made to her is that the question is not so much the chemicals; it's which chemicals. We have to recognize which are bad chemicals for individuals to ingest or to breathe and which ones are very good for us and are, in fact, very healthy. That's the point of what the Chemical Society is trying to develop here, that chemistry is an integral part of life. It is not bad in and of itself. In fact, it can be good in and of itself, but we should be aware as legislators and as scientists of the many great things that we have developed using chemistry which have improved living for people in this Nation and in other nations throughout the world.

So let's all join in this particular effort. Let's recognize the tremendous strides we have taken forward thanks to chemistry and, for that matter, physics and other sciences. Let's recognize that these are, by and large, good for the people and good for the Nation. Let's all join in this great event which recognizes what the American Chemical Society and chemists in general have done for the past few years.

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

Mr. GORDON of Tennessee. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Thank you, Chairman BART GORDON from Tennessee, for yielding time.

Mr. Speaker, I rise today to support H. Res. 793, a resolution recognizing the week of October 18 as National Chemistry Week.

I want to thank Congressman SILVESTRE REYES, co-Chair of the Diversity and Innovation Caucus, for sponsoring this resolution.

The American Chemical Society, the world's largest scientific society, established National Chemistry Week in 1987 to help educate the public, particularly school-aged children, about the important role of the chemical sciences and their significant contributions to our quality of life.

□ 1500

This year, more than 10,000 National Chemistry Week volunteers, from both the public and private sectors, will help educate millions of children about the practical applications of chemistry by engaging them through stimulating hands-on science activities in local schools, in libraries and museums around the whole country.

During this year's observance of National Chemistry Week, students and chemistry professionals will celebrate the theme ''Chemistry—It's Elemental.'' This theme recognizes the 140th anniversary of Dmitri Mendeleev's creation of the periodic table of the elements. The elements are the basis of the universe and of life on Earth, composing the graphite in pencils, the tungsten in light bulbs and in neon lights, the copper for cooling applications and the sodium in table salt, almost everything we encounter in our day-to-day activities.

The promotion of STEM education and the advancement of minorities in the STEM areas have become increasingly important in my congressional district and across the Nation.

Mr. Speaker, just last month, the University of Texas-Pan American in Edinburg, Texas, held its eighth annual Hispanic Engineering Science and Technology Conference to promote the importance of science literacy to thousands of students, parents and teachers. It was a big success.

HESTEC was created to address the shortage of scientists and engineers in our country. This year, the event drew more than 400,000 participants in deep south Texas. Since its inception in 2002, the university has created an exceptional pipeline of Hispanic scientists and engineers.

As chairman of the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, I am proud to say that in the past 2 years, Congress has expanded educational opportunities in STEM education, particularly for women and minority students, and authorized programs to recruit highly qualified teachers to high-need school districts in the STEM areas with the passage of the College Cost Reduction and Access Act in 2007, as well as the passage of the Higher Education Opportunity Act in 2008.

This legislation made historic investments in higher education to strengthen STEM education and create a new generation of minority workers in STEM fields. As you know, the House passed H.R. 3221, the Student Aid and Fiscal Responsibility Act, last month to increase affordability and accessibility in higher education.

If the House-passed bill is signed into law, this legislation will provide $2.5 billion over a 10-year period to strengthen minority-serving institutions in STEM areas and ensure that the students they serve graduate and become the engineers and scientists our country desperately needs.

National Chemistry Week highlights the importance of chemistry and the natural sciences to our students. It's critical that our schools continue to cultivate exceptional scientists, engineers and technicians from every background to help strengthen our Nation's competitiveness and to promote scientific discovery and innovation in the 21st century.

The SPEAKER pro tempore (Mr. GRIFFITH). The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. I want to thank Chairman REYES from El Paso for introducing this resolution, H. Res. 793, and I thank Chairman GORDON for bringing it to the floor.

Mr. Speaker, National Chemistry Week is critically important in promoting STEM issues in our schools and in preparing our students to pursue careers in STEM. I urge my colleagues to pass this bill.

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

First of all I want to commend the previous speaker, the gentleman from Texas (Mr. HINOJOSA). We work together on the Education Committee, and I have always admired his deep interest in science and his desire to make science available to and comprehensible to everyone in this Nation, including those who have not had the opportunity to study it in elementary or high school.

I commend him for his deep interest. Whenever I have needed help on this issue of science and science education, Mr. HINOJOSA has jumped into the fray with me, so I want to take a minute to commend him on that.

I also want to commend the Chair of the Science Committee, who has also been very helpful in these efforts. As most Members know, I was a professor for many years, a professor of physics. I taught every course at the college level, from the simplest to the most complicated. I have never lost my love for teaching, and particularly my effort to improve science education in the elementary and secondary schools.

Mr. HINOJOSA pointed out that if we do not produce a generation of scientists out of those students who are currently in elementary and secondary school, our Nation in the future will suffer because of that. On the next topic which will be coming to the floor, I will say more about that.

It's absolutely essential that we recognize how important it is for our students to learn these subjects. Parents must realize that. I always tell the students, if you really want to make certain you have a job after you get out of college, study science. You may end up in medicine, as the Speaker pro tempore has, or you may end up in other fields. But it's quite likely you are not going to get as good a job if you don't bother to learn science. This is just the nature of the world today.

Mr. REYES. Mr. Speaker, I rise today in support of H. Res. 793, a resolution I introduced to recognize the week of October 18th as National Chemistry Week.

The American Chemical Society, the world's largest scientific society, established National Chemistry Week in 1987 to educate the public, particularly school age children, about the important role of the chemical sciences and their significant contributions to our quality of life.

This year, more than 10,000 National Chemistry Week volunteers from both the public and private sectors will help educate millions of children about the practical applications of chemistry by engaging them through stimulating hands-on science activities in local schools, libraries, and museums around the country.

During this year's observance of National Chemistry Week, students and chemistry professionals will celebrate the theme ''Chemistry—It's Elemental!'' This theme was chosen to emphasize the 140th anniversary of Dmitri Mendeleev's creation of the Periodic Table of the Elements. The elements are the basis of the universe and of life on Earth, composing graphite in pencils; tungsten in light bulbs and neon lights; copper for cooling applications; and sodium in table salt—almost everything we encounter in our day-to-day activities.

Local El Paso college students are doing their part to promote chemistry in our community by coordinating the Chemistry Circus. Sponsored by the Department of Chemistry at the University of Texas at El Paso and performed by the American Chemical Society Student Affiliates, the Chemistry Circus incorporates short vignettes that explore many fundamental concepts of chemical science. The performances are presented throughout the school year to K–12 audiences—and adults—emphasizing Texas science academic standards.

The promotion of student advancement and success in the STEM fields is one of my highest priorities. In 2008, I founded the Diversity and Innovation Caucus with five of my colleagues in the House of Representatives in order to generate policy ideas for increasing the participation of underrepresented groups in the fields of Science, Technology, Engineering, and Mathematics, articulate the importance of pro-STEM and pro-innovation policies for underrepresented groups in STEM fields, and communicate the importance of promoting diversity in STEM for the achievement of America's innovation and competitiveness goals.

Over the past year, I am proud to say that the caucus has produced key legislative initiatives that promote the recruitment of highly-qualified teachers to high-need school districts, the development of laboratory facilities at less privileged schools, and the recruitment of minority students to the STEM fields through the reauthorization of the Higher Education Act.

Emphasizing the importance of chemistry and the natural sciences to our students is essential to ensure that our schools continue to cultivate the finest scientists, engineers, and technicians from every background. Educating our children about the importance of chemistry and the natural sciences will help strengthen our nation's economic competitiveness and foster American ingenuity and innovation in the years ahead.

Mr. Speaker, National Chemistry Week is a vital component in the effort to promote STEM issues in our schools. I therefore urge my colleagues to support this effort through the passage of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Resolution 793 to support the goals and ideals of National Chemistry Week.

This year, National Chemistry Week takes place on October 18–24 and is a community-based annual event that unites local sections of the American Chemical Society, schools, businesses, and individuals to communicate the importance of chemistry in our daily life. This year marks the 22nd Anniversary of National Chemistry Week, and events and demonstrations will take place across the country to engage students of all ages. This year's theme, ''Chemistry—It's Elemental,'' emphasizes the important role of elements in everyday life and celebrates the 140th anniversary of Dmitri Mendeleev's creation of the Periodic Table of Elements.

I have been a strong supporter of the Science, Technology, Engineering, and Mathematics (STEM) fields and have long encouraged students and teachers to hold STEM education in higher regard. It is well documented that science and math skills are becoming increasingly important to the U.S. workforce, and with the creation of a new, competitive, and complex global economy, we must ensure that we are educating the next generation of STEM professionals. Innovation is a product of a sound knowledge in math, science, and engineering, and without this understanding, our ability to be innovative will decrease along with our ability to be competitive.

For this reason, I believe it is incredibly important to recognize the goals of National Chemistry Week to increase our understanding, and our students' understanding, of the chemical sciences. I applaud the American Chemistry Society's efforts in this regard and encourage my colleagues to join me in supporting House Resolution 793 for our students and the future of our economy.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, in conclusion, let me thank Dr. EHLERS for bringing both his real-world experience to the Science Committee, as well as his passion for the work that we do there. He makes us a better committee.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 793.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING COMPUTER SCIENCE AND COMPUTING CAREERS AMONG THE PUBLIC AND IN SCHOOLS

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 558) supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 558

Whereas computing technology has become an integral part of culture and is transforming how people interact with each other and the world around them;

Whereas computer science is transforming industry, creating new fields of commerce, driving innovation in all fields of science, and bolstering productivity in established economic sectors;

Whereas the field of computer science underpins the information technology sector of our economy, which is a significant contributor to United States economic output;

Whereas the information technology sector is uniquely positioned to help with economic recovery through the research and development of new innovations;

Whereas National Computer Science Education Week can inform students, teachers, parents, and the general public about the crucial role that computer science plays in transforming our society and how computer science enables innovation in all science, technology, engineering, and mathematics disciplines and creates economic opportunities;

Whereas providing students the chance to participate in high-quality computer science activities, including through science scholarships, exposes them to the rich opportunities the field offers and provides critical thinking skills that will serve them throughout their lives;

Whereas all students deserve a thorough preparation in science, technology, engineering, and mathematics education, including access to the qualified teachers, technology, and age-appropriate curriculum needed to learn computer science at the elementary and secondary levels of education;

Whereas these subjects provide the critical foundation to master the skills demanded by our 21st century workforce;

Whereas computer science education has challenges to address, including distinguishing computer science from technology literacy and providing adequate professional development for computer science teachers;

Whereas the field of computer science has significant equity barriers to address, including attracting more participation by females and underrepresented minorities to all levels and branches;

Whereas Grace Murray Hopper, one of the first females in the field of computer science, engineered new programming languages and pioneered standards for computer systems which laid the foundation for many advancements in computer science; and

Whereas the week of December 7, in honor of Grace Hopper's birthday, is designated as ''National Computer Science Education Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Computer Science Education Week;

(2) encourages schools, teachers, researchers, universities, and policymakers to identify mechanisms for teachers to receive cutting edge professional development to provide sustainable learning experiences in computer science at all educational levels

and encourage students to be exposed to computer science concepts;

(3) encourages opportunities, including through existing programs, for females and underrepresented minorities in computer science; and

(4) supports research in computer science to address what would motivate increased participation in this field.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 558, the resolution now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is considering H. Res. 558. I would like to thank my good friend from Michigan, Dr. VERN EHLERS, for his leadership on STEM education generally and for his resolution highlighting computer science education. I would also like to thank the gentleman from Colorado (Mr. POLIS) for his work on the resolution.

Today's world is run by computers. From communications, to finance, to transportation and national defense, almost every facet of the modern world is tied to computers.

As we move forward in the 21st century, the country that leads in innovation in the computing and IT fields will very likely lead in productivity and economic growth. If we want America to be the leader, it is vitally important that we train the next generation of IT and computing professionals to provide this spark to our economy.

This resolution recognizes the importance of computer science education to our country, and encourages increased efforts and participation in this field. I want to highlight the attention this resolution pays to the important issue of increasing the involvement of women and underrepresented minorities in the computer science field.

If we want to be truly successful in our efforts to maintain an innovative economy, we need everyone in our country involved in the effort. This is true across the STEM fields, where the problem of underrepresentation of certain groups persists.

I want to once again thank Dr. EHLERS and Mr. POLIS for introducing this resolution, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise in support of H. Res. 558, supporting computer science and the designation of National Computer Science Education Week, and I yield myself so much time as I may consume.

The purpose of this particular resolution is multifold. One, it's to recognize the importance of computer science and computer science education. Secondly, it is to recognize that we are falling behind as a nation in the number of computer scientists that we graduate. I had no idea of this until last year when I was visited by one of my constituents. The purpose of this resolution is also to honor that constituent, as well as Dr. Grace Hopper.

The constituent who took the time to visit me was Professor Joel Adams. He is the Chair of the Computer Science Department at Calvin College, a stellar liberal arts college located in my district in Grand Rapids, Michigan. He pointed out to me something that I was totally unaware of, even though I thought I kept up with all the problems in science. He told me he was very concerned about the small number of computer scientists that we are graduating, and was particularly concerned about the lack of students entering into computer science, either taking computer science courses in high school or majoring in computer sciences in their college or university careers.

Without the students enrolling in this field we are, of course, going to have a shortage of individuals in the future to develop computer science theory and practice in the United States of America. Therefore, I commend Professor Adams for bringing this to my attention. I also will commend in a few moments Dr. Hopper, who has been very effective in bringing computer science down to the level of elementary students.

I am very pleased today that we are considering this resolution, which turns our attention to the issue of computer science education. As you know, I have spent much time in Congress fighting for research in education, particularly education in the areas of science, technology, engineering, mathematics, all of which are collectively called STEM.

I believe these STEM subjects hold special promise for the future of our Nation, and that it is very critical that all of our Nation's students receive a foundation in STEM. This helps develop well-rounded citizens and also may prepare some students to become the innovators of tomorrow.

As a former teacher, I always enjoy speaking to students in high schools, and I always have a little bit of fun with them, too, because high school students, out of custom, I think, tend not to want to study too hard and tend not to want to study too much science. Some people would say those go hand in hand.

But I always remind them of one thing. I ask them a question, first of all, who is the richest person in the world? Well, they all know that. Bill Gates.

How did he start out? Computer science.

Is he a nerd? No, he's not a nerd.

I said, Yes, he is. I know him personally, and he is a nerd of the first order. I say it's very important what courses you take in high school, because I can tell you one thing. When you get out and start looking for a job, you either are going to be a nerd or you are going to work for a nerd. Now which would you rather do?

Of course at that point they say, Well, I guess I'd rather be a nerd.

At any rate, somehow we have to reach the high school students and make them recognize that these issues are very important to their future.

□ 1515

It is very nice to have acronyms to catch these general areas, as we do in talking about STEM education, but the lines between these disciplines blur quickly when you step into the classroom and into the real world. One of the areas where we are facing a really unique challenge is in computer science.

It is very important that students in K–12 are exposed to computer science, and we have a shortage of teachers in high schools who are able to teach it in a meaningful way. Many students do not get a chance to learn about it in school, and even when they have a chance, they may not learn it as well as they should. The lack of understanding of computer science and how it fuels innovation in STEM disciplines contributes to a lack of interest in computing careers, especially among women and underrepresented minorities, whose participation rates in computer science are among the lowest of any scientific field.

By introducing students to computer science at an early age and providing them with learning experience in computer science at all educational levels, we can reverse this trend and expand and diversify our technology workforce.

Computing technology and the innovation it yields are transforming our world and are critical to our global competitiveness, particularly our economic competitiveness. However, we are not preparing an adequate and diverse workforce to meet the ever-growing demand for the information technology sector, which includes some of the country's most innovative and successful companies.

A 2009 Computer Science Teachers Association study shows that even in schools which employ computer science teachers, only a little more than half of the schools offer introductory courses in computer science, and the number of course offerings are declining. Given the enormous importance of these skills, we need to understand how to attract more students to these courses early in their education.

To raise awareness about the challenges facing computer science education, the resolution before us today

designates National Computer Science Education Week. The week of December 7 has been chosen to honor the birthday of Grace Murray Hopper, one of the first female computer scientists.

Dr. Hopper is best known for her 1953 invention of the compiler, the intermediate computer language that translates English language instructions into computer language. She came up with the compiler, she said, because she was ''lazy'' and hoped that ''the programmer may return to being a mathematician.'' Her work on compilers and getting machines to understand language instructions ultimately resulted in the COBOL business language.

I can say from personal experience I deeply appreciate the work she did, because when I first started using computers in 1957, I was writing programs in assembly language. It is just one step above the computer language itself. It was laborious, painstaking work to try to get the computer to understand what I was trying to do. Today, of course, we program in English or some other language and are able to accomplish much more as a result.

A mathematician by training, Dr. Hopper taught mathematics, served in the military, and held a vast variety of positions throughout her life in both the public and private sector. Her pioneering work, particularly in computer languages, underpins many of the tools used in today's digital computing.

I would like to share a quick anecdote about Dr. Hopper, as recounted by Merry Maisel of the San Diego Supercomputer Center.

''Most of us remember seeing Rear Admiral Grace Murray Hopper on television. We recall a charming, tiny white-haired lady in a Navy uniform with a lot of braid, admonishing a class of young naval officers to remember their nanoseconds. The 'nanoseconds' she handed out were lengths of wire, cut to not quite 12 inches in length, equal to the distance traveled by electromagnetic waves along the wire in the space of a nanosecond—one billionth of a second. In teaching efficient programming methods, Rear Admiral Hopper wanted to make sure her students ''would not waste nanoseconds,'' and we are talking about the nanoseconds of computer operation.

''Occasionally, to make the demonstration even more powerful, she would bring to class an entire 'microsecond,' a coil of wire nearly 1,000 feet long that the rear admiral, herself tough and wiry, would brandish with a sweeping gesture and a steady wrist.''

Dr. Hopper passed away in 1992. I am glad to honor her legacy with the designation of National Computer Science Education Week, as I also honor Professor Adams for calling to my attention the current shortfall in computer scientists.

This resolution also promotes cutting-edge professional development for teachers in order to encourage students to be exposed to computer science concepts and support researching ways to increase participation in this field. Without professional development, we will not train and retrain the necessary workforce to provide the education students need in computer science.

I hope my colleagues will join me today in recognizing the importance of computer science education and honoring the memory of Grace Murray Hopper. I would particularly like to thank my distinguished colleague from Colorado, Mr. POLIS, for his early and steadfast support for this resolution and his work on it.

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

Mr. GORDON of Tennessee. Mr. Speaker, I want to thank Dr. EHLERS for standing up for us nerds of America, as he does so well.

I yield 5 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, in today's knowledge-based economy, technological breakthroughs and innovations are the keys to economic growth and prosperity. As a former Internet entrepreneur myself, I know firsthand how computer technology is transforming people's lives throughout the world and represents a critical strategy for ensuring our Nation's global competitiveness.

The applications of computing innovations are present in every aspect of our lives and are fueling major changes in our society, from communications, to education, to health care, to defense, to how we interact with each other every day and conduct our transactions.

To maintain America's leadership and ensure that we remain at the forefront of cutting-edge technology advancements, we need to prepare and train a highly skilled and diverse workforce that can effectively meet the needs of the information technology sector, which includes some of the country's most innovative and successful companies.

In my Second Congressional District alone, we have IBM, Google, Qualcomm, Sun and Avaya. A forthcoming report by the National Center for Women & Information Technology, NCWIT, based at the University of Colorado at Boulder, clearly demonstrates the ever-growing demand.

Computing professions rank among the top 10 fastest-growing professions. By 2016, there will be more than 1.5 million computer specialist jobs available. And yet the talent pool shrinks as the industry is failing to attract and retain an ample and diverse technology workforce. If current trends continue, the IT industry will only be able to fill half of its available jobs. By 2016, U.S. universities will produce only half of the computer science bachelor's degrees that are needed.

Obviously, this shortage requires a bold vision for, and major investments in, education. And while such an effort should permeate the entire spectrum of lifelong learning, the K–12 school system represents the most important area to provide students with a solid grounding in computer science and spark their interest in rewarding careers in information technology.

But, unfortunately, too many students don't get a chance to learn about computer science in schools today, especially women and under-represented minorities, whose participation rates in computer science are among the lowest in any scientific field.

Consider these facts. High school girls represent only 17 percent of computer science advanced placement test takers. Only 18 percent of computer and information science degrees were awarded to women in 2008, down from 37 percent in 1985. While women comprise almost half of the workforce, they hold less than a quarter of our Nation's IT-related professional jobs, down from 36 percent in 1991. Finally, only about 10 percent of the 2005 computer and information science graduates were African American and 6 percent Latino.

During my six year tenure on the Colorado State Board of Education and then as a charter school superintendent, I saw how a lack of understanding of computer science and its critical role in science, technology, engineering and mathematics, or STEM disciplines, contributes to lack of interest in computing careers. For example, in a recent survey among college freshman in the school district I live in, only 1 percent of them responded that they intend to major in computer science, double our State average, but still very discouraging.

There is some good news. The good news is we can reverse this trend and expand and diversify our technology workforce by introducing students to computer science at an early age and providing them with a learning experience in computer science at all educational levels.

Through cutting-edge professional development, we can assist teachers to encourage students to be exposed to computer science concepts. Through high quality computer science activities, including science scholarships, we can provide students with the critical thinking skills that will serve them throughout their lives. And by researching and implementing the best practices to increase participation in the field, we can begin to lay the groundwork for preparing and encouraging diverse students to join the workforce that will launch a new era of innovation and economic growth.

That is why I urge my colleagues to join me in approving this bipartisan resolution that raises awareness about these important issues by supporting the designation of the week of December 7th as the National Computer Science Education Week, which honors the birthday of Grace Murray Hopper, one of the first female computer scientists.

As my colleague Mr. EHLERS said, it is better that our students become nerds than work for them.

Mr. EHLERS. Mr. Speaker, I will make some closing comments.

I thank the gentleman from Colorado for his comments. He knows whereof he speaks. He did a lot of good work in this area before he came to the Congress. He has been very helpful in the Education Committee in addressing these issues, and I appreciate that effort.

I think the key is to get children started in computer science at an early age. They love to deal with computers when they are doing video games and things of that sort. It is not too much of a leap to get them thinking about programming the computers, and that is the kind of knowledge that we need to develop in this Nation if we are going to remain competitive in the years ahead on the international scene.

So, I am delighted to recognize computer scientists in general, and I hope we do a better job of producing more and better computer scientists in this Nation so that we indeed will remain competitive and continue to lead the world in this particular area.

With that, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, in conclusion, I want to once again thank Dr. EHLERS for his leadership in this area. It has been very evident by his conversation today of his passion that he brings to this important subject.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 558, as amended.

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. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RAISING AWARENESS AND ENHANCING THE STATE OF CYBER SECURITY IN THE UNITED STATES

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 797) expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and supporting the goals and ideals of the sixth annual National Cyber Security Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 797

Whereas more than 220,000,000 American adults use the Internet in the United States, 80 percent of whom connect through broadband connections, to conduct business, communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas nearly all United States small businesses, which represent more than 99 percent of all United States employers and employ more than 50 percent of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas nearly 100 percent of public schools in the United States have Internet access, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas approximately 93 percent of all teenagers use the Internet;

Whereas the number of children who connect to the Internet at school continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of Americans, providing access to a range of valuable services, but exposing them to potential threats like cyber bullies, predators, and identity thieves;

Whereas cyber security is a critical part of the Nation's overall homeland security;

Whereas the Nation's critical infrastructures and economy rely on the secure and reliable operation of information networks to support the Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber attacks have been attempted against the Nation and the United States economy, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and critical infrastructure owners and operators face an increasing threat of criminal activity and malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, can cause extensive economic harm, and can disable entire systems;

Whereas coordination among the Federal Government, State, local, and tribal governments, and the private sector is essential to securing America's critical cyber infrastructure;

Whereas millions of records containing personally identifiable information have been lost, stolen or breached, threatening the security and financial well-being of United States citizens;

Whereas now more than ever before, consumers face significant financial and personal privacy losses due to identity theft and fraud;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cyber security and the need for enhanced cyber security in the United States;

Whereas the Cyberspace Policy Review, published by the White House in May 2009, recommends that the Federal Government initiate a national public awareness and education campaign to promote cyber security;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, and the Department of Homeland Security have designated October as National Cyber Security Awareness Month to provide an opportunity to educate United States citizens about cyber security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) intends to work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future cyber security consensus standards, practices, and technologies in order to enhance the state of cyber security in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 797, the resolution now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 797, a resolution to applaud the goals and activities of the National Cyber Security Awareness Month. The Science and Technology Committee has been a leader in Congress supporting the efforts to promote better security and cybersecurity, and I am pleased to support this resolution and to help raise awareness of this critical issue.

Each year, Americans become more and more dependent on technology for their daily lives. More than 200 million people in this country use the Internet for shopping, education, socializing, information gathering, banking and entertainment, and an increasing number of Internet users are children and seniors.

Unfortunately, with this growth in use, we have also seen a startling increase in cybersecurity. Bank accounts are now being hacked; children are

being bullied or harassed on social networking sites; and personal information is being stolen from relatives, retailers, universities, and even government agencies.

For example, earlier this year, computer systems at the FAA were hacked, increasing the risk of large-scale commercial air traffic systems disruption.

Improving cybersecurity will take the effort of all of the key stakeholders: Federal, State and local governments, academia, business and individuals.

□ 1530

We are all part of the user community and we each must do our part, from updating the Web browsers of our personal computers to improving the coordination of cybersecurity research investments across the public and private sectors. We need to change the way we think about cybersecurity and ensure it is built in from the beginning.

Cybersecurity is a challenge that transcends borders. There are 1.7 trillion Internet users worldwide, which means that we can only advance cybersecurity through increased international collaboration. That's why I join my colleagues in applauding the efforts of the National Cyber Security Alliance, a public-private partnership focused on improving cybersecurity for home users, small businesses, and education institutions.

I want to thank my friend from New York (Ms. CLARKE) for introducing this resolution and urge my colleagues to support it.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise in support of H. Res. 797 and yield myself so much time as I may consume.

It seems that nearly every facet of our lives, professional and personal, relies on computers and the Internet in some fashion—communication, transportation, shopping, medicine, entertainment, and the list goes on. It is not an understatement to say that information technology has become one of the main components of our everyday American lives, and as such, we are left more and more vulnerable to cyberattacks, viruses, worms, and identity theft. As our Nation depends more heavily on this technology, both proactive and reactive cybersecurity are essential.

In order to raise awareness of the importance of cybersecurity, the National Cyber Security Alliance has declared the month of October as Cyber Security Awareness Month. All month long, the NCSA is sponsoring events and programs to raise awareness of the importance of cybersecurity.

The National Cyber Security Alliance is the preeminent public-private partnership, working with the Department of Homeland Security, corporate sponsors, and nonprofit collaborators to promote cybersecurity awareness for home users, small and medium size businesses, and primary and secondary education. We all have a role in sustaining our cyberinfrastructure, which is essentially this year's theme, ''Our Shared Responsibility.''

The NCSA offers many tips for individuals and businesses alike to help protect themselves from cyberattacks. StaySafeOnline.org is a Web site created by the NCSA to provide education on all of the different aspects and issues related to cybersecurity. All of the organizations and agencies involved in National Cyber Security Awareness Month have put forth a great effort in raising awareness and helping us as Americans become better, more responsible computer users.

I urge my colleagues to support H. Res. 797, and I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 5 minutes to the author of this resolution, the gentlewoman from New York (Ms. CLARKE), and congratulate her on an outstanding hearing last Friday on this issue.

Ms. CLARKE. Mr. Speaker, I am pleased to offer H. Res. 797, my resolution supporting the goals and ideals of National Cyber Security Awareness Month, for a vote today. I would like to thank Chairman BART GORDON for giving me the opportunity to share with him and this committee the virtues of National Cyber Security Awareness Month.

The goal of National Cyber Security Awareness Month is to heighten awareness of everyday Internet users and to explain that by taking some simple steps, we can all safeguard ourselves from the latest online threats and respond to potential cybercrimes against ourselves and our Nation.

Each year, the National Cybersecurity Division (NCSD) of the Department of Homeland Security joins with the National Cyber Security Alliance (NCSA), the Multi-State Information Sharing and Analysis Center, and other partners to support National Cyber Security Awareness Month. I thank DHS Secretary Janet Napolitano and Assistant Secretary Greg Schaffer as well as Will Pelgrin with MS–ISAC and Michael Kaiser with StaySafeOnline.org for their leadership in promoting National Cyber Security Awareness Month.

This year, the theme of National Cyber Security Awareness Month is ''Our Shared Responsibility.'' Ultimately, our cyberinfrastructure is only as strong as its weakest link. In this digital age, we are all connected. No individual, business, or government entity is solely responsible for cybersecurity. We all must understand how our individual online computing practices have a collective impact on our Nation's cybersecurity. It would be naive to believe, however, that simple steps by end users alone will sufficiently combat the larger threats associated with a growing networked society.

As chairwoman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I have held three hearings this year on our Nation's cybersecurity posture. Cybersecurity vulnerabilities can and have significantly impacted our national and economic security. Through the leadership of the Obama administration, cybersecurity is finally gaining the much-needed attention it deserves, both in the Federal Government and the private sector. The oversight that the Homeland Security Committee is undertaking will help to focus our attention; however, much more work remains to be done.

Last week, I held a roundtable discussion with key cybersecurity stakeholders in Congress, the administration, and the private sector on this extremely complex issue. Everyone agreed that end user awareness and education is an extremely critical component to fortifying our national cybersecurity posture. More and more and with each passing moment, we are awakening to the vulnerabilities and threats that come from our interactions on the World Wide Web. Simply put, we must protect ourselves. That is why this resolution received overwhelming bipartisan support.

I thank my colleagues, especially Chairman GORDON, for cosponsoring H. Res. 797, and I look forward to working with him as well as other committees of cross jurisdiction on this critical issue going forward.

Mr. EHLERS. Mr. Speaker, if the majority has no additional speakers, then I will proceed to close.

We have had a lot of good discussion here about cybersecurity, but a word that hasn't popped up as much is cyberwarfare, and that is by far the most dangerous situation facing our Nation today.

Cybersecurity is indeed a major issue and we need protection from thieves trying to steal our bank accounts, et cetera. But the real difficulty we face as a Nation occurs because we are so vulnerable. We are so advanced technologically, that we are vulnerable to attacks of all types from many enemies of different backgrounds and different abilities.

It is a sad commentary today that a powerful, strong nation such as the United States of America can be the victim of a very small nation or even a small group of individuals seeking to do us harm using cyberwarfare. I myself did not realize the extent of this until some years ago. I was selected as a rapporteur of the NATO Parliamentary Assembly Science Committee to write a report on cyberwarfare; and it was simply astounding to learn the risks that we face as a wealthy, well-established, highly developed nation simply because we make such great use of cyberknowledge and cybertechniques that we are automatically very vulnerable in the area of cyberwarfare.

I appreciate the gentlelady from New York bringing this to our attention. We have a lot of work to do here, not just in the military, but in many civilian sectors as well. The warning is

here. The alarm has been rung. Let's make sure that, as a nation, we go ahead and defend ourselves as we should against this very, very highly technological but very dangerous new activity.

With that, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, I want to once again thank the gentlewoman from New York for bringing this important resolution to us. I think that this will help give our country a better awareness of the concerns we have about cybersecurity.

Also, as Dr. EHLERS notes, our Science and Technology Committee has spent quite a bit of time on this issue, being the first to have a review of the 60-day review. Hopefully, we are going to be seeing in the next very few days a significant bill coming out of our committee concerning the necessary research and technology aspect of moving forward with our research in the cybersecurity area.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 797.

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

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 41 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3585, SOLAR TECHNOLOGY ROADMAP ACT

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–304) on the resolution (H. Res. 846) providing for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3763, by the yeas and nays;

H.R. 3319, by the yeas and nays;

H. Res. 558, by the yeas and nays.

Proceedings on House Resolution 797 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FAIR CREDIT REPORTING ACT AMENDMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3763, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 3763.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 790]

YEAS—400

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
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
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
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
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
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
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
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
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—32

Abercrombie	Gerlach	Schwartz
Andrews	Grijalva	Shadegg
Barrett (SC)	Gutierrez	Shuler
Bean	Israel	Sires
Boehner	Langevin	Spratt
Capuano	Lofgren, Zoe	Walden
Carter	Lowey	Wasserman Schultz
Crenshaw	Maloney	Weiner
Crowley	Murtha	Wexler
Deal (GA)	Price (GA)	Young (AK)
Etheridge	Rohrabacher	

□ 1855

Mr. CARSON of Indiana changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Madam Speaker, on rollcall No. 790, had I been present, I would have voted ''yea.''

Mr. LANGEVIN. Madam Speaker, on rollcall No. 790, I was unavoidably detained and missed the vote. Had I been present, I would have vote ''yea.''

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE BOB DAVIS OF MICHIGAN

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

Mr. STUPAK. Madam Speaker, I rise to regretfully inform my colleagues of the passing of former Congressman Bob Davis, who represented most of northern Michigan in Congress from 1979–1993. Bob died last Friday.

I ask the House to observe a moment of silence in his honor.

The SPEAKER pro tempore. Will all Members rise for a moment of silence.

Mr. DINGELL. Madam Speaker, I rise today to honor the life and achievements of Former Representative Bob Davis. I was deeply saddened to hear the loss of my friend Bob, a true Michigander. Through attending public schools in Mackinac County, miming a small Michigan business, and serving as a city council member, state representative and senator, Bob came to understand the state on every level. By the time he came to the U.S. House of Representatives in 1979, he truly understood the needs of Michigan's people. From his work with then-Governor George Romney to reduce the tolls on the Mackinac Bridge, to his work in the House Armed Services Committee to procure major defense weapons systems, he always worked toward tangible results for those he was serving.

Bob and I not only shared a love for Michigan and its people, but also a deep appreciation for the outdoors. Some of his greatest achievements while serving in the U.S. House were through his role as the Ranking Member on the House Merchant Marine and Fisheries Committee. He was able to help establish the Upper Peninsula's Keweenaw National Historic Park, the Thunder Bay National Marine Sanctuary, and to protect the Great Lakes from invasive species. Even after his passing, Bob Davis' legacy and achievements will live on, in no small part through the natural and historic lands of Michigan that he fought to protect and preserve.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

ARMY SPECIALIST JEREMIAH PAUL McCLEERY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3319, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3319.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 31, as follows:

[Roll No. 791]

YEAS—401

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

NOT VOTING—31

Andrews	Gerlach	Shadegg
Barrett (SC)	Gutierrez	Shuler
Bean	Israel	Sires
Capuano	Kanjorski	Walden
Carter	Lofgren, Zoe	Wasserman Schultz
Crenshaw	Lowey	Weiner
Crowley	Maloney	Wexler
Deal (GA)	Murtha	Wilson (OH)
Diaz-Balart, M.	Price (GA)	Young (AK)
Ellison	Rohrabacher	
Etheridge	Schock	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE JAY JOHNSON OF WISCONSIN

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

Mr. OBEY. Madam Speaker, I rise to regretfully inform my colleagues of the passing of our former colleague, Jay Johnson, who represented the Eighth District of Wisconsin with distinction from January of 1997 through January of 1999, and I would ask that the House observe a moment of silence in his honor.

The SPEAKER pro tempore. Will all Members rise to observe a moment of silence.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the moment of silence in memory of former Representative Bob Davis of Michigan.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING COMPUTER SCIENCE AND COMPUTING CAREERS AMONG THE PUBLIC AND IN SCHOOLS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 558, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 558, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 792]

YEAS—405

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
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
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
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
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
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
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
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
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walz
Wamp
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—27

Barrett (SC)
Bean
Capuano
Carter
Crenshaw
Crowley
Deal (GA)
Etheridge
Gerlach
Gutierrez
Israel
Kirk
Lofgren, Zoe
Lowey
Maloney
Murtha
Price (GA)
Rohrabacher
Shadegg
Shuler
Sires
Velázquez
Walden
Wasserman Schultz
Weiner
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1912

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 790, 791 and 792.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2009.

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

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

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2009, at 5:23 p.m.:

That the Senate agreed to the Conference Report accompanying the bill H.R. 2892.

That the Senate passed without amendment H.R. 621.

That the Senate passed S. 1793.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 874

Mr. SCHRADER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 874.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, October 20, 2009 at 4:28 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, first declared by Executive Order 13413 of October 27, 2006.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE DEMOCRATIC REPUBLIC OF THE CONGO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–71)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in that country, are to continue in effect beyond October 27, 2009.

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency to deal with that threat and the related measures blocking the property of certain persons contributing to the conflict in that country.

BARACK OBAMA.
THE WHITE HOUSE, *October 20, 2009.*

□ 1915

HONORING FORMER CONGRESSMEN BOB DAVIS AND JAY JOHNSON

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

Mr. STUPAK. Madam Speaker, earlier today the House observed moments of silence for two former Members of this Chamber.

Last Friday, former Congressman Bob Davis, a Republican from St. Ignace, Michigan, and my predecessor in Congress, passed away in Arlington, Virginia. Bob Davis dedicated his life to public service. He served members of his community as owner and operator of a funeral home in St. Ignace before serving in the Michigan State House and State Senate, where he was the Republican leader.

In 1978, Bob was elected to Congress where he served for 14 years. Over the course of those 14 years, Bob Davis was known to the people of what was then Michigan's 11th Congressional District for his constituent services. Bob's last, and perhaps greatest, legislative achievement was the establishment of the Keweenaw National Historic Park in Michigan's Upper Peninsula, which showcases the region's rich mining heritage.

Just like they did 17 years ago with the establishment of the Keweenaw National Historic Park, the people of the Keweenaw Peninsula rang the local church bells in tribute to Congressman Davis last Friday as citizens paid tribute and silently prayed for Bob and his family.

I join my constituents and Members of this Chamber in paying tribute to Bob and offering our sympathy and prayers to his wife, Brook, and their children Rob, Lisa, George, Alexandra, and Hannah.

Just days after Bob's passing, we lost another public servant with roots in northern Michigan.

On Saturday, former Congressman Jay Johnson, a Democrat from Green Bay, Wisconsin, passed away. Jay was a native of Bessemer in Michigan's Upper Peninsula and a graduate of Gogebic Community College and Northern Michigan University. He was a man of the people, and he was always proud to be known by his Upper Peninsula roots.

Jay worked as a journalist for 32 years in Wisconsin, Florida, and Michigan before making a run for Congress. He represented Wisconsin's Eighth Congressional District from 1996 to 1998 and was appointed director of the U.S. Mint by President Clinton in 2000 where he served for 2 years.

I am pleased to have served with Jay in Congress, and my heartfelt condolences go out to his wife, JoLee, and his entire family.

HONORING DAVE AND JULIE ZISKA'S SERVICE TO THE BOY SCOUTS OF SOUTH FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise tonight to congratulate Dave and Julie Ziska for 28 years of service to the Boy Scouts of south Florida. This year, the many individuals and families who have been enriched by the Ziskas gather together in Miami as Dave and Julie receive the 2009 Distinguished Citizen Award from the South Florida Council of the Boy Scouts of America.

The Boy Scouts of America is an outstanding organization that fosters strong ideals in young men and helps build leaders for the future. With the Ziskas' amazing service and support, the Boy Scouts of south Florida has been able to successfully accomplish this mission. Dave and Julie Ziska have not only had a profound impact on the Boy Scouts but also on the families of the Scouts and the entire south Florida community.

The Ziska's guidance and goodwill over the past 28 years has encouraged many young men to become active in Scouting. In fact, 207 young men attained the distinct and high honor of being Eagle Scouts with their help.

I congratulate and recognize Dave and Julie Ziska for their commendable service to the Boy Scouts of America and to the Boy Scouts of south Florida.

Congratulations.

GUN CONTROL IN CHICAGO

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

Mr. QUIGLEY. Madam Speaker, in the past weeks and months, Chicago has made national news, unfortunately not just because of the Olympic decision. It is because school-age children

have been attacked and killed by other school-age children. The last thing our city needs is more guns on our streets and more children fearing for their safety.

Recently, the United States Supreme Court agreed to review McDonald v. City of Chicago, a case that challenges whether Chicago's local handgun ban is legal. In a time of national concern over senseless and deadly attacks, it is a concern.

Since 1983, it has been illegal to purchase or own a handgun within Chicago city limits. Over the course of that 26 years, Chicago has seen the number of registered handguns drop. Guns have become scarcer, saving lives and creating safer neighborhoods in the process.

As we work to make our cities and communities safer, there are many additional things we could and should fight for. I stand ready to work with the administration to reinstate the assault weapons ban and ready to work with this body to close the gun show loophole.

But in the absence of Federal action, it is critical that we preserve the rights of the people to protect their children and their families at the local level.

RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

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

Mr. PAULSEN. Madam Speaker, October is Domestic Violence Awareness Month, a time to remember the victims of this terrible and often hidden crime and also a time to renew our commitment to eliminating it.

I recently had the privilege of participating in the dedication ceremony for a new Peace Garden at Cornerstone Shelter in my district. The garden honors both the victim of the crime as well as those people committed to restoring hope for those who have experienced domestic violence. The Minnesota Department of Public Safety has reported that 70,000 primary victims have received services from battered women's shelters and domestic abuse agencies in 2008 alone.

Thankfully, we have organizations like Cornerstone who provide needed assistance and resources to victims while working to end domestic violence as a whole. When we bring the light of truth to an issue like domestic abuse, its power to destroy decreases.

It's important that we remember the victims of domestic violence and let them know they are not alone as we fight to make the world a better place.

RECOGNIZING THE PASSING OF CONGRESSMAN JAY JOHNSON

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

Mr. KAGEN. Madam Speaker, like everyone else in northeast Wisconsin, I am shocked and saddened by the passing of my friend, former Congressman Jay Johnson. Jay represented the Eighth District of Wisconsin in this body from January of 1997 to January 1999.

Jay was a friend of mine. He was a gentle person, and everyone in northeast Wisconsin was considered his friend as well. He served the best interests of all of our families and will be greatly missed.

For many years, Jay's trusted voice and kind countenance came into all of our homes as a news anchor on WFRV–TV and WLUK–TV in Green Bay. His colleagues in this room here all recall how kind he was. His colleagues in the newsroom in Green Bay recalled his kind heart, his unending patience, and his grand sense of humor. They will remember him as a gentleman in every sense of the world.

It's clear from his life spent in front of the camera and here in public service that he truly loved people.

In 2000, President Clinton appointed Jay to be director of the United States Mint; and more recently, he ran Jay Johnson Coins and Consulting.

During my service here, Jay had been a mentor, an adviser, and a close friend. On behalf of the people of the Eighth District of Wisconsin, I want to thank Jay for his service and extend my deepest sympathies to his wife, JoLee, their family and friends.

PROTECT SMALL BUSINESS FROM BIG GOVERNMENT

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

Mr. WILSON of South Carolina. Madam Speaker, small businesses are doing all they can to create jobs and bring our economy back to life. Unfortunately in Washington, Democrats have decided to scheme new taxes and mandates as a part of their Big Government takeover of the health care system. With 263,000 more jobs lost last month, it is shocking that Democrats believe now is the time to punish small business that creates the majority of jobs in America.

The National Federation of Independent Business has revealed the Big Government Democrat health takeover would cost 1.6 million jobs in the United States. Destroying jobs will make it harder, not easier, for individuals to afford health care.

We need H.R. 3400 to target reforms to our health insurance system, like shopping for plans across State lines, association health plans for small businesses, and tax credits for individuals to purchase insurance.

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

HEALTH CARE AND TRANSPARENCY

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

Mr. BURGESS. Madam Speaker, it's now been over 5 months since the White House announced numerous deals with major stakeholders in the health care debate. Little or no details regarding these negotiations have been released. And last week during the Finance Committee hearings in the other body, a plan for a commission to slow the growth of Medicare spending was revealed. But it was then revealed that the hospitals would be exempt from this commission because, according to Congress Daily, they had already negotiated a cost-cutting agreement with the White House.

You know, despite the rhetoric of last fall, then-candidate Obama's promise to make all health care reform negotiation public, we still have very few details on what exactly was agreed to during these highly publicized but very secret meetings last May. How can Congress do its due diligence in creating policy before us without the crucial details? More importantly, how can the American public know what we are doing is indeed in their best interest?

In January of this year, we were promised an administration that would bring all parties together; we were promised an administration that would not negotiate behind closed doors and in fact would be broadcasting these negotiations on C–SPAN so that the American people could see for themselves what the choices were.

When will these cease to become promises and become reality?

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

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

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

CONGRESS NEEDS TO STEP UP TO THE PLATE FOR SENIORS

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

Mr. MURPHY of Connecticut. Madam Speaker, my colleagues, yesterday I had the privilege to be in the heart of my district in Waterbury, Connecticut, to meet with a group of seniors, very concerned and active seniors. They call themselves the Silver Waves. And

through letters and phone calls and emails and thousands of one-on-one conversations throughout the greater Waterbury area, they have been able to gather over 300 signatures on the petition that I am holding right here expressing why they believe that this Congress has to start paying attention to the very real economic pressures that seniors in this economy and in this country are facing and why, in particular, we need to step up to the plate and do the right thing for seniors who are about to face a zero percent increase on Social Security in this country.

□ 1930

Madam Speaker, I'm here to bring these petitions to my colleagues because I couldn't agree with them more.

This economic downturn has hit all of us, but it has hit seniors in particular. Just like many Americans, they have mortgages to pay, they've got car payments to make, and they've got grocery bills to pay. But unlike many Americans, they also face disproportionately high health care costs, unusually high prescription-drug costs, and multiple bills that seem only to be rising. Put that together with decreased retirement funds, and seniors are facing a particularly tough forecast.

Now over the past year, this Congress has tried to take some steps to pull this economy up from the depths of the recession. We've acted to make sure that our financial system didn't collapse. We've moved quickly to make critical investments in our economy to help it recover. We're working now to try to make this health care system work for both our customers, our patients and also for our economy. But in all of this, we have to remember that seniors throughout this country face economic challenges that are unique only to them, and as we continue to work on getting our entire economy to recover, we have to remember that we have to specifically target seniors, most of which are living on fixed incomes today.

Now the impetus behind these petitions is a very real sense from the senior citizens in my district, which I think is reflective of a feeling across this country, that over the past decade or so, they've watched Washington dole out special favors to the insurance companies, to the drug companies, to the oil companies and to the banks. And they're wondering where the help is for them. And in the middle of this tough economic recession, just when they're waiting for the help to come to them, they get some of the worst news of all, that they will be receiving a zero percent increase in their Social Security check.

Now that's why we need to listen to the people who have signed these petitions, because this number is 3,000 in Waterbury, Connecticut, but it would be millions across the country of seniors who want to know why a formula designed to reflect the true cost of living increases for them gives them a zero percent increase when they know that their costs are increasing on a regular basis, and why they can't get Congress to step up to the plate and help them when it seems like over the past decade, a lot of other people with a lot more influence and a lot more power than them have been helped.

So I'm here to deliver these petitions and to say ''thank you'' to people like Lucille Keating, Jeannine Laliberte, Lorraine Johnston and Lida Keroski, who put these together, and assure them not only do I agree with the sentiment they and so many Americans have brought to this House, but that I believe we are going to take seriously the notion that in this very difficult economy we need to step up to the plate and do the right thing for seniors in this country.

HALLOWEEN HEALTH CARE

Mr. POE of Texas. Madam Speaker, the Senate's Halloween health care bill seeped out of the dark dungeons of the Capitol Building today. News reports say it's 1,500 pages long. Why is legislation drafted in the secret, dark caverns of the Capitol, where the trolls roam at night, void of public view? Is it so scary the healthcrats don't want us to know what's in it?

We need to know exactly what's in these bills and how much they really cost before we vote on anything. And why is there such a rush to pass a bill anyway? Maybe they have frightening parts that no one will see if quickly passed. One scary part is the government wanting American money now. You see, new taxes take effect immediately, but the legislation won't be in operation until 2013. That's right. American taxpayers pay 3 years of new taxes on a deal that doesn't take effect for 3 years. Now isn't that scary?

And what is the goal of this government bill? If the goal is to provide universal health care for everyone, the bill is a failure. The President told us there are 30 million uninsured. The Congressional Budget Office said the latest and greatest bill still will leave 25 million uninsured. So we're letting the government take over health care just to add 5 million people to the government system. It would be cheaper just to buy them all health insurance and then require proof of citizenship to get insurance rather than spend trillions and let Uncle Sam take care of us all.

If the goal of the Halloween health care bill is to provide better quality care, the bill is a failure. Just look at the way the government runs the Indian universal health care system. The government has been committing medical malpractice against the Indians for decades. If the goal is to make health care cheaper, the bill fails again. The bill will cost over $1 trillion just to set it up. And the idea that government can run an entire health care system cheaper than the private sector is a myth. The only way that government can do it cheaper is to drastically cut services to patients, ration care or both.

Madam Speaker, has there ever been a government program that costs less than projected? I don't think that has happened in the history of the Republic.

If the goal is to make government-run Halloween health care more efficient, the bill fails once more. The government is almost always more inefficient because it has no competition, has no accountability, and when it runs out of money, it just spends more money and taxes the taxpayer.

However, if the real goal of this legislation is to have government take control of our health care, the bill is a total success.

The Halloween health care nightmare on Capitol Hill is this specific provision—government takeover of health care. So rather than let the government take care of us all, Congress should reform specific problems under our current system. Allow insurance to be purchased across State lines, provide for a safety net for catastrophic injury or illness, have a method to allow people with preexisting conditions to obtain insurance, allow for health savings accounts so people can take care of themselves and get a tax break, provide tax incentives and tax breaks for businesses who take care of their employees rather than more taxes on small businesses, which taxes them to death, and eliminate the fraud, waste and abuse in the Medicaid system.

And, Madam Speaker, there are many other specific things Congress should do. But turning over America's health to the Federal Government is unhealthy for the American people. Such an idea is truly a Halloween nightmare and a trick on the American people.

And that's just the way it is.

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.)

U.S. DEFICIT BIGGEST SINCE 1945

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. Madam Speaker, I would like to share with the House tonight some writings from the October 16, 2009, CNNMoney.com. The title is, ''U.S. Deficit Biggest Since 1945.''

''The Obama administration on Friday said the government ran a $1.42 trillion deficit in fiscal year 2009. That made it the worst year on record since World War II, according to data from the Treasury and the White House Office of Management and Budget. Tax

receipts for the year fell 16.6 percent overall, while spending soared 18.2 percent. Consequently, the annual deficit rose 212 percent to the record dollar amount of $1.42 trillion, from $455 billion a year earlier.''

I continue to read from this article:

''As a result, the country is very near to breaching its so-called ''debt ceiling,'' currently set at $12.1 trillion. Lawmakers, however, are expected to vote to raise that ceiling this fall.''

I further share with the House:

''In August, the OMB projected a 10-year deficit of $9 trillion, assuming President Obama's 2010 budget proposals are put in place. A deficit of that magnitude means the debt held by the public would approach 82 percent of gross domestic product. That's double the 41 percent recorded in 2008.

''The 10-year forecast as well as the longer-term outlook are considered unsustainable. The GAO further cautioned that the yawning deficit problems should be addressed sooner rather than later. The longer action to deal with the Nation's long-term fiscal outlook is delayed, the larger the change will need to be, increasing the likelihood that they will be disruptive and destabilizing.''

Madam Speaker, I wanted to share that tonight with the House because whether you be a Republican, which I am, or a Democrat, this country needs to understand that no longer can it take care of the world, because we can't even take care of our own Nation.

I want to make reference just briefly to a book that I read a couple of years ago that I would recommend to each Member of Congress. And if I could buy it for each Member of Congress, I would, but I cannot. It is called ''Day of Reckoning'' by Pat Buchanan. The book ''Day of Reckoning'' reminds America what has happened to other great nations, whether it be England, Spain or France. These nations went down the road where they believed in building empires around the world and making everybody be like they are. They all collapsed in a matter of years. Rome is probably the best example of a nation that felt that it could go and create other entities around the world, and they failed, as well.

So, Madam Speaker, in closing, I would like to ask unanimous consent to put the entire article from CNNMoney.com into the RECORD.

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

There was no objection.

Mr. JONES. Madam Speaker, I thank you very much. And I hope that we in Congress, as we debate not only the health bill, but other bills, determine how we're going to pay for it. Is it fair for our grandchildren to pick up the debt of those of us today who are irresponsible to our responsibility of maintaining a frugal government?

And with that, Madam Speaker, as I always do, I want to ask God to please bless our men and women in uniform. I want to ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And Madam Speaker, I want to ask God to please give wisdom, strength and courage to the President of the United States. And I ask three times, God please, God please, God please continue to bless America.

[From CNNMoney.com, Oct. 16, 2009]

U.S. DEFICIT BIGGEST SINCE 1945

OBAMA ADMINISTRATION CLOSES THE BOOKS ON FISCAL 2009: FALLING REVENUE PLUS SOARING SPENDING LEADS TO A $1.42 TRILLION DEFICIT

(BY JEANNE SAHADI)

The Obama administration on Friday said the government ran a $1.42 trillion deficit in fiscal year 2009.

That made it the worst year on record since World War II, according to data from the Treasury and the White House Office of Management and Budget.

Tax receipts for the year fell 16.6% overall, while spending soared 18.2%. The rising unemployment, the economic slowdown and the extraordinary measures taken by lawmakers to stem the economic meltdown that hit in fall 2008.

Consequently, the annual deficit rose 212% to the record dollar amount of $1.42 trillion, from $455 billion a year earlier.

As a share of the economy, the deficit accounted for 10% of gross domestic product, up from 3.2% in 2008. As breathtaking as that may be, it's still not in the same stratosphere as the 1945 deficit, which hit 21% of GDP.

PERFECT DEFICIT COCKTAIL MIX

Fiscal year 2009, which ended Sept. 30, had all the right ingredients for a recordbreaking deficit.

While tax revenue overall took a big hit, corporate receipts led the way, falling 55%. Individual income tax revenue fell 20%.

At the same time spending jumped in large part because of the various economic and financial rescue measures undertaken. The Treasury and the OMB noted that the $700 billion Troubled Asset Relief Program and the $787 billion American Recovery and Reinvestment Act, not all of which has been used, accounted for 24% of the deficit total.

As a result, the country is very near to breaching its so-called debt ceiling, currently set at $12.1 trillion. Lawmakers, however, are expected to vote to raise that ceiling this fall.

At the end of September, the country's total debt—which is an accumulation of all annual deficits to date plus other obligations—stood at $11.9 trillion.

THE LONG-TERM VIEW

In August, the OMB projected a 10-year deficit of $9 trillion, assuming President Obama's 2010 budget proposals are put in place.

A deficit of that magnitude means the debt held by the public would approach 82% of gross domestic product. That's double the 41% recorded in 2008.

Most budget experts blanch at the thought, especially given that the country's fiscal future was already a source of concern before the economic crisis because of expected shortfalls over time in funding for Medicare and Social Security.

The financial and economic meltdowns of the past year have accelerated the strain on federal coffers. So much so that now the 10-year forecast as well as the longer-term outlook are considered unsustainable, according to deficit experts William Gale and Alan Auerbach.

In a report this week, the Government Accountability Office noted that the deficits born from the financial crisis are not the biggest crux of the problem.

''While a lot of attention has been given to the recent fiscal deterioration, the federal government faces even larger fiscal challenges that will persist long after the return of financial stability and economic growth,'' the GAO said.

The GAO further cautioned that the yawning deficit problems should be addressed sooner rather than later.

''The longer action to deal with the nation's long-term fiscal outlook is delayed, the larger the changes will need to be, increasing the likelihood that they will be disruptive and destabilizing.''

The Obama administration is promising to put a plan in place to lessen the deficit when the economy recovers.

''It was critical that we acted to bring the economy back from the brink earlier this year. As we move from rescue to recovery, the president recognizes that we need to put the nation back on a fiscally sustainable path,'' said OMB director Peter Orszag in a statement. ''As part of the FY2011 budget policy process, we are considering proposals to put our country back on firm fiscal footing.''

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

(Mr. STUPAK 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 New York (Mr. KING) is recognized for 5 minutes.

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

HONDURAS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise tonight to once again express my strong support for the elections scheduled to take place in Honduras on November 29. Though much of the recent news coming out of Honduras has been focused on the current round of talks between the representatives of Manuel Zelaya and the current Honduran Government, one thing has remained constant through it all: The Honduran elections that are scheduled to take place on November 29.

The most recent talks began with both sides agreeing that the elections should proceed ahead as planned. Predictably, however, now that Zelaya is realizing that he won't be able to jump back into his throne of power as easily as he expected, he and his supporters have started to call for boycotts and nonrecognition of the elections. Not surprisingly, Zelaya's ALBA fan club, headed by Venezuela's Hugo Chavez, got together this weekend in Bolivia. The ALBA league of oppressors and dictators-in-waiting issued a statement stating that neither the Honduran electoral process nor its outcomes should

be recognized by the international community unless Zelaya has been restored to power.

The United States must have no part in these efforts. They are undermining and delegitimizing the Honduran election. We have got to make sure that we recognize the validity of this process, and we should say to the world that we must recognize the free will of the Honduran people to express their desires in the ballot box.

The United States cannot play wingman to tyrants who dismiss fundamental civil liberties and forsake constitutional commitment. We should be proud of our democratic standards and not fear standing alone, if necessary, against those who work against the freedom agenda.

Despite tremendous world pressure and punishment, the people of Honduras have remained true to their democracy and their constitution. And the November 29 elections are just one more testament to their unwavering commitment.

Tomorrow I will be hosting a Members briefing, open to all Members, Republicans and Democrats, with the members of the Honduran Supreme Electoral Tribunal. This will afford an opportunity for Members from both sides of the aisle to discuss the measures being undertaken in Honduras to ensure that the November elections proceed as scheduled. I invite all of my colleagues again to please join us for this important discussion. Although we may have differing views regarding the approach that the United States has taken to the situation in Honduras, I'm hopeful that free, fair, clean and transparent elections is the way that we can all unite.

□ 1945

This is a concept that all Americans should agree. U.S. policy has historically recognized and even encouraged the implementation of elections as a necessary step to moving forward from an untenable political situation. Just this past August, as a matter of fact, Secretary of State Clinton visited Angola, where she emphasized repeatedly the importance of holding timely, free, and fair presidential elections in Angola.

Each year, the United States spends millions and millions of our tax dollars to support elections through our democratic form of government and to make sure that we promote governance programs around the world. So why, then, does the U.S. commitment to and support of elections fade away when it comes to Honduras? It should not. It must not.

A stable, secure, democratic Honduras is what is in the best interest of the United States. This election that will take place on November 29 offers us the perfect opportunity for this to happen—free, fair, democratic elections. I urge the State Department to encourage international observers to participate in these upcoming elections, and I encourage my fellow colleagues to go to Honduras for themselves. Go now and go for the elections. See for yourselves what we are dealing with and the impact that the U.S. policy is having on a democratic ally, a friend of the United States.

Again, I welcome all of my colleagues to join me tomorrow for a briefing with members of the Honduran Supreme Electoral Tribunal. Let democracy take root once again in Honduras.

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

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

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

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

Mr. MORAN of Kansas. Madam Speaker, throughout my tenure in Congress, I have worked to raise awareness about the devastating impact of domestic violence. I rise again this evening to recognize the month of October as National Domestic Violence Awareness Month. Each year I visit the House floor to speak about this topic, I hope that there will be some signs of progress in the fight against domestic violence, but sadly, Americans still suffer from its effects.

As I have reminded my colleagues, often we assume that acts of domestic violence don't occur in our own communities or to people we know or families that live down the street. Last year, I shared the story of a young woman from my hometown in Kansas named Jana Mackey, and today I would like to provide you with an update of her story.

Jana was born July 20, 1982, in Harper, Kansas. She was an active member of 4–H, an athlete, and a talented musician. Upon graduation from high school, she completed a bachelor's degree, where she discovered her passion—advocating for others. Jana went on to pursue a law degree from the University of Kansas and fought for equality and social justice through her work with countless organizations, including volunteer work at Lawrence, Kansas' GaDuGi SafeCenter, a shelter that aids victims of sexual assault and domestic violence. But on July 3, 2008, Jana's own life was ended by an act of domestic violence.

Since her death, Jana's parents, Curt and Christie Brungardt, started the Eleven Hundred Torches campaign to inspire others to continue Jana's admirable work. The goal was to encourage 1,100 people to carry on Jana's torch through civic engagement and volunteerism. As of this month, I am happy to report the campaign logged its 1,100th volunteer, but Jana's work still remains unfinished.

Jana's story proves that no State, community or family is immune from domestic violence. Domestic violence does not discriminate based upon gender, race, age, education or social status, and its plague wreaks havoc on our day-to-day lives within our communities and our overflowing criminal justice system.

Every year, there are more than 4 million new incidents of domestic violence reported in the United States, with many more unaccounted for due to fear and intimidation. Of those 4 million reported cases, nearly 100,000 Kansans fall victim to domestic violence each year.

While we make gains in raising awareness about domestic violence and providing assistance to affected victims, there is still much work to be done. Whether we are part of a business providing a service, such as refurbishing cell phones for women in domestic emergencies, or volunteers donating time to local domestic violence centers, we all can do more to end domestic violence. I encourage my House colleagues to seek out a center, a shelter, or an organization in their district or State and to further engage on this issue.

This October, let us remember the victims of domestic violence and learn from their courage as we do our best to ensure that our communities are a safe place to live, work, and raise families. I encourage my colleagues to join me in recognizing October as Domestic Violence Awareness Month.

Madam Speaker, I ask for continued support and assistance for domestic violence prevention programs.

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

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

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 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 gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

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

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

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

HALLOWEEN BUDGET SCARE

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

Mr. INGLIS. Madam Speaker, tonight I want to talk about where we are with the budget deficit.

Just in time for Halloween, we are looking at scary numbers: an annual deficit of $1.42 trillion, accumulated debt of $13 trillion. It's a real fright. So, what does it compare to in our history?

Well, here we have a chart that shows the historical debt levels of the United States. This is debt owed to the public, not intergovernmental debt. But what it shows is that after World War II there was a substantial amount of debt owed to the public; in fact, it was over 100 percent of our gross domestic product. Since then, it has gone down nicely, and that's a good thing. But here, lately, you can see the trajectory over there of where we're headed to, another dangerously high level of debt; again, an accumulated debt right now of $13 trillion, and this year will throw on 1.42 trillion from this year's annual deficit.

But the historical debt level gives us a little bit of comfort because it shows that after World War II we had a higher percentage of debt than we do now. But there is a big difference between the debt after World War II and the debt today. As you can see here, the comparison of our creditors on this debt is what's really telling and what, again, just in time for Halloween, is rather frightening.

In 1945, 95 percent of the debt was owed to the U.S. public; only 5 percent of it we were looking at back then was foreign investment. Now, then, in 2009, that $13 trillion debt that I was just talking about, the U.S. public owns only 54 percent of that debt. China owns 11 percent, other foreign countries, 35 percent.

So the very scary thing is that, unlike World War II where we had a higher percentage of debt compared to GDP but we owed it to ourselves, now with this $13 trillion debt, we owe it to foreign countries, not to ourselves.

The very sad thing for me as a member of the Republican Study Committee is that if we had enacted the conservative budgets that we proposed since 2005, we would be, right now, $613 billion to the better, because over those years, we proposed here on this House floor the most conservative budget alternatives offered. Had they been enacted, we would have been looking at $613 billion less than what we are looking at now by way of debt.

Now, from here, it gets even scarier, because this chart shows the effect of President Obama's proposed budget in 2010. As you can see, government spending as a percentage of GDP—that's what this chart is showing is government spending as a percentage of GDP—you can see it taking off at a trajectory that truly is frightening. The Republican alternative budgets, as you can see there, show a trend line down so that we would be moving away from government spending as a percentage of GDP. It would actually be declining over the years to come.

So, the question for us as Americans is: How are we going to cope with the fact that we've got a $13 trillion accumulated debt? First thing we could do is cancel the unspent part of the stimulus package; that's $787 billion. Only 13 percent of it has been spent. Surely we can cut that out. The next thing we can do is make sure we do no harm in health care, and that means avoiding yet another government program like Medicare and Medicaid that involve cost shift. That means that private sector employers and people covered by their own insurance will have to make up for the shortfall created by the cost shift that comes from these underpaying government programs. But even in their underpayment, they create an enormous government deficit problem.

So, Madam Speaker, the message I think to all of us, Republicans and Democrats, the President and the Congress, is to come together to figure out a way to get this trajectory down, to not be looking at this kind of government spending that takes off, but rather to bring that down.

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

(Mr. BURGESS 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 North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

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

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. BOCCIERI) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOCCIERI. Madam Speaker, today, we are going to highlight this hour on energy and the needs of the United States in terms of enacting a robust energy policy that is going to create jobs here in America, move away from our dependence on foreign sources of oil, and make our country stronger in the long term.

Now, I want to speak to you from a military perspective, having served nearly 15 years in the United States Air Force. I think that this issue has to be elevated from just a national debate to a matter of national security. And it's not just Congressman BOCCIERI from the 16th District of Ohio saying this.

In fact, in 2003, the United States Department of Defense issued a study and suggested that the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. The economic disruptions associated with global climate change are projected by the CIA and other intelligence experts to place increased pressure on weaker nations that may be unable to provide the basic needs and maintain order for their citizens.

So, from my own perspective, having graduated with a degree in baseball and minoring in economics, I didn't get into the whole scientific debate on whether climate change was real or perceived, but when the military experts and our intelligence experts speak, I'm going to listen, and I have to tell you that America should be listening as well.

I hope that over this next 60 minutes we will have a robust discussion about how this energy policy is going to move our country down the field so that we can end our dependence on foreign oil and we can make sure that our country becomes energy independent. After all, we did send a man to the Moon in 10 years, and I think and believe in my heart of hearts that we can become energy independent in the next 15 to 20 years. I believe in the innovation of America, and I believe that we can do this if we put our efforts on it.

Now, with the national energy debate comes a sense of trying to correct the status quo. And I know those changes are difficult, but for those who are against a national robust energy policy for the United States, you hear them speak the rhetoric from those who delivered $4-a-gallon gasoline to the United States of America. We listened to the same talking points that delivered oil prices over $150 a barrel. We listened to the same talking points who don't want us to end our dependency on foreign oil.

□ 2000

We import 66.4 percent of our oil from overseas; 66.4 percent of our oil comes from overseas. Nearly 40 percent comes from the Middle East. Forty percent comes from the Middle East.

History reminds us that, in 1944, when the United States and our allies bombed the Ploiesti Romanian oil fields, we effectively cut off the German supply of oil; but they quickly transitioned to a synthetic fuel, which is a derivative of coal, and they fought on a lot longer.

So the single largest user of energy in the United States is the Department of Defense. My friends, this is a matter of national security, and that's why an energy policy that moves away from our dependence on foreign oil is going to move us down the field to becoming

energy independent. I believe that the amount of alternative energy our Nation is able to produce is only limited by the amount of energy we are willing to invest in it, and that is why the United States is moving down this track.

We find that our intelligence experts, over serious matters of national security, have talked about this. In fact, General Anthony Zinni, a retired military staffer, has weighed in on this. We find that many of our military experts have weighed in on this as well as the CIA, which last month just set up a national policy and an agency in launching the center on climate change, with national security as a focal point for its work on this subject. So this is not just a matter of climate change but a matter of national security, and the impacting phenomena of such certification is just giving emphasis to the fact that we have got to address this as a matter of national security.

So we are going to talk tonight about energy. We are going to talk tonight about health care. I am joined by some of my colleagues on the floor, and we are going to be able to pivot in between these two subjects tonight as members of the 30-somethings because there are two topics.

There are two issues that confront us as a Nation that offer some serious challenges for our long-term competitiveness. They are health care and energy, health care in the fact that we spend more than any industrialized country on health care. Yet we find that our outcomes, our life expectancy, is on par with Cuba. With infant mortality and with chronic diseases like diabetes, heart conditions and asthma, we rank out somewhere around 38th in the world. So it's very clear that we are spending more than any industrialized country on health care. Yet our returns and outcomes, our return on investment, is not as good as it needs to be. So tonight we are going to talk about those two subjects as 30-somethings, energy and health care.

I am happy to be joined by my colleague from just a State away, JASON ALTMIRE from Pennsylvania. I would like to recognize him for this time.

Mr. ALTMIRE. I thank the gentleman.

I did want to start by joining the gentleman in a discussion of energy. I come from a region of the country where we have an incredible amount of coal reserves and where we have natural gas reserves that exceed anything available literally anywhere else in the world. We have the international headquarters of nuclear, with Westinghouse headquartered in my district, which employs 4,200 people currently; and it's growing literally every day. I have a lot of energy in the district that I represent, and a lot of it is the fossil fuels that you hear about.

When you hear about coal and natural gas, you say, well, that's the old way of doing things. I would certainly take issue with that. I think we can have clean coal and liquefied coal. I think we can use natural gas to our advantage both from a homeland security aspect and from an energy independence aspect as well. Coming from western Pennsylvania, when you think about that, that does not mean we don't think about new types of energies. I want to talk about solar and about one way western Pennsylvania has taken a leadership role in solar technology.

This week, for example, this House is going to consider Congresswoman GABRIELLE GIFFORDS' Solar Technology Roadmap Act. That establishes a committee to draft a solar energy roadmap for the Nation. Now, this roadmap sets short-, medium- and long-term solar technology goals for the United States of America, identifying research, development and demonstration needs for this technology and identifying opportunities to coordinate that effort all across the country. The bill creates a solar technology research, development and demonstration program that awards merit-reviewed grants for up to 50 percent of project costs to organizations such as academic institutions, national laboratories, industry, State research agencies, and nonprofit organizations.

Now, the reason I wanted to talk is I'm working with my colleagues to incorporate into the bill for one of the fiscal year 2011 demonstration projects a technology called ''organic solar technology.'' Many of us think solar power is a rigid cell of large glass plates, but organic solar technology turns solar cells into high-tech ink that can be printed or sprayed onto surfaces using the same general idea as an ink-jet printer. If you think about the way that works, that's the way organic solar would work as well.

This technology leap allows us to turn lightweight, flexible films into solar receptors, which open the door to using solar power for items like cell phones, laptops and, perhaps, one day, as the gentleman was talking about, for military equipment that can recharge in the field or smart labels to track retail inventory. This technology will potentially cost less than traditional silicon solar technology because it's easier to process. Some manufacturers are confident that they can bring the cost of organic solar technology to one-fifth the cost of traditional silicon technology, making solar technology more attainable for all Americans, certainly western Pennsylvania included.

Furthermore, organic solar cells would potentially be better for the environment than traditional silicon solar technology. Not only does organic solar technology use less energy in production because it requires less processing, but the cells can be easily recycled.

Today, some estimates show that our Nation is falling behind in bringing this technology to the market. Half of the world's organic solar technology patent filings since 2004 came from the United States. Yet the United States lags behind Europe and Asia in the actual development of this technology in the field according to a Navigant report on photovoltaic markets in 2007.

So two of the biggest barriers to organic solar technology today are how long the cells last in the field and how efficiently they convert sunlight into electrical energy. In closing, my provision would ensure the opportunity for a demonstration project to pursue these and other advancements.

The points of this, as the gentleman was talking about, are military applications and the ways that we can achieve energy independence. This is one example of how western Pennsylvania, which you think of as coal country and as natural gas country—and I told you we have the nuclear headquarters—this is one way that we're taking a leadership role in solar technology as well.

Mr. BOCCIERI. Well, I couldn't agree with the gentleman from Pennsylvania more in that we will find the courage to find what is clean coal technology and what we can use clean coal technology for.

Let me just say this: the United States Air Force right now is testing synthetic fuel in our airplanes, and it is using it for other applications broadly across the military because they know that we have more coal reserves in America than we have oil.

For those who may be out there who believe that we should drill in America and should take every last drop of oil out of America, we are going to expand drilling at some point. It's in the Senate version of the bill right now; but we will always have less oil than the Middle East, and right now 40 percent of our demand is supplied by the Middle East. Many have said that we're funding both sides of this war on terror, that we're sending money over to the Middle East and that they, in turn, are sending money to rogue terrorist nations that are actually looking to harm America.

So let's become energy independent. Let's use our resources. Let's use nuclear. Let's use clean coal. Let's use solar. Let's use the type of biofuels that are being researched right in our part of Ohio.

Now I want to speak to you because, if we end our dependence on foreign oil from the Middle East, what will it take? many Americans ask. What will it take to end our dependence on foreign oil?

There was a study issued that said if we put 27 percent of the vehicles on the road in the United States which are gas electric hybrids, like the Ford Escape or the Toyota Prius, we could end our dependency on foreign oil from the Middle East. Isn't that an achievable goal? Eighty percent of the worlds oil reserves are in the hands of governments and of their respective national oil companies. Sixteen of the twenty largest oil companies are state-owned—

nations that want to seek harm to the United States.

In fact, we hear from our military leaders, from General Anthony Zinni, a retired marine and former head of the Central Command, who said that we will pay for this one way or another. We will pay to reduce greenhouse gas emissions today, and we will have to take an economic hit of some kind, or we will pay the price later in military terms, and that will involve human lives. It is very clear that this is a matter of national security.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. BOCCIERI. I will.

Mr. MURPHY of Connecticut. I thank the gentleman for bringing this up, and I would like to really put this in real terms for people.

When I went over to Afghanistan and Pakistan with a group of Members of Congress earlier this year, I, frankly, was surprised to find out that the two major funders, the two major governments putting money on the ground in Pakistan, were the United States of America and Saudi Arabia. Saudi Arabia has the second largest presence on the ground in Pakistan with regard to the direct government funding of social service infrastructure, of educational infrastructure, and of health infrastructure. If you want a real example of how the money that we are paying in gas prices and in home heating oil prices are directly ending up contravening our national security interests, there is a perfect example.

Saudi Arabia is taking the money that it makes off of American consumers of oil, and they are putting that money on the ground in Pakistan to fund the madrasas, the religious schools and many of the efforts that are feeding this growing generation and generations of people who have adverse interests to the United States. They are the recruiting tools of the Taliban and of the al Qaeda funded on the ground in Pakistan by countries that get revenues from the use of their oil.

So, as we try to chart a path forward as to how we are going to make sense of the very direct threat presented to this country by al Qaeda's presence and by the Taliban's presence, giving them cover in Pakistan and in Afghanistan, we can't lose sight of the fact that this isn't just about how many troops we have there and what our role is vis-a-vis direct military action or the training of Afghan troops. This is also about the fact that, while we are funding all of those troops, as you have said, Mr. BOCCIERI, we are also funding at the very same time the efforts that are ongoing in both of those countries to undermine our efforts.

There are, frankly, a dozen great reasons that we need to progress towards energy independence, but with direct respect to the security of this country and to the threats presented to it in the Afghanistan-Pakistan region, we have immediate, immediate imperatives to get ourselves off of the oil which is funneling the efforts against us.

Mr. BOCCIERI.

Mr. BOCCIERI. Mr. MURPHY, you are exactly right. This is not a debate that is new just to this year or to this Congress. In fact, every Presidential candidate running for the highest office in this country last year stated that it is a matter of national security.

So I remind some of our friends on the other side who need to be reminded of the fact that some of their leaders who were running for this office suggested that we need a national energy policy that moves away from our dependence on foreign oil, that creates jobs in America and that makes America stronger, not weaker. One of those was Rudolph Giuliani.

To the gentleman from Pennsylvania's remarks about clean coal, he said we need to expand the use of hybrid vehicles, clean coal/carbon sequestration. We have more coal reserves in the United States than we have oil reserves in Saudi Arabia. This should be a major national project. This is a matter of national security. Every Presidential candidate has suggested that. We'll revisit some of their remarks in a few moments, but I want to go back to what some of our national intelligence experts are saying here.

Peter Ogden, chief of staff to the State Department's top climate negotiator, said the sense that climate change poses security and geographical challenges is central to the thinking of the State Department and the climate office. They're citing studies that were done under the Department of Defense which suggested that our National Intelligence experts are suggesting that this will be a breeding ground for terrorists if we do not look at this very seriously.

We are finding that areas which are wiped out by tsunamis and which have these cataclysmic events happening in their regions become breeding grounds for terrorists. They can't fund the national or the basic interests of their communities, of their countries. As a result, the CIA has said that the economic disruptions associated with global climate change are projected to place increased pressure on weak nations which may be unable to provide basic needs or to maintain order for their citizens.

That is critical, my friends. I didn't get into the whole scientific debate of climate change, but I'm paying attention when our military experts and when our Nation's intelligence experts are suggesting that we have to elevate this to a matter of national security.

I know Representative TONKO, from New York, has a few words, and he joins us in our 30-something hour.

□ 2015

Mr. TONKO. Thank you, Representative BOCCIERI, for bringing us together this evening. I can't agree more with you and the Representatives that have joined us here this evening, both Representatives ALTMIRE and MURPHY, who have indicated that there is an importance to looking at the big picture frame that should guide this debate and discussion. It is certainly about energy transformation. It's about energy security that's enhanced. It's about growing our energy independence. But it goes well beyond that. It is a factor; it is a huge argument that speaks favorably to our national security, to our economic security. I think when we look at that bigger framework, we're able to understand the ripple effect of benefits, of good, that comes from the negotiated efforts here in this House to produce a strong bill. For energy transformation, for climate change, for global warming to be addressed in positive, progressive terms.

To have listened to some of the discussion and debate on this floor that denounces some of the studies that were authored out there, where the authors of those studies have suggested to us that you're overstating, exaggerating, if not outright denouncing studies that have been put together that speak favorably to these sorts of investments have not stopped people from using misinformation and growing the arguments out there that are unfounded, unfounded and unsubstantiated by evidence and by truth and by documentation that has been established.

I think it's important for us to look at the facts. If we're willing to continue to invest hundreds of billions of dollars into foreign treasuries, to continue to rely in a gluttonous measure on fossil-based fuels for our energy agenda, shame on us as a nation. We have an opportunity here to go forward with a green energy economy that can create jobs of various disciplines, from Ph.D.s over to those with bachelor's degrees, over to those who have associate degrees and skill sets that have been developed with apprenticeship programs, with voc ed programs. Across the board, we have an opportunity to invest in all sorts of disciplines out there that strengthen our economy and strengthen our comeback for job creation and job retention in this nation.

Just the other day we were talking to people in my district from the nanoscience arena. And in a generalization of that arena, what they see from start-up businesses is that we have about 20 percent of Ph.D.s and master's degree holders occupying jobs at those centers, at the various start-up businesses that are being established; we have perhaps 20 percent with bachelor's degrees; and then some 60 percent occupied jobs that are bringing to that table associate degrees and technical training. So I think it's very evident, very obvious, by these calculable sorts of outcomes that speak to what's happening in my district that we're growing jobs in every sphere, in every dimension, with all sorts of skill sets that are required.

It is important for us to go forward with this green energy race. And we don't have a choice whether or not to enter in. We have a choice to be as prepared in that race as possible. I liken this to the space race of four decades ago, where this country vigorously pursued with a degree of passion, a high degree of passion, the efforts to land a person on the Moon. That was more than just a race to land a person on the Moon. It was a growth of technology in all sorts of areas in our life that define our quality of life: in communications, in health care, in all sorts of technical advancements in our society. And it allowed for us to think in bold and very noble terms about the importance of science and technology.

Here today, many more nations are joining in a race, a global race, on green energy, clean energy. And we don't have the luxury to stand along the sidelines and watch other nations prosper and pass us by. That's what will happen if we don't go forward with a plan, an energy plan, that will calculate jobs, that will allow for us to invest and reach to our intellect in this nation. Our intellectual capacity is great. We can't just stop with the ideas. Many of those ideas are being commercialized and deployed into the manufacturing sector in other nations. They're using American patents, they're using American ingenuity, American ideas to make things happen in their nations. We need to invest vigorously in that sort of economy. We can do it by putting together a progressive policy like that of ACES that was voted upon in this House, where we put together the framework, the blueprint—the green print, perhaps—as to how we're going to pursue job creation and responsiveness to our energy needs and a responsible approach to the environmental stewardship that is assigned each and every one of us as American citizens to this globe.

Mr. BOCCIERI. I couldn't agree with the gentleman from New York more, that this is not only about creating jobs, it's a matter of our national security and moving away from our dependence on foreign oil.

In fact, in September, the Central Intelligence Agency, the CIA, is launching the Center on Climate Change and National Security as the focal point for its work on the subject. The Center is a small unit led by senior specialists from the Directorate of Intelligence and the Directorate of Science and Technology. And further, the National Intelligence Council reports that the demands of potential humanitarian responses may significantly tax U.S. military transportation and support force structures, resulting in a strained readiness posture and decreased strategic depth for our combat operations.

This is a telling remark of where this issue needs to be highlighted. I'm a C–130 pilot. We provide humanitarian relief. We support our troops. We will be flying humanitarian relief all over the world if this issue is not addressed. And they are talking about our readiness as a country. The CIA and others are talking about our readiness as a country. And I think this is very, very important. We can use all the resources that we have at our disposal. Can you imagine one day, my colleagues, rolling into a fuel station and having a choice, between using traditional gasoline, biofuels, biodiesel, ethanol; maybe we plug in our electric hybrid or drive by the gas station or fuel station altogether because we have a fuel cell that allows us to get a hundred miles to the gallon. That is an achievable goal that we should strive towards, having choices, not just using traditional gasoline but having a variety of sources. And, in fact, we can end our dependence from Arab nations and OPEC-producing nations if we put 27 percent of the vehicles on the road that were gas-electric hybrids. That's an achievable goal, to end our dependence from the Persian Gulf.

Would we bring our troops home? Would our national interests now be so closely aligned and attached to what happens in Saudi Arabia and Kuwait and Iraq and all those areas—Iran—that have all the oil, 40 percent of the oil that comes to this nation? We can use the resources at our disposal, and I think that we ought to think about doing that. This is about jobs. This is about national security.

Let me just relate to you something that some of our leaders who are running for the highest office in this land have said. Mike Huckabee himself said this:

A nation that can't feed itself, fuel itself or produce the weapons to fight for itself is a nation forever enslaved. It's critical for our own country and our own interest economically, and from a point on national security, we commit to becoming energy independent and we commit to doing it within a decade. We have to take responsibility for our own house before we can expect others to do the same in theirs.

It goes back to his basic concept of leadership. Leaders don't ask others what they are unwilling to do themselves. That right there, my friends, is something that is very, very important.

We have been joined by one of our friends from Virginia, Congressman PERRIELLO, who has much passion about this topic.

Mr. PERRIELLO. Mr. BOCCIERI, thank you very much for continuing this. Since the last time we had one of these discussions, China has made yet another massive investment of tens of billions, hundreds of billions of dollars in their energy future, in their energy independence. I am sick and tired of us falling behind China. I'm sick and tired of importing everything from there instead of building things and growing things right here in the United States. We can do this better.

The Secretary of Agriculture and the Secretary of Energy came down to my part of southern Virginia and the Secretary of Energy had just recently gotten back from China. He was looking at the bio refineries in my district and the potential for us to be growing our own energy and keeping that wealth in our communities.

I asked him, How does this compare to what's going on in China?

He said, This is better than anything they have there right now.

But we are not investing and committing to this in the same way that they are. We cannot afford to fall behind. That's why those quotes come from leaders who are trying to show that they're leaders. But what happens once it gets to governing? Leadership cannot stop on election day. That has to be the beginning of a commitment, not the end, to showing your patriotism, to showing that you will put this country's interests ahead of the interests of the next election cycle.

For 30 years, both parties have talked about and understood the importance of energy independence, importance to our national security, importance to our competitive advantage. And yet nothing, year in and year out. This Congress is different. We are not going to allow the problems that have hackled us for a generation to continue to do so.

I was in a group with some regional planners the other day talking about infrastructure investments. They said, Mr. PERRIELLO, do you think that we have an economic development strategy in this country?

I said, Unfortunately for too long we have not, because the economists guiding the way have too often come only from the financial sector, not from the economic development sector. We need to make the commitments on infrastructure, on energy consumption, on efficiency, on smart grid technology that will create the new competitive advantage for the new American century. That is our obligation. And now is the moment where we ask, Are we ready to lead or will we cower? I want to acknowledge your leadership, not only in making difficult votes but more importantly for being a tireless advocate for what we can do in this country; advanced manufacturing of these new means of energy production, producing the energy-efficiency technology. I just cut the ribbon last week on a small business, four or five employees in my district, in a town with over 20 percent unemployment, that is figuring out how to sell the wind and solar and efficiency technologies to small businesses to help make them more competitive and to middle-class families to help them make that family budget that is so tight these days.

Mr. BOCCIERI, I appreciate your leadership. Thank you for including me in this; and we will not rest until we do what is necessary to protect this country and make it competitive again.

Mr. BOCCIERI. Thank you. I agree that this is not only about national security but creating jobs, too. We had a

recent announcement last month that Rolls Royce was moving the center for their research into my district, for fuel cells. We are going to become a leader in fuel cell research provided that we have the courage to invest in it.

You may have missed my earlier remarks because you just joined us, but I said that the only thing that is holding us back in terms of the amount of alternative energy our nation is able to produce is the amount of energy we are willing to invest in it. We have got to find the energy and the courage to make this happen.

I know Congressman MURPHY has been trying to champion this in Connecticut.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, we have the best-educated, most highly trained, most productive, most innovative workforce in the world. You go back over the history of major invention over the last hundred years, almost every single one of them has come out of American ingenuity. Yet today with respect to the global industry that produces advanced battery technology, solar cells, solar technology and wind turbines, in all three of those areas, the United States today has either one or two of the top 10 producers in the world. We have lost ground to Asia, to Europe, because we have been unwilling to be a partner with those industries in getting them off the ground.

This place is obsessed with short-term thinking. Maybe it's because everybody in this Chamber is up for reelection every 2 years. But this is a problem. This is an opportunity that requires that vision that Mr. PERRIELLO is talking about, to extend beyond 2 years, to be able to see payoffs that may not happen for 4 years, 5 years, 10 years. But the fact is that this place, Washington, D.C., the United States Congress, has been so focused on the short term, has been so focused on how we get from this year to next year that we have caught ourselves in a cycle, a downward spiral, with regard to energy and economic development policy that we are now so far beyond and behind the rest of the world.

This is absolutely about national security, but this is about putting ourselves back on the mantle of leadership with regard to the development of these technologies where we should be today. This is growing jobs in everyone's district, but it does involve some government help at the outset. To simply ask venture capitalists and private investors to put up all of the seed money required to develop these new technologies whose payoff may not come for another 5 or 10 years is unrealistic. And the reason why Japan and Germany and so many other countries are so far out ahead of us with respect to the development of wind turbines and solar panels and advanced battery technology is because they have at the outset partners in government who set market conditions that are hospitable to a public-private partnership in the development of these technologies.

This is going to be part of the story of the regrowth and resurgence of the American economy. But it only happens if we follow the example that unfortunately has had to have been set by these other countries, China included, as Mr. PERRIELLO points out. We can get back to a leadership place on this issue, but it is going to take a Congress and a President and a House and a Senate that's willing to look out beyond the 2-year time horizon, that's willing to make some sacrifices and some tough votes right now in order to get us to that point of energy sustainability and independence in the long run.

□ 2030

Mr. BOCCIERI. Well, I couldn't agree with you more. The gentleman from Connecticut is absolutely correct. This is about creating jobs. So many jobs have been created already in our congressional districts, and let me just highlight a few of those.

In Ohio, he is right about the private venture funds and the public investment that is going to be required to get this started. Ohio is going to see a $5.6 billion investment in new public and private sources due to programs and incentives under the American Recovery and Reinvestment and American Clean Energy and Security Act. These investments will lead to nearly 70,000 clean-energy jobs in Ohio, even assuming some potential setbacks with respect to how we transition to those new technologies. Presently there are about 35,000 clean-energy jobs in Ohio, and that was as of 2007.

So we can do this. We can create the jobs of tomorrow. We can stand with the innovators and the entrepreneurs, and we can disregard the gibberish and the talk that we hear, the talking points from the status quo folks, who believe and are taking their talking points, quite frankly, from the same people, the very people who gave us $4 a gallon gasoline, $150 a barrel oil prices. We can do better than that, and I think it is about our country.

Let me revisit, before we recognize Representative ALTMIRE, what Mitt Romney said. He said there are multiple reasons for us to say we want to be less energy dependent on foreign energy and develop our own sources. That is the real key, of course, additional sources of energy here, as well as more efficient uses of energy. That will allow us and the world to have less oil being drawn down from various sources where it comes without dropping the prices too high to a level. It will keep people, some of whom are unsavory characters, from having an influence on our foreign policy.

Now, even Mitt Romney, who was running for the highest office in the country, had suggested the fact that we get and we fund both sides of this war on terror, because we buy so much oil from overseas. And I believe that every presidential candidate running last year said that this is a matter of national security, and it is time that we do this.

One last thing. I visited an industry this week in my district that is leading the charge in trying to make our buildings more efficient. We spend $400 billion a year on inefficient buildings across this country, and I know Representative PERRIELLO said this before, the cheapest energy in our country is the energy that we never use.

To save energy, to reduce our consumption, is very important, especially when you have 3 percent of the world's population and we are consuming nearly 30 percent of the world's resources of energy. That has got to change, and we have got to find our way away from this, and that is what this means tonight.

Representative TONKO had a few words on that.

Mr. TONKO. Thank you, Representative BOCCIERI.

I have heard all of our colleagues talking about leadership, exercising leadership and putting a plan into action. I think what is most regrettable is that we are still having this debate as to whether or not to enter into a new energy economy, to address the climate change issues that are so much an imperative these days.

All of this discussion is coming while other nations are now investing and investing heavily in their country's economy, driven by these new technologies, these emerging technologies, an innovation economy. So our pace here needs to be sped up. But it has also got to be preceded by a sound plan that is put together. So I would implore this House and the Senate to work in a bipartisan, bicameral way with the White House to make certain that that plan is in place in very short order.

Let me just talk about some of the evidence that I have seen in my district, again with advanced battery manufacturing. I am looking at investments from GE that would allow us to address a number of dynamics that are speaking to the empowerment of the energy transformation where the battery is the linchpin.

We are talking about development at GE that will allow for multiple purposes, for heavy vehicles for their fuel needs, for those heavy vehicles to be empowered by this alternative, but a new format of battery, advanced battery manufacturing. We are talking about creating a power supply with this sort of battery.

We are also talking about their battery development, essential to the storage of intermittent renewables, supplies from the sun, from the wind, that may be intermittent in nature. The linchpin here is to develop the battery manufacturing that will transition us. All of this investment needs to be sped up.

We also need to look at what we can do with efficiency within renewables. I have recently passed in this House a wind energy-efficiency bill that allows us to take a closer look at the manufacturing and the assemblage of those

given sorts of power supply. Those renewables can be done in a more efficient way. Citing the materials that are used, we can reach to nanoscience to develop lighter materials or durable materials. How we assemble the gearbox assemblage is an important bit of R&D that needs to get done, how we develop through manufacturing a better tower system for our renewable supply from wind.

All of this needs to be a huge American investment. Again, we have the energy intellect. We can emerge from this race as a winner, but the time is passing us by. And whichever nation emerges the winner in this race will be that go-to nation that will be the exporter of energy intellect, energy ideas, energy innovation for generations to come.

So, we are going to fail the next generation of job holders, we are going to fail this Nation's economy, we are going to fail the environment agenda, we are going to fail the energy transitioning if we don't move forward intelligently, thoughtfully, progressively, in a way that allows us to capture the brain power of this country that has driven invention and innovation in so many measures, in so many dynamics.

We have it within our grasp. We need to go from research that is done at our universities and the private sector and further deploy into the commercialization zone, into the manufacturing efforts, those ideas. We have failed after that research investment. We need to have that ''valley of death,'' as it is termed, where we don't get the seed money that is necessary for a lot of this innovative spark to take its presence in our American economy. We need that sort of commitment and we need that sort of policy development.

We can do it. This House has offered a great bill. We challenge those in this process to work with us to have an outcome that has a bill on the President's desk that can sign us into a new era of energy policy.

Mr. PERRIELLO. I want to pick up on what Mr. TONKO and Mr. MURPHY said. Right now there are two types of countries around the world. There are those that are looking back 20 years ago and crying over what we have lost, and there are those who are looking 20 years ahead and saying, what could we be?

Right now, this body has too often been a problem in focusing because of the way our campaigns work and other things on how to try to protect what has been, instead of how to promote what could be. We are falling behind in competitive advantage. We still have the best workforce, we have the best capital and innovation, we have the best entrepreneurs, we have the best science. Yet we get out-competed. It is time for this body to be part of promoting what could be.

I found a lot of folks talking during August and other times I have been home about threats to capitalism and how great capitalism has been for our system. It is truly the economic driver of innovation and growth. But the threat to capitalism right now is not, in my mind, what some people have seen as a secret agenda. It is that we reward failure and we reward the status quo, instead of rewarding innovation. That is what has worked in the past. That is what can work again.

This bill, fundamentally about energy independence, is about finally getting us incentivizing and rewarding the next generation of innovation. That is how we build jobs here. That is how we grow jobs and middle class incomes in this country.

One thing we don't often do in this body is to give credit to our friends across the building in the Senate, but I do want to commend the work and the leadership of Senator GRAHAM and Senator KERRY on a call to action on that side, in the Senate; a call for whether there are 60 patriots ready to go in the Senate and pass this. In particular, I appreciate that they are willing to put the issue of a more robust nuclear agenda on the table.

I think we need to look at everything as part of this. This problem is too serious for any side to dig in its heels to some ideological purity. We must look at how energy efficiency and smart-grid technology will be part of this. We must look at nuclear, wind, solar, biomass, we must look at all elements, because this is that important to our national security and our job creation.

So I hope that there will be a robust debate on that side; that they will find ways to maybe even strengthen what we have done on this side by blazing that trail. That is how we revive innovation, entrepreneurship and job creation in the next generation.

Mr. BOCCIERI. The gentleman is correct that we spend an awful lot of time often looking back at what was instead of looking ahead at what could be. And I remember the words so clearly, reading and hearing about what President Kennedy said: We do these things not because they are easy, but because they are hard.

It is hard to break from the status quo. It is hard to let the folks who have been delivering us $4 a gallon gasoline, let them go and break our dependence on our consumption of oil that comes from overseas. The opponents of a robust energy policy in this country have been attempting to define this bill and define our movement towards efficiency, towards creating jobs, towards protecting our national security, about cap-and-trade. Cap-and-trade is one section of the bill, one section of the bill that looks at addressing the climate change issue that the CIA, that the Department of Defense and our intelligence experts are looking at.

So, are we going to put our weight with the folks who have been giving us $4 a gasoline and those big energy industries that have been making a lot of money over the status quo years, or are we going to stand with our intelligence experts and suggest that this is real? Our intelligence experts are suggesting we need to do this.

Now, when this body was faced with the decision, the section of the bill that deals with cap-and-trade, we had a decision to make. There was a court case at the end of last year that said the EPA was going to regulate emissions in this country. Well, do you want the EPA and bureaucrats in Washington doing it, or do you want the free market to do it? Because I believe, like so many of my colleagues, that the Federal Government has a responsibility to set the out-of-bounds markets, to set the goalposts, let the free market operate in between, and then throw the flag like a good referee does when someone goes out of bounds. That is what we should do. Let the free market drive innovation; let entrepreneurial spirit, let the innovators in this great country do that.

Let's do that. But attempting to define this as a national energy policy, as cap-and-trade, is not only disingenuous, I think it threatens our national security. And those aren't just my words. Those are the words of a fellow who I have a great deal of respect for, JOHN MCCAIN, Senator MCCAIN.

I flew this gentleman, this honorable American, out of Baghdad when I was flying missions over in Iraq and Afghanistan. He said it is about cap-and-trade. There will be incentives for people to reduce greenhouse gas emissions. It is a free market approach. JOHN MCCAIN is saying it is a free market approach. The Europeans are doing it. We did it in the case of addressing acid rain.

He said if we do that, we will stimulate green technologies. This will be a profit-making business. It won't cost the American taxpayer. Let me repeat that. It won't cost the American taxpayer, he said, because of the free market approach. JOE LIEBERMAN and I, Senator McCain introduced the cap-and-trade proposal several years ago that would reduce greenhouse gases within a gradual reduction. He said we did this with acid rain. This works. It can work—if we have the courage to do it.

We do these things not because they are easy, but because they are hard. That is what leadership does. But if we are worried about the next election and not worried about where our future is going, the gentleman from Virginia is absolutely correct that we are going to continue to be enslaved, like the gentleman from Arkansas said. Like he said, if we can't produce the weapons to fight our own Nation's wars, if we can't find the energy here in our own country, if we can't feed ourselves, it is exactly right that we will be forever enslaved. That is why we have to make the decision now. That is what leaders do.

Mr. PERRIELLO. I have learned a lot from the hardworking folks in my district, particularly in southern Virginia, where we have been seeing job

losses and negative economic growth for years. While the country has been facing this for the past year in particular, we have seen it for a decade-and-a-half while jobs have gone overseas.

One of the things that folks say to me over and over again is, stop offering us quick fixes. We know they are not true. Stop focusing your politics on who to blame for the problem instead of how to fix it. That is what I hear from the hardworking folks of my district. It is time to stop the politics of blame and the politics of lollipops falling from the sky and everybody will be happy on a sugar high. What it is time for is the tough work of tough solutions.

There is no quick fix for regrowing our economy. We have to recreate America's competitive advantage. We are getting out-competed, and there is no excuse for that. And too often Washington has been part of the problem instead of part of the solution.

What we are looking at is things that can not only have some short-term benefits through energy efficiency, but will be part of a long term strategy, 5 years, 10 years, 20 years, 50 years, that keep America on top. Every previous generation of Americans has been willing to step up to the challenge of their times.

□ 2045

They haven't said, What do I do to get to the next election cycle? They say, What do we do to leave America stronger and better than we inherited it? That is the sacred covenant that Americans pass from one generation to the next.

Our generation must deal with these sorts of threats, energy independence and how we compete in a global economy. It's a new thing that we haven't had to face at the same degree in the past. And for me, this is also a question of moral responsibility. We are paying the price for a period of tremendous greed and irresponsibility, from Wall Street and corporate CEOs to the people of this body to individuals buying a home that they can't afford or consuming energy they know they could preserve.

There's an irresponsibility there that we must translate into a new period of accountability and innovation, and that's what this is about. This is about living up to that sacred covenant that the Greatest Generation passes on and on through American tradition to say we have it in our DNA as Americans to not back down from a fight or a challenge, to not do what's easy, but to do what's right. And that's what I'm proud to say we have begun to do here in this body, and it is a seismic shift towards responsibility, and I'm proud to have been a part of it with you.

Mr. BOCCIERI. Well, I can agree with the gentleman more that this is about tomorrow. This is about where we are as a Nation 10 to 15 years down the road, 20 years down the road, where my children and their children's children will be.

Let me just drive home this point on national security. There was a report that came out in 2009 by the Center for Naval Analysis, coauthored by 12 retired generals and admirals of the United States military, and they found that our dependence on fossil fuels undermines United States foreign policy. It involves us with the volatile and unfriendly powers, endangers our troops in combat, undercuts our economic stability, and drives climate change, which weakens and threatens to destabilize countries and add to an already heavy American military burden. Our military experts are saying this. Our intelligence experts are saying this.

Now, we have to be leaders and say that enough is enough. We can invest in the tomorrow because we have the energy, we have the alternative energy at our fingertips, and we can make this happen. But we have got to find the courage to do this.

I know Representative TONKO wants to speak one last word on some of our colleagues and what they have said. A gentleman that we serve with here in this body, who I have a great deal of respect for, RON PAUL, Congressman RON PAUL, he said, ''True conservatives and libertarians have no right to pollute their neighbors' property. You have no right to pollute your neighbors' air, water or anything. And this would all contribute to the protection of all air and water.''

Now, what he's saying in the broader context is that this issue of climate change is our responsibility, too. We're great partners and leaders in the world, and we have to lead by example, like Mitt Romney said, like Mike Huckabee said, like the President is saying, like Secretary of State Clinton is saying. We have to lead by example, and that's what America has always done. We've led by example. So this is about where we are reaching down within our own internal national character and finding the courage to lead in this economic challenge that we face as our country.

Representative TONKO.

Mr. TONKO. Representative BOCCIERI, I couldn't agree more. And we do embrace, we can embrace that challenge, the challenge that has been put forth by all of these individuals that you named here this evening and quoted.

I heard you express the free market system and what it can do to enable us to have a better energy and environment outcome. I heard Representative PERRIELLO talk about not accepting the status quo. I heard there, Representative, a kind of a pioneer spirit, a challenge to be those pioneers that we have been throughout our history.

You know, gentlemen, I have the great fortune of representing the Erie Canal communities. Where that Hudson and Mohawk River meet gave birth to an industrial revolution. This whole channel of the waterway, which was seen as a folly approach, became the empowerment tool, not only in developing this Nation and prospering in the process, but changing the entire world in terms of their quality of life. For in that Erie Canal channel developed a number of mill towns, a necklace of mill towns, each mill town becoming that epicenter of invention and innovation, and they sparked their genius in a way that really transitioned not only America but the world.

We are at that same juncture. We are now at that opportunity moment that can allow us to seize this moment and make a difference. There are those in our country who are those intellects that are proposing these wonderful product lines, these wonderful inventions, but they need to transition from that hybrid, that prototype, into the commercialization and manufacturing of that idea.

And today, that new birth of an industrial revolution, a new economy, isn't about mass production, where they might have invented some wonderful object, produced a few numbers within their garage and then, as business grew, created a factory and mass produced. That is a different spot today for us. It's about precision. It's about the prototyping. It's about the testing, and it's about the evaluating. And that, my friends, is a very pricey situation.

There are not a lot of the start-ups and emerging technologies that have available cash at hand, and there is a huge risk factor, and there are ways to reduce that risk or work through it to see if it is, in fact, going to endure the process. But there are also opportunities for the government to invest in high-risk, great opportunities, situations that can take us into new opportunities with battery manufacturing, with new product lines, emerging technologies, that will be shelf-ready for energy efficiency, alternative technologies for producing power supplies, American power needs that are addressed by the American workforce. Think of that as a great, novel idea, growing our economy.

People have said time and time again, we hear it in our districts, Why are the jobs leaving this country? We have an opportunity to create jobs in this country that respond to our social and economic needs, that respond to our environmental curiosity and our environmental responsibility, but we need to seize the moment. We need to express, in very bold measure, that we care about the energy transformation, the innovation economy.

Let's be those epicenters of invention and innovation as those mill towns I represent were in the heyday of the industrial revolution. It is within our grasp, it is within our intellect, and it needs to be within our political will. And being here this evening and expressing with you gentlemen where we can go and where we believe we are growing our way toward is an important statement to make here this evening, and it's a pleasure to have joined with you in this special hour.

Mr. BOCCIERI. Thank you, Congressman TONKO.

We're going to wrap up here with the last 4 minutes just underscoring what we're talking about here today, the fact that we're focusing on our Nation's energy needs and the fact that we have got to move away from our dependence on foreign oil, protect our national security, and create jobs right here in America with our investments in these technologies.

And how disingenuous to some who would use the arguments by the status quo who suggest that we need to continue on the way that we have, where we'll be dependent on foreign sources of energy, on the Middle East, and on OPEC-producing nations when we want to put our faith and our trust and our energy in the innovators and the great thinkers here in America.

And how disingenuous that we attempt to define a national energy policy on an issue of cap-and-trade that has been working in this country since the 1990s, on an issue that really is just one small segment of a national energy policy that will mean the difference of us breaking our dependence and creating jobs.

This is a turning point, a tipping point for America. Are we going to lead or are we going to block? Are we going to believe or are we going to fear? And are we going to look forward or are we going to look back? Those are the questions that we have to ask with the national energy policy. That's what we can do.

Representative PERRIELLO, why don't you finish this up tonight.

Mr. PERRIELLO. Well, I appreciate, again, your leadership on calling us together on this.

It's a very simple question. Do we want to continue funneling our dollars through our gas tanks to the petro-dictators around the world that hate us or do we want to invest those dollars back in the kind of innovation and job creation that has always made this country great? Do we want to continue to support those who undermine our Nation's security or do we want to create the kind of energy independence that is necessary to secure this country and secure our competitive advantage?

And I'll tell you what. It's kind of exciting. It's an exciting moment to be at the forefront of a new industrial revolution and think about just how much American businesses will be able to outcompete and outcreate other countries if we unleash this, if we unleash the innovation and the profit motive that is available through this system, a system developed by Republicans. And more credit to them.

Cap-and-trade is a Republican idea whose time has come, which is how do we use the free market to solve some of the greatest problems of our generation. That's what this new kind of politics should be about, taking the best ideas, whether they come from Republicans, Democrats, or Independents, and using them to solve the problems for our generation. This is that time. This is that moment with energy independence, to recreate the competitive advantage of this country and to reinforce our national security.

We can do it. We've led the way. We believe we can see this through this year, and we are going to see an incredible amount of potential in this country for job growth and security because of it.

Mr. BOCCIERI. Thank you, Mr. PERRIELLO.

National security, creating jobs right here in America, moving away from our dependence on foreign oil, that's what this bill is about. Making America again the producers of wealth instead of just the movers of wealth, that's what this bill is about.

I'm proud to stand with my colleagues today to talk about our Nation's energy policy and how we move this country down the field. We do these things not because they're easy but because they're hard, as President Kennedy said.

HEALTH CARE

The SPEAKER pro tempore (Mr. PETERS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEKSTRA. Mr. Speaker, I rise tonight to talk about and take this opportunity to address my colleagues about the issue of health care, and let me just kind of frame this and put it in a context that I think will make a difference.

This is, again, one of those opportunities where Washington says, We are here to help, but what we may see is something very, very different. Washington helps the State of Michigan today to about 41 percent of its budget, but what it's really doing is it's controlling the State of Michigan. And along with some of the ill-advised decisions that have been made in our State, Washington policy, antigrowth policies in the State of Michigan, have resulted in Michigan lagging the country. We're number 50 in employment, which means we are number 1 in unemployment, and we've been there for a long time.

Let me explain how this happens. Like I said, 41 percent of Michigan's budget this year, the State of Michigan's budget, will come from the Federal Government directly. It will come with strings attached to it, Washington telling us and our State about how we need to spend our money, what we can and cannot spend it on. And remember, it's our money. It came from the State of Michigan in the first place. It came from our taxpayers. It came from our citizens. Of course, when you have a $1.4 trillion deficit, we also know that it came from our kids and from our grandkids. But with that 41 percent of direct infusion into our State budget, I think, at a minimum, what we see is this affects another 20 to 25 percent of our budget.

So, roughly, out of Michigan's budget, more than 60 percent of our spending in the State of Michigan is directed by the Washington establishment, directed by Washington bureaucrats telling us how to spend our money. And some of you may ask, Well, how does that happen? Well, think about it. When you go to the pump and fill up your tank, there's a Federal gas tax. That money comes to Washington. It goes into over 110 different funds, and then it's distributed back to the States. And many of those funds, to get our own money back, we have to put up matching funds.

□ 2100

Think about it, the State that has kind of the economic problems that Michigan has right now.

To get back our own money, we have to put up our own money and we have to put it up in such a way that we have to spend it the way that Washington wants us to spend it, not the way that we need it and the way that we might be focused on it to address the issues and the problems that we are facing in Michigan.

It's disappointing, but Michigan is known as having some of the worst roads in the country. Plain English: we've got lots of potholes.

So it was kind of surprising a few years ago when I found out that the Michigan Department of Transportation was going to build a turtle fence. Think about it. We were going to build a turtle fence. And if you think what do you build a turtle fence for, it's pretty obvious. You build a turtle fence to prevent the turtle from crossing the highway. Over $400,000 to build a turtle fence, and of course to do the expensive study beforehand to determined that we needed a turtle fence.

Remember, this is a State that has the highest unemployment in the country; it has some of the worst, if not the worst, roads in the country. We send our highway dollars to Washington and we put up our matching funds, and then the Governor says, Well, Pete, the Federal Government has told us that we need to build a turtle fence.

We got it stopped the first time, and I hope the money was used to fill potholes, to build an interchange, or to help build an extra lane in a busy place or perhaps to use it on a project that would improve the safety of our highways. But, no, 2½ years later it came back.

So I am driving north through my district, and I am going through some of the wetlands where they've constructed this highway, and I see people working. I don't need to guess what they're doing. They are constructing a turtle fence. It is a very nice fence. It's about, you know, 2½, 3 feet high, got the plastic tube on it so that the turtle can't climb the fence and then crawl over the top of it. I think it works.

I think that for $400,000, MDOT, the Michigan Department of Transportation, can build a very, very good and

a very effective turtle fence, and we can prevent the turtles from crossing the highway. I applaud the efforts of the Michigan Department of Transportation to construct that fence and to build it in such a way that it will be a long-lasting fence and will not allow turtles to cross the highway.

I am frustrated with the leadership in Michigan that allows the State to prioritize the building of turtle fences when we have so many other high-priority needs.

We've also built rest areas that cost us in the millions of dollars, rest areas that replace other rest areas that might be a little bit old, they may not be the best or the nicest rest areas in the country, but it's hard to get into the rest area because you have got to dodge the potholes to get to them.

This is what happens when we send our money to Washington and put this in the context of health care. We're going to get to health care, but put it in the context of what happens. Michigan sends its money to Washington, it goes into 110 different funds, it comes back to the States with strings attached, and then they tell us how to spend the money.

You know, back in 1998, 1999, even though I was a member of the Transportation Committee where we have responsibility for doling that money out, I said, This is the wrong way to do it. What we need to do is we need to leave the money in the State, never send it to Washington in the first place, so the people of Michigan can use their money to spend it on the priorities that they have identified. It is their money, and the money should stay in Michigan. And if there are some national priorities for a national highway system, send a couple of pennies out of every dollar to Washington, DC, but don't send all of it and then go to Washington and beg to get some of it back.

For perhaps more than 50 years, Michigan and all of the other States have been beggars to Washington to get their money back for the life of the highway trust fund. Michigan has averaged about 83 cents. Think of that. For the life of the highway trust fund, almost 50 years, we've sent a dollar to Washington, and we've gotten 83 cents back. It's time to embrace an approach that says that money stays in the States.

I was talking to a constituent the other day and they went on vacation. They said, Where does all of that money go? They'd just gone on vacation. They went to West Virginia. They now know where our highway money went. They said, Pete, the highways and the roads in West Virginia are absolutely gorgeous; they are in great shape. I would hazard a guess that they've gotten a lot more money back than what Michigan has.

So for 50 years, Michigan has been subsidizing other States because perhaps our Members of Congress weren't the chairmen of the Transportation Committee, weren't part of the elected leadership. So they didn't get their fair share. Well, it's time to go back to where we need to be, which is we need to make sure that States get their fair share and we only give part of what we need for national priorities, the Highway Interstate System. We leave the rest of the money here.

Like I said, I've been advocating for that since the late 1990s. That argument back then was Washington is here to help build a highway system, and it has now grown to Washington telling us we need to build turtle fences in Michigan.

It was 2001 we had a new President. The President's priority was K–12 education. Washington once again was here to help. So we went through the process. I was excited. I was on the Education Committee. I thought that there was a small role for the Federal Government in K–12 education. My perspective is K–12 education, the education of our most precious assets, our kids, is the responsibility of parents, local schools, communities, the State. And then perhaps to address some inequities and some very hardship cases and maybe to do some research that would be used by all of the States and by all of our school districts, you would have the Federal Government.

So I was excited because I saw us diminishing the role of the Federal Government, rolling back Federal mandates. We'd done a study in the 1990s that showed that every Federal education dollar we spent in Washington or that was allocated in Washington, only about 65 cents made it to where it needed to be. It made it to a point where it was helping educate a child in a classroom.

I came out of the business world. I worked for a company called Herman Miller. If we were looking at it and said, Wow, we're eating up 35 percent of every dollar in bureaucracy and it's not enabling us to serve our customer, we would have said we've got to go back and take a look at the system. We've got to use every penny we can to serve our customer, or our competition is going to beat us. But for Federal education dollars—again, money that would come from Michigan, go to Washington and then we'd have to beg to get it back—but only 65 percent of it would end up in a classroom, the place where the leverage point was the most important place; 35 percent would go to bureaucracy. And we'd have to fill out all kinds of reports and paperwork back to the Federal Government telling them about what was going on in our local schools.

A friend of mine and I, we would go over to the education department consistently, and we would kind of walk through it and say, Who here in the Department of Education might be from the Second Congressional District of Michigan? Who might be from Holland, who might be here from Ludington, who might be here from Manistee so they can understand the unique perspectives of the Second Congressional District of Michigan? Really couldn't find anybody. But I've got a passion for the State of Michigan and believe that every child in the State of Michigan needs a great education.

So we go around and say if we can't find somebody from the Second Congressional District, who's here from Grand Rapids? Is there anybody who works in the Department of Education from Flint? From Detroit? From Ann Arbor? From Traverse City? From Manistee? From Marquette? Who is here that understands the unique challenges or the financing of education in Michigan and how education in Michigan runs that makes education more challenging or provides more opportunities than other States in the Midwest or other States in the country?

Who understands the challenges that we face in the winter for getting our kids to school? Who understands the challenges that we have since tourism is one of our biggest industries? Is there anybody from Michigan here who can really understand all of this paperwork that comes in? And we couldn't find those folks.

So I thought, Wow, this is a great opportunity to move and diminish the Federal role, get that money back in a classroom where we could leverage it and have an impact. And from a disappointing standpoint, we went the over way. We passed a bill called No Child Left Behind. And it was a lot of folks that were enticed and seduced by the promise of Washington money and the simple solution that said, Don't worry about your education; we'll take care of it.

There were only 41 of us that said ''no'' to No Child Left Behind. Everybody else said, Washington is here to help. Don't worry about it. Things will be fine.

We're now 8 years into No Child Left Behind, and as we go around, I am finding a lot of my colleagues are now embracing a plan that we called A–PLUS that says let's roll back No Child Left Behind, let's leave the money in the States, and let's leave educating our kids to be the primary responsibility of the States, local school districts, and parents.

People say that is a novel idea. No, that's not a novel idea. Many of us came into Washington in the 1990s, and that was the idea that we promoted. Just like we did with highway funds, leave the money in the States.

Why would we want to transfer money from the States for education and for highways to a place like Washington, D.C. where they want to control our lives, tell us how to spend our money, tell us how to educate our kids? Under No Child Left Behind, what did they do? They're telling us who are good teachers.

Excuse me, I don't need Washington, DC to tell me who are the good teachers in the schools that my kids go to and who are the bad teachers. Somehow Diane and I figured that out long before our kids got to that grade.

How did we do it? Very simple. We talked to other parents who had kids in the same school that we did. It's amazing. People at the community level actually know what the strengths and weaknesses of their schools are. It's amazing. People at the local level actually can find their schools. They know where the various schools are in our communities in Lansing and Hillsdale and Oakland County. We know where the schools are. Bureaucrats in Washington can't. They can't tell the difference between one community and the next.

So think about it. In the late 1950s, the interstate highway system. Washington said, We are here to help. Fifty years later, they're telling us to build turtle fences we don't need. 2001—actually the creation of the Department of Education in 1979. It's Washington is here to help. We're now in 2009, and they're telling us who are good teachers and who are bad teachers. It kind of sets the context for health care.

Think about it. This is now where we are with health care. ''Reid offers docs a deal.'' At least this is what's reported in one of the newspapers that we receive here in Capitol Hill. It's not about quality and quantity, just like highways is no longer about building the roads that are needed and are necessary. It's about who's got the power and the authority in Washington to allocate those dollars that we send from Michigan.

Think about it. It's the powerful in Washington that have taken that power from the State, from a State legislature, and they've usurped it and they've taken it to Washington and they're using it to demonstrate their own power.

□ 2115

It's not about what roads we need in Michigan. We don't need turtle fences in Michigan right now. We have fundamental transportation problems and issues that need to be addressed, but people in Washington think they know better about how Michigan should spend its transportation dollars.

We are reducing funding for K through 12 education. We don't need No Child Left Behind, which is money from Michigan going to Washington and then being allocated by the powerful in Washington so that some States win and some States lose. In highways, Michigan has lost to the tune of 17 cents of every dollar that has ever been sent to Washington, D.C., in the highway transportation program. Think about how much better our roads would be if we would have been able to spend that money on our priorities. We might have the infrastructure that would be able to support and attract a better business climate.

Think about education, where we are cutting funding for K through 12 education, yet the money is coming here to Washington and it's going back to our local school districts under No Child Left Behind, and we've got administrators hiring extra people to figure out how we need the mandates. And a lot of this, as I look at it, ends up being what some have called ''legalized Washington corruption'' because those dollars come to Washington, and they are allocated not by priority or need, but by who has the clout and who doesn't. So some States are winners and others are losers. Some communities are winners and others are losers. And when you get to education, it means that some kids are winners and some are losers.

Then you get to health care. That's the kind of system we are moving to in health care. You're going to have winners and losers in health care because this health care debate is not about the quantity and the quality of health care. It's about who is going to make the decisions. We were promised all kinds of transparency as we were moving forward on health care and health care reform. Where is the transparency? My colleagues on the other side of this building voted on a health care reform bill—think about it—they voted on a health care reform bill based on an outline of what the author intended it to stand for and intended it to be.

And finally, after they voted on it, they passed an outline. Is that transparency? Yeah, it might have been more transparent than what we got. It ended up being a 1,500-page bill after they voted on it. And now people are starting to go through the bill and to find out what's different between what was in the outline and now what is actually in the legislative language. Surprise. We are going to have Senators who found out that they thought they were voting for this and they actually ended up voting for that. That is what we've got for transparency.

And now the next thing, ''Reid Offers Docs a Deal.'' Think about it, America. Think about it. This is what health care has now amounted to. ''Reid Offers Docs a Deal.'' Here's the deal as reported in The Hill: ''The White House and Democratic leaders are offering doctors a deal.'' This is how we are going to reform health care? ''They'll freeze cuts in Medicare payments to doctors in exchange for doctors' support of health care reform.''

Some might call that bribery.

It goes on to say, ''At a meeting on Capitol Hill last week with nearly a dozen doctors groups, Senate Majority Leader HARRY REID said the Senate would take up separate legislation to halt scheduled Medicare cuts in doctor payments over the next 10 years. In return, REID made it clear that he expected their support for the broader health care bill, according to four sources in the meeting.''

I thought this was about improving the quality, the quantity and the access to health care. But it's really not much different than what you see in the highway bill and in education. And you're already starting to see it in health care. The quality of your roads, West Virginia versus Michigan, depends on the people and the positions that they have moved into. Is that what health care is going to be, that you're going to go to certain States because they get more money? We'll talk about that a little bit more.

But this is what the process is for passing legislation. ''REID Offers Docs a Deal.'' It's a massive shift. REID can offer that—according to this paper—can offer that because if this legislation becomes law, it will not be the individual American person, family, the employer or the State who sets the framework for education. It will be leadership in Washington determining who the winners and losers will be. That's what H.R. 3200 is about. That's what the Bachus bill is all about. It's not about quantity and quality of health care. It's about who is going to have control of the decision. Who's going to be able to say, you're the folks that are going to be paying the 18 percent of the GDP, the gross domestic product, into Washington.

And then they're going to distribute it. They're going to distribute it to those people within this Chamber and within the other Chamber that are sitting in the right spot in the right chair to get more for their State and more for their community than what others may. Some of you may say, that won't happen; this is about everybody in America getting quality, quantity and improved health care. Do you really believe that that's what's happening in the highway bill? All those States that are out there, you know who are the winners in the highway formula bill, the donor States. You know who they are. We all know who they are.

We are the ones that get less back than what we pay in, not because we have fewer needs, but because someone else has made that determination.

Just like for the highway bill and No Child Left Behind, we have proposals to do it differently. For the highway bill, it's very simple. Leave the money in the States. No Child Left Behind, it's very, very simple—empower parents, don't empower Washington bureaucrats. Highways, let States and communities make the decisions as to where we're going to spend our money. As for education, let parents, teachers, community leaders, and States decide where we're going to spend the money. Heaven knows we've got enough other issues in Washington that we could and should be spending our time on, national economic issues and Afghanistan. Those deserve national priority. We want roads and transportation decisions to be made in the States. We want Michigan people to determine where Michigan dollars are going to be spent. We don't like sending our money to other States. We will make the decisions about how to educate our kids.

There's another vision that's out there for health care. It's written by a colleague of mine and myself, ''How to Insure Every American.'' Just like the highway bill has caused many of the

transportation problems in Michigan, so government has caused many of the problems that we face today in health care. Our tax code incentivizes employer-provided health care, rewards health insurance companies by insulating them from accountability and competition, and punishes those who lack employer-provided care. It's an op-ed that JOHN SHADEGG and I wrote in The Wall Street Journal published September 4 of this year.

We believe that there's a better way than going to what we have got here, H.R. 3200, over 1,000 pages, one massive bill that takes power from you, the American people, and moves it to Washington, D.C. Think about it. Do you really want to know how this bill is going to get passed, how it's going to change, and how it's going to be modified over the coming weeks? ''Reid Offers Docs a Deal.'' How many other deals are being cooked up to move this bill through the process and move the power away from you, as individual consumers, to people in Washington, D.C.?

Think about it. JOHN and I, JOHN SHADEGG and I, we've outlined an alternative vision, how to insure every American. We believe the solution to this problem is what? Just like we believe that parents ought to drive the education decision of their kids, we believe that patients and consumers should have increased power in a new insurance market because what we have today, what appears to be a free market health care system, is not. We want to improve and increase competition.

We want to empower people to have access to be able to afford health care. And later on, I will talk about the specific solutions that we have. But we have a vision that says we want consumers in charge, and yeah, we don't really have a lot of faith in this process here being in charge of health care, because they have done such a great job for some of our States and for some of us when it comes to education and when it comes to transportation.

Let me just read on. We believe that all Americans deserve the ability to select health care coverage that meets their needs, not the preferences of politicians. People versus politicians. Republicans in Congress want to empower Americans to make their own choices by providing a dollar-for-dollar tax credit for you to purchase the plan of your choice. Those who cannot presently afford coverage would be able to select and purchase their own plan using a health care voucher provided by the Federal Government, empowering individuals in a market, not the Federal Government, through mandates.

If we give citizens the ability to control their own care, cover preexisting conditions, and provide resources to the uninsured, we will have fixed health care in America. No bureaucrats. Guess what? No new czars, no mandates, just choice and coverage for every American.

It's a very, very different approach, empowering individuals, empowering States, and embracing the concept of the 10th Amendment to our Constitution, which says we are going to reserve the rights to the States, except for those things that are expressly given to the Federal Government.

Where in the world have we gone so far wrong that we believe it's the Federal Government's responsibility to get down to the point where it will decide whether our teachers develop the framework, where it will decide whether our teachers in our local schools are good teachers or bad teachers, where it believes we need a clover leaf in our transportation system, an on- and off-ramp. They don't know. These are decisions best left for parents. And since when are they going to be—if they can tell us who are the good teachers and the bad teachers, do you really believe they aren't going to try to move on and try to tell us who are good docs and who are bad docs, where our hospitals should be and what they should be able to do? We've seen what happens when they do that in education. Let's not let them do that in health care.

What does H.R. 3200 do besides moving all of this responsibility from you, the American people, to Washington, D.C.? Think about what it does to small business. Small business, the lifeblood of Michigan, the lifeblood of the U.S. economy. Do you wonder why there's uncertainty in the economy? If you're a small business and you're thinking about investing today, it's kind of like, wow, let's see. Those folks in Washington, they want to do cap-and-trade, which may put huge taxes on me. Do you know what? I'm going to have to just kind of step back and maybe reserve a little cash because I don't know what they're going to do with cap-and-trade, cap-and-tax, massive new taxes on small business, small and medium-sized business, I'd better wait.

□ 2130

That doesn't help the economy, this uncertainty.

Massive new tax increases because we don't know what is going to happen with the tax cuts that were passed and have been in law for the last number of years. All indications are that the current administration is going to let them expire, meaning more money for Washington—at least in the short term—less money for businesses for investment and for jobs because the money is going to be coming here because, guess what, we're moving health care decisions here.

And now they've got this new tax through H.R. 3200. What will it do? It mandates what businesses will have to ensure for their employees. And if they don't, it has a sliding scale. It says you will pay zero percent if you have payrolls of under $250,000; you will pay 2 percent, 4 percent, 6 percent, 8 percent, depending on what your payroll is. New taxes for small business. Wow, when we're at record high unemployment rates.

Now, I know that this is the strategy in the State of Michigan, that when we are down, our Governor has decided that she will raise taxes because the State will be taken care of first. We found out how good that worked. They raised taxes. People looked at us from around the country and said, That's kind of strange. They've got the highest unemployment rate in the country, they've got budget problems, and they believe that the way to grow the economy in Michigan is to raise taxes. They laughed, and they were right. Michigan raised taxes, our unemployment went up. Not really brain surgery; when you tax more of it, you're going to get less of it.

So when we taxed jobs and businesses more, guess what? We got less business activity and fewer jobs. Think about it. We are at 15.3 percent unemployment in our State. The scary thing is now we've embraced that kind of mentality here in Washington, D.C. The President, the leadership in the House and the Senate, they have said we're not going to continue the tax cuts that were in place for job creation over the last number of years.

They have also said that we are going to and we want to tax business more for cap-and-trade, the carbon controlling mechanism. And now they're saying the same thing with health care, an 8 percent payroll tax. Even if an employer in good faith is offering health care to their employees and an employee decides not to take it, the company will be taxed 8 percent of that employee's salary. Penalties in here up to $500,000 for unintentional failures on the part of the employer, unintentional failures on the employer.

So, what do we see? That this health care bill is predicted to drive the same kind of results that we have seen in Michigan, that by raising taxes, we're going to get a vibrant economy; right? No, wrong. That by raising taxes, we will smother our economy.

The National Federation of Independent Businesses says that they expect that if this bill goes into law, we will lose perhaps an estimated 1.6 million jobs. The Council of Economic Advisors, the Chair, Christine Romer, found that an employer mandate could result in the loss of somewhere between 4.7 and 5.5 million jobs.

This bill also has in it taxes, surtaxes on high-income individuals. So in a State like Michigan, think about the top wage earners would be paying taxes at the rate of about 52 percent, 52 percent. And remember that about 42 percent of small business income would be subject to this surtax. That's going to be really good for small business. In Michigan, it's projected our tax rate, when you combine Federal and State taxes, the tax rate would be 51.59 percent. Wow. That is going to be something that is going to stimulate our economy. But that's the direction where this bill is headed. There are lots

of questions about this bill, but let me go on.

I laid out for you that Congressman SHADEGG and I and many of our colleagues have a vision for where we want to go that says we want to empower individuals to have a greater ability to have more choice in selecting the kind of health insurance that they want.

Just recently, on October 14, JOHN and I wrote another op-ed because we were hearing all of these things about the Senator BAUCUS plan that was working its way through the Finance Committee in the Senate. And in this op-ed, people characterized it—the title was, ''Lies, Earmarks and Corruption All in One Bill.'' Now, we didn't put the title on it, but people read our content and the editors at the Investors Business Daily said—they are kind of implying that they made that decision to put those words at the heading of this bill. So it kind of tells you how we feel about the Baucus bill.

Let me just read some of what is in the Investor Business Daily editorial. ''We are nominating Senator BAUCUS' health care reform bill for the Pulitzer Prize—for fiction.

''Like works of great fiction, writers such as Ernest Hemingway, Joseph Conrad and F. Scott Fitzgerald, the story line of the Baucus bill is not what it seems and is in fact a clever subterfuge of what health care will mean for the American people.

''Hiding behind this facade is another story about a massive power grab by the Washington political establishment.

''The bill is loaded with fiction. To begin with, it purports to reduce the deficit. This is really an Enron-style scam with the bill's massive new taxes starting on day one and dramatic new health care expenditures, which will far exceed the tax revenues, beginning in year four.''

You know, in the private sector, if Herman Miller did that type of accounting when I was there, or if any company did that in the private sector today, Enron-style accounting, people would go to jail. But in the Baucus bill, what we see is tax revenue starting on day one, massive new health expenditures starting on day one of year four, and they come back and say, well, the 10-year window is going to help the deficit. And it's like, yeah, I think you're right. You've got 10 years of revenue and only 7 years of expenditures. What's going to happen when you've got 10 years of revenue and 10 years of expenditures? Excuse me. You are going to have a massive deficit. Some would call that a lie.

The Baucus bill claims to treat all Americans equitably, but we find that in the Baucus bill, ''Let's Make a Deal'' has been around and alive and well in the crafting of this bill already. And how is that? Well, just like Senator REID, apparently, according to The Hill, was willing to make deals with docs, someone in the writing of the Baucus bill was willing to make deals with perhaps other Senators to maybe get their support. Well, how would that happen? ''The Baucus bill claims to treat all Americans equitably, yet four States receive Medicaid exemptions—the Federal Government will pick up the State's share of Medicaid costs,'' the increased Medicaid costs—''for 5 years.''

Interesting, one of those States is Nevada. Where is the majority leader from? Oh, Senate Majority Leader HARRY REID is a Democrat from Nevada. Oh, okay. I think he may also be up for election. But it's interesting, Nevada will get a 5-year exemption of expanded Medicaid. Well, maybe they need it. This is the beginning of dealmaking that says your health care will be determined by leadership and not by your State.

Think about it. Sure, four States are going to get a Medicaid break. That means the other 46 States are going to be paying for it. Remember what we called that in the highway bill? You're going to have 46 States that are donor States that are subsidizing the other four States. It's already starting. And this is when people are watching. Four States are going to get a better deal on health care than what 46 other States are going to get. So now we've got, at least according to press reports, docs maybe getting a deal, four States are getting a deal on Medicaid. Does it stop there? No. It doesn't.

Again, Senator CHUCK SCHUMER, according to the Investors Business Daily, ''put in a little-noticed provision that exempts New Yorkers and taxpayers from some other States from the bill's tax on gold-plated insurance plans.'' The result? I guess there are going to be 17 States exempted there. So 17 States, at least for a period of time, are going to be exempted from paying the tax on gold-plated insurance plans. Seventeen States are exempted. That means that 33 other States must be subsidizing the health care of these 17. It means that these 33 States will pay more in taxes and it will go to these folks in these 17 States to improve the quality of their health care.

So now we know that there may be a deal for docs. In the bill, there is a deal for four Medicaid States. There is a deal for 17 States on gold-plated. It's starting to look an awful lot like how we do transportation.

Then it goes on. Massive earmarks in the bill. Earmarks. That's right, it's in the title there. Up to—I think in the House bill it was $10 billion. Maybe in the Senate bill it's $5 billion for VEBA. What is VEBA? Well, we found this about 3 or 4 weeks after the bills came out of the committees in the House, a little-noticed provision said $10 billion. I think in the Baucus bill it may be $5 billion, an earmark for VEBA. And people are saying what's VEBA?

VEBA is the retirement account underfunded for retired UAW workers. This may be a very worthwhile investment and expenditure, but it shouldn't be in a health care bill. Why is it in a health care bill? I'm not sure. Is it another deal? I don't know. It may help get some votes for this bill.

The bill will cover illegal aliens. It will cover adoption. No American is going to be able to keep their health care plan. Maybe for a period of time that they will, but when you take a look at the bill, you know, what you find is that in the bill you can't have a Health Savings Account.

If you're young, healthy, you're thinking about investing in a business, a start-up business, and you say, You know what? I want to have health care coverage, but I'm going to take a high deductible plan so my premiums are low. I don't engage in high-risk activities, but I want to put that money into my dream business. I want to go back to Michigan. I want to open up a business and I need some of that money myself, so I'm going to take the risk. I want a high deductible plan. I'm going to cover myself so if something really bad happens, I know I'm going to have the insurance coverage that I need, but I'm willing to take a little bit of a risk because I have this dream of starting this business and I want to put my money and I want to put my cash into that. I want to create a job for me and a business for me, and I want to take my job and I want that little business to grow to be two employees, to be five employees, and in 5 years I hope it's 100. And you know what? I have a dream that maybe I can be the next Apple.

□ 2145

Remember, Apple and Hewlett-Packard started in back rooms. They started in garages.

I've got an idea, and I've got a vision, and I've got a passion for this new product. It may be in energy. It may be in technology. It may be in ag, but I'm going to be the next Microsoft. I'm going to be the next Apple. I'm going to be the next Hewlett-Packard, and I'm going to do it right here in the State of Michigan, or I'm going to do it right here in the United States, but to do that, I need some start-up capital. Guess what?

The government is going to mandate that you buy a Cadillac insurance plan. You're no longer going to have that choice. Guess what?

If you started a business in the last year, saying, you know, I'm going to be able to take that money and I'm going to have that high-risk plan and I'm going to have that catastrophic and I'm going to have that high-deductible plan and I'm going to keep pouring that money into my business, when this plan goes into effect, you'd better change your business plan because the health care czar, the person whom we've told 181 times, will say you must, you shall, you will in terms of establishing the rules and regulations have to follow the law. She will say, Sorry, you cannot do that. You've got to buy

a full plan. You don't have that choice anymore.

When you take a look at it, this is why, I think, the folks in Investors Business Daily said—and when we look at the content of this editorial written by myself and Congressman SHADEGG and when we see the deal that was cut for 33 States on gold-plated insurance plans and the deal that was cut for Medicaid for four States and the deal that Reid is now looking at again, according to press reports, at cutting on docs—they call it ''corruption,'' but in Washington, some would say it's legalized Washington corruption. This is what leads many to believe that this is not about the quality or the quantity of health care; it's all about who has the power and the decision-making in health care.

You know, our last line in this editorial—and I think this is why, when I go home, I am somewhat energized by the response. I think that the TEA party movement has been phenomenal because, if we're going to leave the power with the American people on health care, if we're going to restore the power to the American people and to parents on education, if we're going to restore the authority back to States and follow the Constitution and the Tenth Amendment, the American people and the TEA party folks and the Tenth Amendment folks and others are going to have to stand up and say, Absolutely no more because, as we close: the American people need to stand up and say no, no to this callous grab of power by Washington elites.

This is the first real test, the TEA party movement, to influence public policy. Americans are counting on their elected Representatives to protect them from a tragically flawed health care bill. Grass-roots America needs to speak. They need to speak out before it's too late. If you're not willing to fight on this issue, if not now, when? Time is running out.

People say, well, we need health care reform. You know what? The American people are absolutely right; but this bill, going through this process in the dark of night and with no transparency—the President promised us transparency and that the negotiations would be on C–SPAN. We have yet to see that materialize.

So where do we go? It's a very simple alternative. It's a seven-solutions plan.

At one of my town meetings early on, the process engineer said, you know, PETE—and you probably did this when you were at Herman Miller—you know, when you were in the business world, what you did is you identified the problems, and you fixed the problems.

I said, Yeah, that's what we did at Herman Miller whether it was in the engineering area, whether it was in customer service, whether it was in marketing. You identified the problem. You brought together a group of people to develop the solution to fix that problem, and you left the other 85 percent of the company alone that was working pretty well and maybe working really, really well.

You know, 83 percent of the American people today recognize there need to be some fixes to health care. They have compassion for those who cannot get it. They have compassion for those who cannot afford it. They have compassion for those people who have preexisting conditions. America is a compassionate country.

So they're saying, Pete—and I think they're telling a lot of my colleagues this—they're saying, Address the problems that are out there, but you know, I'm relatively satisfied with my health care. Don't mess with mine, because you know what? We really didn't like what you did with No Child Left Behind. The promises were all really good, but the implementation has been terrible in No Child Left Behind.

It's just like after 50 years there are some things we really like about the interstate highway system, but we really don't like where it has evolved to today where you tell us to build turtle fences or where the Washington government says take it and identify the pieces that are broken and fix those.

So we came up with seven very simple bills—you can look these up—which address the issues that are most frequently identified as being the problem in health care. So, just like when I was at Herman Miller in the private sector, we would go out, and we'd identify the problem. We'd talk to our customers and say, What are the difficulties? What are the issues that you have dealing with Herman Miller? They'd identify them. We'd come back, and we'd fix them.

So, as we've done that and as we've talked about health care, people have said, you know, well, cost is a problem. All right. So we've got H.R. 2607, the Small Business Health Fairness Act, which are association health plans. Create more competition.

Health savings and affordability. Expand health savings accounts. Our elders may not want to use a health savings account. They've always gotten health care in a different way. So our elders may not want to use health savings accounts. Our family uses a health savings account.

Expand the access to health savings account. My kids love it. It empowers them to make health care decisions. If they access health care effectively, guess what? At the end of the year, they have money that they have saved, and they now put that as a part of their retirement plans. My daughter is planning this already, and she's 27. She has gone through this for 3, 4 years. It works. It has made her a better consumer of health care. Under H.R. 3200, that option is gone.

The Health Care Choice Act. Allow insurance companies to compete across State lines. We can address the cost aspect.

Access. Community building access. This is a plan that we've used in Michigan, in Muskegon. It's now being used. We've got a three-party cost share of the business, the individual, and the community. Creating access. Assuring coverage. Let's take care and help people with preexisting conditions. Improving health care for all Americans. So we can address the access issue.

Then let's make sure that we don't forget about tort reform. So we can address cost, access, and tort reform.

We have seven different bills which, if passed, we could implement all of them immediately rather than what this bill does. This bill goes through and implements the taxes on day one and doesn't do the program until year four. Simple bills singularly identifying a specific problem. You could identify the bill. You could read the bill. You could probably understand it. Not many people can go through this and understand it. You won't have to go through this process of let's make a deal to make it become law. Seven solutions.

It's just like we've got a vision and a plan for transportation that says empower the States to make more of our transportation decisions, leave the money in the State, and don't send it to Washington. A vision, a strategy and a plan to make that happen. It's just like we've got a vision for education that says we're going to empower parents and local communities and school districts rather than a Washington establishment, and we've got a plan to do that called A-plus, a solution.

We've got the same thing in health care. Empower consumers and not Washington bureaucrats to make decisions about their health care. We've got the strategies, and we've got the specific bills that can make that happen.

The bottom line is it's time for the American people to stand up and to say, We've had enough of Washington taking our freedom and usurping our authority and taking our decisions and having the decisions and the quality, whether it's transportation or education or now health care, be made by the Washington elites in a way that says some will win and some will lose.

That is what we have found in transportation. It is what we are finding in education. If we move the authority for health care to Washington, D.C., we will be violating the Constitution. It is the responsibility of individuals and States to deal with that. Nowhere in the Constitution does it say that this is the authority of the Federal Government, and we will be putting in place a system where the quality of your health care is going to be dependent on ''let's make a deal'' potentially with the leadership in Congress.

I want control of my health care. I think that you want control of your health care when you consider the alternative.

Take a look at the solutions that we have proposed: empowering individuals to have access and to have the means

to buy health care and to make the choices and to be held accountable and responsible for the choices that they make. When they make great choices, they will benefit. Yes, they will have the freedom to make, perhaps, some wrong choices, but that is what makes America great. When we make wrong choices, we will learn and we will improve, but let's make sure that we fight for freedom.

The time to fight for freedom is today, and it is on this issue, and we need to move forward. There is nothing more important for us to do than to move forward and to reform health care, but to do it in such a way that empowers individuals and not Washington.

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

ENERGY AND TECHNOLOGY OPTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. MASSA) is recognized for 60 minutes.

Mr. MASSA. Mr. Speaker, I thank you for the opportunity to rise today to discuss something that has become exceptionally important to me and to many in my district. In fact, it has become exceptionally important to individuals all over this country.

I ask the Speaker's indulgence tonight to engage both on a short and technical historical discussion of a technology that not only holds great promise for the United States but, in fact, for the world; and I appreciate the Speaker's indulgence as I do so.

It was a pivotal time in history, just about 100 years ago, when motorized transportation was, in fact, in its infancy, and our country and its transportation industry faced a very important choice: Should the energy for powering the newly developed horseless carriage come from electricity and batteries, or should it come from the internal combustion engine and petroleum fuels?

Remember, please, that both of these technologies—and it's hard for us to imagine—were at that time brand new. Both technologies had been established in the fledgling motorized transport industry from the beginning. There were down sides to both choices.

Batteries were heavy; took up a lot of space and took a long time to reenergize or, as we come to call it today, recharge. Whereas, internal combustion engines were noisy. They scared a lot of horses; required fuel that was both difficult to come by; they were scarce, smelly and volatile. Our other choice, the electric drive, or the internal combustion engine, would require a huge investment in the development of a nationwide infrastructure.

Obviously, the choices taken then heavily favored the internal combustion engine. By a large margin, the internal combustion engine outperformed electric drive; carried more passengers; could carry more cargo; could go farther while taking far less time to refill its on-board energy supply. This was for the fundamental reason that, by both weight and volume, more energy was contained in petroleum fuels, and they could then be packaged in batteries.

Thus, for the last 100 years and continuing today, petroleum-dependent internal combustion engines dominate every common mode of motorized transportation, but some things have not changed in 100 years. Batteries, no matter how improved, are still heavy. They take up a lot of space, and they require an awful long time to recharge.

□ 2200

Internal combustion engines, however improved, still scare a lot of horses, at least back where I am from, are still noisy, and require a fuel that is both smelly, hard to come by and volatile.

Among the things that have changed is our realization of the long-term consequences of our earlier choices. Increasingly in recent decades we have come to realize that there are many compelling flaws in our choices for internal combustion engines: The noise, the smell, the volatility, the scarcity of the fuel. The overriding concern now and the overriding environmental impact and national security considerations dominate today's discussions.

But that is not all. In the complex and dangerous world in which we live, international industrial competitiveness and domestic access to advanced technologies are now paramount. So, as with 100 years ago, much is at stake for our country and for the world in the decisions we make now. And as we are consumed in internal domestic debates over things like health care and other critical issues that we face, Mr. Speaker, I pause tonight to talk about advanced technologies.

Fortunately, the automotive industry and governments around the world have foreseen the present, what we face today, and they have been making preparations. Clearly, solutions to the environmental impact and energy security issues that we are facing have been embraced by the automotive industry, and technologies to move us to a future of clean environment and energy independence are now at hand and at the ready.

The automotive industry has proven its commitment by inventing and investing in these technologies and products, and governments have professed their support through statements such as the following from our President, Barack Obama, just recently on March 19th of this year. Mr. Speaker, please allow me to quote:

''So, we have a choice to make. We can remain one of the world's leading importers of foreign oil, or we can make the investments that would allow us to become the world's leading exporter of renewable energy. We can let climate change continue to go unchecked, or we can help to stop it. We can let the jobs of tomorrow be created abroad, or we can create those jobs right here in America and lay the foundation for lasting prosperity.''

National energy and environmental goals have already been set. We must address America's incredibly and increasingly dangerous dependence on petroleum and reduce the approximately 140 billion gallons of gasoline that U.S. drivers use every year—140 billion gallons of gasoline—and every year more and more of it imported from the very countries who would both do us economic and national security harm.

To meet these challenges, we must embrace the ingenuity of our national research community, an ingenuity and national research community that took us to the moon and beyond, and we must take these technologies from their cradle of infancy through commercial deployment and development.

Understand that we are again at a pivotal point in history. We are standing at the threshold of the greatest single paradigm shift in the entire history of motorized transportation. It has only been since the day we decided to shift from the horse and carriage to the horseless carriage that we have the options in front of us today. And only one phenomenon stands in the way of our accomplishing our national goals through the automobile industry, the phenomenon known as, and may I quote the automobile industry, ''the valley of death.''

The valley of death is an automotive industry reference to the treacherous territory between proven feasibility in the research laboratory and the commercially successful products in the marketplace. Every single new technology that we have come to enjoy in automobiles, from power brakes and power steering to factory air, has languished in the valley of death until it became a commercially available product in the mass market.

There are now four or five major technologies for us to choose from, and they are, from the most straightforward to the most technologically challenging, first, improved internal combustion engine technologies; next, internal combustion engine technologies that use alternative fuels, and we have already seen the increased deployment of things like corn and mixed cellulosic ethanol and hopefully future biodiesel. After that comes something we are somewhat familiar with, gasoline engine hybrids that we see deployed in commercial vehicles like the Prius. Next we will see electric hybrids, and, lastly, hydrogen fuel-cell technologies.

The least difficult of these technologies is the refinements to existing conventional engine technology, already discussed, and the most difficult are the advanced technologies that are brand new to the marketplace.

Automakers everywhere recognize that the technologies at the difficult

end are the ones that cannot cross this automotive valley of death alone. Successful movement from research and development successes to market successes require the cooperation and support of national governments.

One of the most promising but highly threatened technologies is the hydrogen fuel cell. This technology has an impressive history and important implications for our Nation's energy portfolio. But we are at a point where we must decide, is it worth saving this technology and promoting a vast domestic hydrogen-fuel capability? I happen to believe it is.

Let me be very clear, speaking as an individual who spent most of my life in military uniform and the final years of my military career as a senior advisor to the commander of the North Atlantic Treaty Organization, where I witnessed firsthand the cooperation between the governments of NATO and their industries, this is a national security imperative.

In order for us to maintain our place in the world, we must maintain our industrial competitiveness, and that means we must have robust supply bases and parts manufacturing. We have let our ingenuity and investments in industry fail before, only to be picked up by foreign competitors, and then we pay the price for reimportation. It is dangerous to rely on their industries and not on ours. We must focus on maintaining a strong advanced-technology domestic industry, and we are in a good position. In fact, we are in the lead with respect to hydrogen fuel cells.

This is an energy issue involving national energy security. It involves sustainability that couples the capabilities of fuel cells with biofuels, hybrids, photovoltaic, wind. This is an entire portfolio. It is not one over the other, but the synergy of all of those technologies, and we cannot rely on foreign countries to power America. We must embrace domestic energy technologies for both their reliability and sustainability in the future.

If we are going to be a world leader with a strong domestic economy and not rely on foreign countries both for technology loans and for foreign loans, as we are today, we have to move forward in partnerships with industry. We risk maintaining and repeating the mistakes of the past.

In the late 1990s and the early 2000s, the United States Advanced Battery Consortium worked on battery research and development. Today, that battery technology has been commercialized and it is a market dominated by both Japanese and Korean manufacturing giants, not American.

From the early 1990s, the Department of Energy and General Motors have developed a U.S. fuel-cell program into what is today a global leadership position. Today, catching up quickly, there are announced programs from Germany and Japan, China and Korea, with huge investments to commercialize hydrogen fuel vehicles by 2015, and this will push the United States to a number three or worse position. I think this sounds all too familiar.

Mr. Speaker, I would like to refer to a series of charts to help us visually understand some of the challenges, the risks, and the benefits that we face today.

Back in 1968, we had the Electrovan. It was completely filled with fuel cells and hydrogen tanks and it was done in a van of that size because this technology at that time could not be miniaturized. It was so large, it required the entire interior volume of a van.

In 1997, the first Department of Energy and General Motors fuel stack, not yet packageable for a vehicle, became an industrial reality.

In 2007, a complete hydrogen fuel-stack system was packaged into a Chevrolet Equinox, and over 100 of these vehicles matched in their capabilities were built and deployed all over the United States. They are now on the road being driven by your neighbors and friends in test and pilot programs and have accumulated over 1 million road miles of research and development.

In the very near future and in the research and development centers today—I have seen them with my own eyes—is a Generation 2 system being readied for 2015, half the size of its predecessor, with increased performance, and it will be both not only lighter and smaller, but it will be progressively even smaller to fit into more styles of vehicles.

□ 2210

This, frankly, in this short of a period of time, is incredible technology progress. From the humble roots of this technology and a van full of equipment to today's Equinox fuel cells and beyond, the U.S. is the country that has advanced automotive hydrogen fuel cell technology, us, Americans, right here in the United States.

The Department of Energy Research and Development program, developed in partnership with domestic automobile manufacturers, was one of the best thought-out, most fully vested, periodically reviewed programs the Department of Energy has ever deployed. And the DOE invested to help advance this technology quickly towards production, and it set difficult technical goals to measure the progress of that program. The auto companies met or exceeded every single technology milestone placed before them. These included the size and weight of hydrogen fuel cell technology as both of those shrank significantly.

The technology was cold weather tested, and I cannot tell you, coming from upstate New York, how critical that is. It proved to be extremely versatile under multiple different environments. It was also done while improving durability, and current hydrogen fuel cell vehicles increased a mileage capability that before was unheard of, right now achieving some 800,000 miles—let me rephrase that, some 80,000 miles of lifetime between hydrogen fuel cell change-out, and the first commercial vehicles available in 2015 will have 125,000-mile durability capability between changing. That was unheard of just 10 years ago.

In the United States, billions and billions of dollars have been invested in government and private partnership to make hydrogen fuel cell vehicle technology a reality. The Department of Energy alone invested $2.3 billion in vehicle-related research and development. And General Motors, from their own coffers, invested $1.5 billion to place this company and this country at the forefront of hydrogen fuel cell research and development. Remember the goal, the billions and billions of gallons of gasoline we burn every year that will some day no longer be needed.

Hundreds of hydrogen fuel cell vehicles are currently on the road. Many major automotive companies have fleets. Preeminent among them, General Motors, but catching up quickly, Toyota, Honda, Hyundai, and Daimler. These are not some laboratory curiosity. Several automobile companies now loan or lease these vehicles to people just like you and me that take them home, park them in their garage, get up and take them to work the next morning. I know, because on my very first day as Member of the United States Congress just some 10 months ago, on a very cold January morning, I fired up a hydrogen fuel cell Equinox and drove it and its companion vehicle to the steps of the United States Capitol to demonstrate that this technology is no longer a laboratory miracle but is on the cusp of commercial development and deployment. So we've come a long way. And the question now is: Should we continue with this technology? Is this technology essential?

Mr. Speaker, let me turn to the next slide if I might. I'd like to talk for a moment about energy and technology options.

Energy security and the ability to reach emission gas reductions is critical. On this slide, we see in green, blue, and yellow, a library of our energy source portfolios: oil in its conventional, oil its nonconventional formats, biomass, natural gas and coal, renewables of many kinds, and nuclear. That's about what we have where we can go shopping for today's energy sources.

In the center is the type of fuel that those energies provide from a liquid fuel, and we know that to be diesel, gasoline, to gaseous fuels, which have special uses in niche markets like agriculture, propane, natural gas compressed, electric vehicles and hydrogen. And then we can talk about propulsion systems. Today, we have conventional internal combustion engines. We have internal combustion hybrids. That would be what we call and have come to be known as the Prius, plug-in hybrids, next generation, range-extended

electric vehicles. We'll see those soon in a product called the Volt. Battery electric vehicles that have been around for quite a while are in use in many different ranges, and fuel cell hydrogen electric vehicles.

This is the menu that we can choose from, and it's absolutely critical that we maintain the broadest menu possible. So how do we avoid potential conflicts, unexpected shortages, foreign countries that will hold us hostage to a particular kind of energy, whether it be oil or nuclear fuel? How do we strive to move forward? We maintain a full menu of choices.

Now, some of these fuels have some limitations. We are very excited about biofuels, and certainly, based on my agricultural-dominated congressional district, I join in that. But they have a limitation. We can't fully meet demand based solely on biofuels, if for no other reason, because of land use requirements. We know and I've discussed briefly and will discuss in more detail that batteries have cost and weight problems. Let me illustrate this in the next slide, if I could.

There are different amounts of energy contained in different kinds of fuel, and, Mr. Speaker, if you will indulge me just a brief discussion of a technical nature. Today, if I want to drive 300 miles, it will take me approximately 72 pounds of diesel fuel. Now, if you take that amount of diesel fuel and you wrap it into the fuel delivery system, the piping, the pump, and the fuel tank, the total weight of that onboard device is about 94 pounds. If I want to do that with compressed hydrogen, the amount of hydrogen that I want to use contains 13.2 pounds. Now, why is that? That's because hydrogen, pound for pound, contains much more energy than does diesel fuel. It's an incredibly more efficient energy delivering fuel. But because it's a gas, it must be compressed and so its tank will weigh more. And the entire energy delivery system for a vehicle will weigh about 275 pounds. Well, that sounds like a lot more than the 94.8 pounds, but it's really only about 180 pounds heavier. That's about one passenger's worth. That's a very manageable technical challenge to engineers in the automotive industry.

But when we talk about batteries, it will take 1,829 pounds of Lithium ion batteries to allow me to drive 300 miles without recharging, and the delivery system, the encasement, the battery, cables, and the harnesses, will weigh about a total of 1,829, with 1,190 of that actually being the battery itself. Now, that has market value. There are urban uses for battery-powered vehicles, but long-range, high torque, high horsepower extended driving is not one of them. It is only through a high density, high energy fuel, in this case today, diesel or gasoline, and in the cars of tomorrow through hydrogen, that you can achieve that. Lithium ion batteries technically, because of the laws of physics, will never get us to where we have to go across a broad spectrum of driving requirements. It is simply not physically possible. In order to do this, I believe, and many experts join me, we have to harness the power of hydrogen through advanced fuel cell technology.

Now, petroleum and hydrogen have two other advantages. These vehicles can be refueled every 300 or so miles, and it takes about 3 to 10 minutes to do it. A battery electric vehicle requires overnight charging and it requires it to be done with a high-capacitance recharging system. That's fine if you have 8 or 9 hours to recharge your car. And there are many uses in urban America where that's possible, but not in long-range, high horsepower transportation requirements.

Let's talk, if I could, on the next slide, about the range, about the requirements of driving as we see them today in the United States. This brings the technology back to the consumer. On this chart, on a four-way arrow, here we talk about high loads. Now, those of us who come from farm country know that there's a lot of driving to be done agriculturally that requires heavy duty pickup trucks.

□ 2220

On the other hand, light-load driving for those in a much more urban environment, like a Los Angeles or Miami or New York City, recognize light-load small vehicles.

Then we go as far as range: continuous highway driving down Interstate 90 and Interstate 5, or short-burst driving as we go on errands from store to store. Battery electric vehicles perform very well in local light-weight driving, and they can do a great deal to lesson our burden on imported petroleum in that market. Extended-range electric vehicles can make that just a little bit better, but it's still about a four-passenger car.

Fuel cell vehicles are the only vehicles that will be able to meet a consumer demand for range; that's long-range highway driving—load requirements—that's heavy pickup truck-type requirements—and quick refilling time.

Diesel fuel for the near foreseeable future is probably going to be the fuel required to move heavy buses and heavy trucks over long-range routes. But imagine that they are a mere fraction of those billions of gallons of gasoline that we burn and import every year from overseas. There is a huge application for hydrogen fuel cells in meeting consumer demand for vehicles that have long-range, high-load requirements, and quick refilling time.

But can hydrogen fuel cell vehicles become a reality? Let's look at the next chart just where we were in the year 2000.

There are four myths that are currently being discussed with respect to hydrogen fuel cell vehicles. One of them is fuel cells are too expensive, and they're not durable enough. The reality is the cost benefit of a hydrogen fuel cell is measured in something called dollars per kilowatt. You measure the output in a kilowatt.

Now, just to bring this back to home, your average light bulb at home is 100 watts. So 10 of those turned on at the same time is one kilowatt. An Equinox extended-range hydrogen fuel cell vehicle today produces about 120 kilowatts of electricity, and significant cost reductions of this measurement have already been made just in the past 10 years from a plateau of $275 per kilowatt all the way down to today at 61 kilowatts, well on the way to the commercialized requirement of a 45-kilowatt vehicle. That's $45 per kilowatt.

Just last week the Department of Energy in its hydrogen program released a document confirming a current $61 per kilowatt in 2009 dollars projection. As shown on this chart, this is a reality today. Cost will be, and soon are, comparable to all other advanced technologies at high volumes of production, a high volume of production being 500,000 vehicles per year.

It was an incredibly difficult challenge put forth by the technicians of the Department of Energy, and the goals have been met or exceeded as developed by major automotive manufacturers right here in the United States. In fact, GM is on track to release a commercial model that meets or exceeds all durability and cost guidelines by 2015.

Myth two as shown on the next chart: hydrogen from natural gas is not an ideal source, and we don't have other options.

Let's go back to chemistry class when we were in high school. Hydrogen gas comes from two main sources: either something called reformatting natural gas or fundamental electrolysis. The reality today when you measure the amount of CO_2 that's expelled by a vehicle per mile driven as it is today, today's gasoline engines produce 540 grams, quarter of a kilogram, about half a pound, of CO_2 per mile. And we will be able to lower that to about 410 grams. If we just use and burn natural gas in a compressed tank, it's about 320. If we go to hybrid electric vehicles, of which there are four major types: gasoline, diesel, corn ethanol, and cellulosic ethanol, we can get it down to about 65 grams.

If we're talking about plug-in hybrids, today we have a gasoline hybrid that gives us a 240-gram-per-mile burn, and cellulosic ethanol can get it down to 150. It is only hydrogen fuel cell vehicles that meet the emissions requirements required for us to move forward.

If we take hydrogen and reformat it directly from natural gas, technology available today, we achieve a 200-gram-per-mile equivalent. That's half of the very best that we can get out of gasoline today. And if we go to hydrogen made from central wind electrolysis, it's almost untraceable. We actually achieve the goal of leaving nothing behind the vehicle but water vapor.

Natural gas is an abundant, domestic resource. We have it in quantity. Eleven billion kilograms of hydrogen already produced from natural gas in North America and 60 percent of this, enough fuel to power 21 million hydrogen fuel cell vehicles, is used to clean up petroleum in refinery operations today.

Natural gas-based hydrogen used to power hydrogen fuel cell vehicles is less than half of the greenhouse gas emissions of a conventional gasoline-powered vehicle. And looking forward, hydrogen, with near zero greenhouse emissions is possible, both from nuclear biomass and renewable electricity. In fact, solar arrays are in operation today that are producing hydrogen at generation efficiency twice of the Department of Energy's 2015 goals. This is not future science. This is science of today.

Myth number three—this is associated with hydrogen fuel cells—is that no good storage mechanism is available for transportation.

Most companies today use a 10,000 PSI compressed hydrogen tank. Vehicles use the storage tank, technology has been able to hook up to 300 miles. It was the technology that was in the vehicle that I drove from my home in Corning, New York, all the way down to Washington, DC. Compressed hydrogen offers all of the capabilities needed to begin commercialization of vehicles today. This, like all continuing research that goes on around the world, will progress. But it is a reality as we know it today.

Let's talk about myth four, which is probably the most daunting issue facing America. And, Mr. Speaker, I appreciate your indulgence in what is increasingly technological conversation.

Distribution infrastructure isn't there, and there are no plans to establish it. That's myth number four. The reality is that the infrastructure challenge is solvable. Stations are here now, and according to the National Hydrogen Association of the United States, we currently have 75 stations located around the country, most in New York and California, with 44 more planned over the next 2 years.

Like the Eisenhower Interstate Highway System or the international and national railroad systems, or our own aircraft and airport infrastructure, this will require a national involvement, a national government involvement, which will result in jobs and lots of them. It will create entirely new industries, industries that cannot be exported; and it will be a tremendous stimulus to the U.S. economy in and of itself.

To roll out this infrastructure, all we need to do is start with nodes and then connect them, and the work has already started. It doesn't require a miracle. It only requires the will and the national focus to do it.

Here we see to my right several of the stations that are already being designed and implemented for commercial exploitation around the world. In places like the University of California Irvine, in Germany, right here in Washington, DC., where I refilled the hydrogen fuel cell vehicle that I drove from Corning, and in Berlin, Germany, where they have taken that design—and I will talk soon about its mass introduction throughout their entire highway system.

Again, it doesn't require a miracle, only the national will to do so.

Let us take a look at the next slide and see how we can actually manage this transformation and manage it quickly.

We start with select high-profile stations; and then we move to the next stage, about 40 stations per large metro area. Here we see both New York City and Los Angeles, just two examples.

Thirty metro stations for the entire metropolitan Los Angeles area will provide a network where no matter where you are, you are only 3.6 miles from a hydrogen filling station. Add 10 stations outside of the metro area, and that's what you need to allow consumers to meet their average weekly and weekend needs. And in Los Angeles, by the way, it's important to view the driving patterns of consumers.

□ 2230

There are consumers who want to be able to drive to Las Vegas, San Diego, Santa Barbara, Palm Springs and Big Bear, but they don't necessarily transit north to that extended range, and so this has a particular viability in southern California. Similarly, New York State, my home State, has the potential for a ''hydrogen highway'' as described in previous work by the New York State Energy Research and Development Authority. You can build nodes and link them together along roads like Interstate 90.

But NYSERDA, the New York State Energy Research and Development Authority, recognizes that ''as with any vision, barriers to achieving our goals exist. The support needed must come from collaborative efforts among industry, as well as between industry and local, State, and Federal Government. Communication and cooperation will be required to overcome the technical, market, and policy challenges impeding the implementation of hydrogen energy systems.''

As a proof that this technology is here now, we only have to look at what is happening within the automotive industry, especially abroad where foreign governments and car companies are teaming up to tackle the challenges of commercializing hydrogen fuel-cell vehicles.

Let's take a look at some of those partnerships in the next slide. As I have said continually, the technology is here and here now, and those in the industry recognize the potential of hydrogen cars in the commercial market. The global automotive industry says that at the current pace, these vehicles will be on the road commercially by 2015. Major world automobile manufacturers have signed a Letter of Understanding as recently as September 9 of this year between Daimler, and they recognize the requirement of the synergy between hydrogen fuel cells and battery technologies. This letter went to energy companies all over the world and government organizations around their host countries.

To quote that letter, allow me to say, over the last decade, governments, original equipment manufacturers and automobile manufacturers and the entire energy sector have given special attention to the introduction of hydrogen as a fuel for road transportation, and they have given it the priority option to reach several goals associated both with emission management and CO_2 reduction. Battery and fuel-celled vehicles complement one another and can move us closer to the objective of sustained mobility.

Honda, Toyota, Renault Nissan, Opel and GM, Ford, Daimler, Kia and Hyundai have all made significant investments and are moving ahead aggressively, but it is here in the United States of America, quite frankly with American ingenuity, that we have taken a leadership position that today is being threatened by a lack of partnership and a lack of vision. Let me quote further from the letter that was put out by Daimler, in order to ensure a successful market introduction of fuel-cell vehicles:

''This market introduction has to be aligned with the build-up of the necessary hydrogen infrastructure. Therefore a hydrogen infrastructure network with sufficient density is required by 2015. The network should be built up from metropolitan areas via corridors into area-wide coverage.''

Mr. Speaker, others get it. And many in this country understand it as well. Foreign governments in Germany and Japan are listening to their automotive manufacturers. They are collaborating with those manufacturers to put production vehicles in the market and in the marketplace by 2015 and explore simultaneously the need to overcome infrastructure challenges. Working to blanket their countries with a national hydrogen fuel-station infrastructure that will free their countries from foreign oil. And we will be left side-lined, wondering how this happened.

In our next slide, the flags tell the story. Our competitors are passing us by. They will soon have government-supported fuel-cell fleets on the road for research and development and prototype testing, as well as the infrastructure to support it. China, Korea, Japan and Germany are all in the fight competing with the United States, all moving forward aggressively and, in fact, faster than we are to commercialize technologies that we invented here in the United States. Their industries and their governments are working together. In Japan and Germany, long-term government industrial collaborations have existed, and they are

leveraging those collaborations and those partnerships to leapfrog over the United States and the work that we put in place initializing the very technologies that we may one day be threatened with having to reimport into this country.

China is also learning a lesson and watching us carefully and matching their incredible ability to literally reverse engineer anything and everything that is developed and placing their massive industrial strength behind it. There is no doubt that should they want to and should we surrender the lead, they will overtake us.

The bottom line is if we don't move on hydrogen fuel-cell technologies and the vehicles built from them and we do not move forward, someone else will, and we will end up buying it from them just as we have ended up buying hybrid technology from the very competitors who took it away from us after we invented it and moved that technology forward. We will be reliant on these foreign producers for this clean technology in the same way that we rely on foreign oil right now to power our automobiles.

Let's look at a specific on the next slide. Germany, an ally and an industrial partner, has developed a logical plan with government infrastructure developments and hydrogen fuel-cell automobiles to roll out H2 fueling stations over a very short period of time. To the far right we see in 2013 some 150 fueling stations, and by 2017, 1,000 hydrogen fuel-cell filling stations, allowing the Germans to access hydrogen technology all over their country. In just four short House of Representatives election cycles, they will be done. And we will be wondering how did it happen? How were we left behind? This is because countries all over the world have, or are developing, national hydrogen plans.

Mr. Speaker, allow me to show you in the next slide who some of those players on the global market are. Germany and Japan are leading globally and leapfrogging ahead of the United States. China is coming on strong and in the past has not respected other nations' intellectual property rights. This will allow them to not only catch up quickly but surpass us. And believe you me, they will and they are. Korea is also stepping up with its manufacturing partnership with Hyundai. All over the globe we see other countries realizing the promising future of this technology. We invented it here. We developed it here. We are manufacturing it here. And yet, we are at the cusp of surrendering it here.

In the big picture, manufacturers from Germany, Japan, Korea and China are now accelerating their movement forward, and they are doing so quickly with a massive government research and development program. They will likely soon have large fuel-cell fleets on the roads, even larger than General Motors' current research and development 119-car fleet. They are installing thousands of hydrogen fueling stations that will relieve their countries from the burden of foreign oil and establish a viable energy infrastructure that supports clean, renewable energy production within their own countries independent of importation. And they will be creating the tens of thousands of new green jobs that should be created and kept here in the United States of America.

We have seen this before. Not too long along ago, this country invested in battery electric vehicle technology. And I'm not talking about the investments that came out of the recent stimulus bill, but rather the investments that were made back in the 1980s. The Department of Energy invested to kick-start the technologies and advance them towards production, and a large automobile manufacturer in the United States built a small fleet of battery electric vehicles that were placed on the road with real world drivers, sort of like where GM is today with hydrogen fuel-cell vehicles. The United States, in particular one State in the United States, California, then shifted its focus, and the programs became economically unviable and went away quite dramatically.

Today, leaders in this technology, battery automotive technology, are in Korea, China and Japan. And yet, the research and development was done here in the United States of America.

By the way, this is not an anomaly. I could have told you the same story but replaced ''battery'' vehicles with the word ''hybrid'' vehicles. And yet, last year, as the price of gasoline spiked and the United States consumer market focused on hybrid vehicles, there were no commercially available, mass deployable, domestically manufactured hybrid vehicles. Why? Because we embarked on that technology and we allowed foreign manufacturers to capture it, thus forcing us to reimport it at significant capital costs to the United States. If all the other major countries have a very specific program in place, what do they know that we don't know?

Well, here is an aspect of it, Mr. Speaker, that I would like to leave you with tonight. Allow me to conclude with one final slide. This is not necessarily only an issue of commercial capabilities or of industrial capabilities. It is an issue of national security. The United States military sees a need for independent energy capabilities. This was recently outlined in an independent report by the Defense Science Board Task Force on DOD Energy Strategy. In recent letters from senior DOD officials, one individual quoted ''domestic leadership in advanced technologies such as fuel cells is of national importance.''

□ 2240

The task force concluded that the Department of Defense faces two primary energy challenges. Department of Defense energy operations suffer from unnecessarily high growing battle space fuel demand. Let's face it, an M1A2 Abrams tank powered by a gas turbine engine using aviation fuel burns a lot of gas. And we have seen over and over and over again in land, air, and sea warfare that the logistical requirements of moving fuel is one of the most important battlefield criteria.

In fact, in my own life, I learned at advanced war schools, such as the National War College and the Naval War College, that amateurs talk about bullets and guns and professionals talk about logistics. And logistics harbor around the movement of petroleum products for our aircraft, our tanks, and our ships. And we are increasingly and at farther ranges dependent on that. In fact, Mr. Speaker, just recently on the front page of a major Washington political newspaper the headlines read that a gallon of fuel used by the United States military in Afghanistan is costing the United States taxpayer $400.

Likewise, military installations both overseas and, of some significant national security curiosity, right here at home are completely dependent on a civilian electrical infrastructure grid. When the lights go out in New York City, they go out on any military base on the same electrical grid. There is no independent powering sources. This is not a position that we want our military to be in.

Hydrogen fuel cells can help the military address its own petroleum reduction requirements. Nontactical vehicle applications, these are the everyday administrative vehicles used all over the United States by the DOD, are a wonderful place to introduce this technology and move forward. And stationary hydrogen fuel cell storage and requirements are also a significant national security increase for our shoreside installations.

Fuel cells and nontactical vehicles will later enable tactical applications. And while it seems far fetched that we may one day have a fuel cell-powered tank, Mr. Speaker, I offer for consideration that those on the battlefield of the Civil War would have had a hard time imagining a gas turbine power aviation fuel Abrams M1A2 tank. We simply cannot rely on surrendering the promise of this technology and shipping it overseas.

Now, Mr. Speaker, with total transparency, I must confess that one of the reasons that I am so motivated and so passionate about this subject is that for the past 15 years, out of sight and out of mind, in a corner of my congressional district that most people did not even know existed, some 400 engineers, technicians, and support personnel have worked to bring the vision of petroleum-free transportation and independence from imported petroleum to reality.

Tonight and tomorrow, and hopefully into the future, the engineers and the

technicians at the Honeoye Falls advanced fuel cell research and development facility have brought the future today. Their leader, Mr. Matthew Fronk, a man who will soon retire from his position and seek a leadership role in academia, is to be commended for his vision and for his leadership. And it is not he alone, because it is a classic example of the ability of private industry, in this case, General Motors, a company often maligned and much in the press, who has brought to the Nation a unique, forward-looking capability that no other Nation in the world today has, and yet we are at the cusp of losing them. Right when we had the future in our hands, brought to us by hardworking and highly educated, incredibly passionate and dedicated technicians and engineers, we are about to surrender it as we surrendered battery technologies, as we surrendered hybrid technologies.

So, Mr. Speaker, allow me to conclude by reading an article that appeared in CNN Money magazine just last week. It is titled, ''The Hydrogen Car Fights Back.'' President Obama is betting on biofuels and batteries, but that isn't stopping some automakers from investing in hydrogen fuel cars. As it appeared in Fortune magazine, I quote, ''The valley of death is auto industry speak. It is a metaphorical desert where emerging technologies reside while car executives figure out which of the experiments ought to make their way into actual cars. Every automotive leap forward has done time in the valley, turbo chargers, fuel injections, even gasoline electric hybrids like Toyota's Prius. Hydrogen fuel cell vehicles, the alternative energy flavor of the month back in 2003, are the ones languishing today, along with hovercraft and other assorted concept cars, but perhaps not for much longer.

A number of automakers are now renewing their push for hydrogen, and now it is looking as though hydrogen cars will make its way out of this conceptual vehicular valley of death. Last month, Daimler, the German Government, and several industrial companies announced a plan to build 1,000 hydrogen fuel cell stations across Germany. Days later, Daimler's CEO, Dieter Zetsche, showed off Mercedes Benz's latest hydrogen fuel cell effort, the F-Cell hatchback. Toyota, this summer, announced it will put hydrogen fuel cell cars into production by 2015. Honda, GM, and Hyundai all have hydrogen fuel cell programs running, and Honda has actually put vehicles—heavily subsidized by the car maker to be sure—in the hands of some real customers as opposed to its own engineers. Parenthetically, GM, today, is focusing most of its energy on the plug-in hybrid Chevy Volt, but the company still says it expects to have fuel cell technology ready for commercialization by 2015.

Mr. Speaker, as we debate the great issues of the day, and there are many to debate, we hear them on the floor of this House every afternoon and every evening, be it national foreign policy issues that weigh heavily on our minds in Iraq and Afghanistan, whether it be a contentious debate about health care, allow us not to lose the vision of the future. Allow us not to do what has been done before. Allow us not to forget and give away the decades of advancement and work that have accomplished so much in this very focused area of technological development that holds so much promise not only for the automotive fuel sector, but for energy independence. We speak on the floor of the House in great and grand and umbrella arching metaphors, and yet now it is time to speak of specifics.

And so, Mr. Speaker, I thank you that for this last hour I was given the opportunity to highlight a specific technology that holds so much promise, because back home at the Honeoye Falls research and development facility it can truly be said that not often in history have so few done so much for all of us.

Mr. Speaker, I yield back the balance of my time.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I am honored to have the privilege to address you here tonight on the floor of the House of Representatives. And having been privileged to listen to the gentleman before me speak of the energy issue, and not taking particular issue with the delivery that he has given nor the facts that he has such a good handle on, I would just make this point, Mr. Speaker, and that is that a little over 1 year ago, 1 year ago last August, many of us Republican Members stood on the floor of the House of Representatives and argued that we needed to expand the energy for the entire United States of America; all energy all the time.

We started that debate before the adjournment for the August recess, and the Speaker didn't want to hear the debate on energy. And so there was a motion that was delivered to adjourn abruptly, which was passed on a purely partisan vote. We kept debating energy. We were geared up to come here and debate energy 1 year ago August. And as we debated energy, the microphones were cut off, the lights were shut down, and the House of Representatives would have been cleared by order of the Speaker except we do have enough sovereignty here to bring in the citizens of the United States and our constituents. And even though Speaker PELOSI shut down the microphones, turned the C–SPAN cameras off to the side and tipped them down and dimmed the lights—didn't shut them completely off—we continued to debate energy every single business day all the way through August and into September and after Labor Day and back again.

□ 2250

Our argument was not to reject hydrogen. Our argument was to expand access to all energy in America. It was the case the American people wanted. It remains the case of what the American people want, and the American people want access to all energy all the time.

We are a country that's blessed with a tremendous amount of energy. We can produce the nuclear energy that we need and more than we're using by far right now. We're blessed with a lot of coal. We have a lot of natural gas. If we would utilize the resources that we have, we could expand our ethanol, our biodiesel, our wind energy as we're doing. If we would develop the energy that we have, we would have a surplus of energy.

It strikes me as a bit odd that the gentleman would focus exclusively on hydrogen. I don't take issue with his hydrogen argument; but I will say that, as the gentleman says, if we expand our hydrogen energy instead of importing a large percentage of our energy, we will be exporting renewable energy. That is a long, long way from a reality; and we will never be to the point where we can export renewable energy unless we're willing to develop all of America's energy.

Here are some of the answers: All energy all the time. Let's drill in ANWR. Why would you leave hydrocarbons underneath Mother Earth? Why would we not go out into the gulf and drill for the natural gas and for the oil that's out there? Why would we not go up to ANWR and drill up there where we have proven on the North Slope that we can drill effectively and in an environmentally safe fashion and where the most extreme environmentalists can fly over the North Slope or walk across it or ride around on Todd Palin's snowmobile?

They couldn't find an oil well if you directed them to it because they aren't big, wooden derricks with oil bursting into the air from a gusher or a geyser. They are submersible pumps in casings that are underground, and they are wells that are drilled on permafrost, and they are roads that are accessed only during the time of the many months when there's actually frost there for them to run on ice roads. You can fly over that countryside, and you can't see the wells unless you know exactly what you're looking for.

We need to drill in ANWR. We need to drill in the Outer Continental Shelf, in all of our Outer Continental Shelf. We need to open up the leases on it. We need to drill it for oil. We need to drill it for gas. We need to expand our nuclear.

JOHN MCCAIN, in his Presidential campaign, said we need to build 45 new nuclear plants in the United States in a short period of time. Now, I don't know if that's the right number, but I

know that zero is the wrong number. The people on the other side of the aisle, the Pelosi majority, are opposed to nuclear; they're opposed to ethanol; they're opposed to biodiesel. They argue some food versus fuel argument that's completely specious, and they can't make the argument with me.

I'd be happy to yield to any one of you who thinks you can. I'll take you on directly right now. The facts are in my head, and they're not even in your data because they don't exist.

We need to expand more and more of this energy. They're opposed again to anything that is petroleum. They're opposed even to the expansion of natural gas, although the Speaker was informed a year and three or four months ago that natural gas is actually a hydrocarbon. It isn't one that puts as much CO_2 into the air as burning oil or gas or diesel fuel does.

I'm having trouble finding a source of energy that's suitable to the liberals and to the environmental extremists in this Congress, Mr. Speaker.

I look across the spectrum of the energy that we have, and I'll tell you the energy that I'm for. I'm for hydroelectric. I'm for hydrocarbons of all kinds. I'm for drilling every place that I have said for gas and oil. I'm for coal. I'm for nuclear. I'm for wind, ethanol, biodiesel, solar. There are a number of them I'm probably forgetting. I want all energy all the time. I want the whole energy pie to grow, and I want to be able to use American energy. We can be energy independent. It doesn't necessarily have to be our goal, but we have to be where we have the capability to be energy independent.

The idea that comes from the other side of the aisle is to make energy more expensive. I mean, I listened to the gentleman talk about let's follow the European model. Let's hurry up because the Germans are going to be ahead of us. Well, they are all right. Their $9 gasoline is ahead of us. They've had a policy that has been costly energy, fewer cars and more bicycles for a long time; and the Germans aren't the champions in Europe of bicycle riding. I will submit that the Danes may well be the ones in the running for first place in bicycle riding in Europe, but their idea is that there is no such thing as bad weather. It's just bad clothing. It rains 170 days a year in Denmark, and they ride bicycles 365 days a year in Denmark.

That's all right. Ride those bicycles, but you don't have a mountain in that country, and you barely have a hill. In this country, we have long distances between places. Grandma is not going to put chains on her bicycle and ride it to town through the hills and through the mountains in America. We have a different lifestyle. We have different demands. We have different priorities.

Let's let the markets decide. Let's not drive up the price of gas as they've done in Europe and make it scarce and costly, $7.50 to $9 a gallon. Let's keep it competitive, because energy, like money, Mr. Speaker, is fungible, and it takes energy to make anything that we decide to make. Whatever we decide to manufacture takes energy. Even if you sold a minimal amount of energy to manufacture it, it still takes energy to deliver.

So every component of our economy is linked to the cost of energy; and if we're going to compete against the rest of the world, it's our responsibility to have a price of labor that's competitive, a lower regulation so the burden of government is not too high on our businesses that are producing products and services, and we have to have an intellectual property and know-how and low energy costs so we can compete with the rest of the world.

If you look at America's industrial might, a lot of it grew during the period of time when we led the world in energy production. They discovered oil in Pennsylvania; and shortly after that, they discovered oil in Texas. They developed the ability to drill and to produce oil, which was a cheap, compressed, concentrated form of energy; and it remains that way. We developed the skills also, and those skills that we market around the world, this source of energy and the knowledge base that came from drilling and developing wells, is something we've sold to the rest of the world. It has had great profit to the United States.

We simply cannot be a Nation, a huge Nation as we are, that is shifting over into this idea of green jobs. Green jobs are not green jobs. They're government-regulated, -created jobs. That means that they're not market-driven jobs, but they're jobs that are driven by government regulation. When you drive jobs by government regulation, that means they're more costly than the market would have them. The costs go up because of the regulation that's produced by government. So the argument that we will create green jobs is a false promise argument because it's the government that sets the regulations that produces the necessity to have green jobs.

Now, I want renewable energy. I want it to compete with the rest of the energy in this country and on the planet. It's clearly true, in looking at my record, that I have been a long-time supporter of renewable energy. There are 435 congressional districts in America. I have the privilege and the honor to represent the Fifth Congressional District of Iowa. That is one of 435 districts, the western third of the State, roughly speaking.

We raise a lot of corn and soybeans and cattle and hogs and eggs. When you add up the BTUs that are generated from ethanol, from biodiesel and from the wind generation of electricity and when you put it into the common denominator of British Thermal Units, the 5th District of Iowa, out of 435 congressional districts in America, produces more renewable energy than any other.

Now, there are a few reasons that we've done that. One is to meet the demand. We have the resources, and we've created the know-how, and now we've become the knowledge base that can export that knowledge to the rest of the country and, one day, to the rest of the world.

Even though I'm in the middle of renewable energy and even though I've been engaged in it for many, many years and even though I've watched, let me say, the successes, the victories and some of the calamitous defeats that have taken place and the resurgence of the business model that shows that they can compete against the other sources of energy, at least given the structure that we're working with today, I work with all of that.

Mr. Speaker, I'll tell you that we have to have all energy all the time, not a simple focus on a single kind of energy, not a lockout of petroleum because some people say that it produces more CO_2. I'll not argue the science of that, but this myopic belief that we can limit the emissions of CO_2s and that somehow or another we can set the thermostat of the Earth is simply false.

The premise of the science is wrong. Some will say, Well, just argue the economics because you can't win the argument on science. No, Mr. Speaker. When you have a huge policy like cap-and-trade that's built upon a flawed premise such as CO_2 emissions by the United States have dramatically increased the temperature on the planet and if we significantly reduce the CO_2 emissions in the United States it will turn the Earth's thermostat down, it's a false scientific premise, Mr. Speaker.

□ 2300

And I have looked at this and asked some simple questions that aren't answered very well by the people who claim to be the scientists, and they fall into this category.

How much volume is the Earth's atmosphere altogether? So if you would take the total metric tons of the volume of the Earth's atmosphere and draw it into a circle, a graph that would describe how much that is, and draw it into an 8-foot circle, because that is what fits on the wall, a foot higher than my hand, an 8-foot circle in diameter, and that represents all of the Earth's atmosphere, then Mr. Speaker, you draw how big would the circle be, the circle of CO_2, carbon dioxide that has been emitted by U.S. industry into the atmosphere of the Earth and that is suspended in the atmosphere that might—might, but not certainly—but might affect the Earth's temperature, that CO_2, the cumulative level of all CO_2 emitted by the United States into the atmosphere since the dawn of the Industrial Revolution, Mr. Speaker, how much is that?

What have we done? And my data goes back 205 years. What has the United States industrial might and the totality of its emissions in burning all the coal and all the natural gas and all the crude oil in the form of gasoline

and diesel fuel and other forms, kerosene and jet fuel, the other forms, propane, all of those forms of energy that have been burned and then the CO_2 that has been emitted and suspended in the atmosphere, how much in 205 years, as compared to all of the Earth's atmosphere that you might draw in an 8-foot circle, how big would that circle be, the cumulative total of all U.S. CO_2 in the atmosphere be in 205 years?

Mr. Speaker, it is shocking to boil these numbers down to the real truth. An 8-foot circle of all the Earth's atmosphere, the cumulative, and that means 205 years' worth of CO_2 from the United States put into the atmosphere, that circle is certainly not 8-foot, that is all the atmosphere, or 7 foot or 6 foot or 5 foot or 4, 3, 2 or 1. We might think that circle is a couple feet, if we listen to the environmental extremists.

But the real size in relation to all the Earth's atmosphere as drawn in an 8-foot circle, the real diameter of the cumulative total of CO_2 is .56 inches, Mr. Speaker. That is about like this, about the size of a bullet, the tip of my little finger. That is how big that circle would be, .56, just a little over half an inch in diameter. That is the cumulative total of all the CO_2 in 205 years.

The Waxman-Markey bill proposes that if we would just reduce one year of that, in annual figures that would be 1/205 of the cumulative total, by 17 percent for a few years and then raise that up a little more and finally reduce it to 83 percent by the time we get to the year 2100, and by that year they believe that the Earth will have diminished its increased temperature by let's say 1.5 degrees centigrade.

That is their calculus. And we here on the floor of the House of Representatives would conclude and America would accept the leadership of this Congress because they don't know and they don't have access to the truth, and they are certainly not hearing it from both sides of the aisle, they accept the idea that surely no person in this Congress and certainly not a majority would be cynical enough to advance some idea of science that was bogus in an effort to try to create a plan called cap-and-trade, which would be the largest and most insidious tax increase in the history of the world. And for every dollar it collected, only about one out of five would get into the United States Treasury, and the rest of it is wasted in the process like friction in a motor.

That, Mr. Speaker, is what we are dealing with with cap-and-trade. And when I listened to the gentleman talk about hydrogen, I don't take issue with his data or his argument. I will just add that there is much more that we need to do to see the big picture. The big picture means all energy all the time, and let's go ahead and use it.

There is no reason to store a lot of hydrocarbons underneath the crust of mother Earth in the territory of the sovereign United States of America and not use it. The only reason I have heard, and it is not a very good one, is the Speaker of the House's statement, ''I am trying to save the planet. I am trying to save the planet.'' And, yes, it was a broken record delivery, Mr. Speaker.

So, that is the energy issue that needed to be talked about for a long time. We have talked about health care for so long we have about forgotten to take up the energy issue.

I would take us then to a contemporary issue that emerged today in the news, and it is something that the American people do need to know about, Mr. Speaker, as any subject matter that comes up here on the floor, the American people need to know. There are more subjects than we can possibly have time to address.

Mr. Speaker, at the end of my talk I will introduce this article into the RECORD, The Washington Times published at 4:45 a.m. and updated at 7:25 a.m. today, October 20, 2009, by Ben Conery entitled ''Justice Concludes Black Voters Need Democratic Party. I will make that available at the conclusion.

Here is the article. The Justice Department concludes that black voters need the Democratic Party. This is a Washington Times article, and I will go through some of the highlights here and then seek to summarize it, Mr. Speaker.

Voters in the small city of Kinston, North Carolina, have decided overwhelmingly to do away with party affiliation for their local elections for mayor and city council. They didn't want them to be labeled as Democrats or Republicans or Libertarian or Communist or whatever they might be—I don't know if there are any down there in Kinston, actually—but they wanted to eliminate the party label and just run candidates in a nonparty way. But the Obama administration overruled the overwhelming majority of the electorate of the city of Kinston, North Carolina, and decided that they couldn't offer ballots and elect their local candidates unless they had a party label.

The Justice Department's ruling, and it affects the races for city council and mayor, went so far as to say this: Partisan elections are needed so that black voters can elect ''candidates of choice'' identified by the Department as those who are Democrats and almost exclusively black.

The Justice Department—I would say they are questionable in the way they are currently named—the Department ruled that white voters in Kinston will vote for blacks only if they are Democrats. What that means, that is veiled language for, white voters that aren't Democrats are racists. That is what it says in this article. It is a conclusion drawn by the Justice Department. And I will say their conclusion and their decision on its face is racist, Mr. Speaker.

It says, therefore, that the city cannot get rid of party affiliations, this is a Department of Justice ruling, for local elections because that would violate black voters' rights to elect candidates they want.

What does this possibly mean? It doesn't fit the logic where I come from. It says that several Federal and local politicians would like the city to challenge the decision in court, and I would too.

Mr. Speaker, I would call upon the city of Kinston to challenge this Justice Department decision in court. They have a right to hold their local elections, and the Department of Justice should not be making the presumption based on the racist presumptions that they are.

The voter apathy, they say, is the largest barrier to black voters' election of candidates they prefer. A little code word, ''candidates they prefer.'' How do they know who these candidates are who are preferred? The way you have to register who you prefer is, go to the polls and vote. Voter apathy cannot be fixed by a wrongly made decision on the Department of Justice.

There is some language here by Mr. Steven LaRoque, who led the drive to end the partisan local election. He called the Justice Department's decision ''racial as well as partisan.'' And he went on to say, ''On top of that, you have an unelected bureaucrat in Washington, D.C., overturning a valid election. That is un-American.'' Steven LaRoque, Kinston, North Carolina.

Continuing on, the point is made that this is the Justice Department, the Eric Holder Justice Department, that ended and dismissed the voting rights case against the New Black Panthers Party in Philadelphia.

□ 2310

Now, I have seen this film, and I've examined this case, at least to a respectable depth, where they have, let me say, as the New Black Panthers in Philadelphia, there is videotape that's in the possession of the Department of Justice, unless somehow they have destroyed the evidence on their hands, of four members of the Black Panther Party in Philadelphia in quasi-paramilitary garb standing before the polling places in Philadelphia, one of them at least wielding a billy club and intimidating white voters that came in to vote in the polls, and the video that I heard, one of those Panthers called a white voter a ''cracker.'' This was the most open-and-shut case of voter intimidation in the history of the United States of America, Mr. Speaker, and the Eric Holder Justice Department cancelled the case and dropped it even though there was, and I'll go down through some of the details of this, a judgment that was, I believe, agreed to.

Now, going on, then in Kinston, here are some comments that come from the U.S. Commission on Civil Rights, and this is Abigail Thernstrom, whom I know and whose judgment that I respect tremendously. She said, the Voting Rights Act is supposed to protect

against situations when black voters are locked out because of racism. This is Abigail Thernstrom, Civil Rights Commission, U.S. Civil Rights Commission. She continues, and I quote, ''There is no entitlement to elect a candidate they prefer on the assumption that all black voters prefer Democratic candidates''; Abigail Thernstrom, U.S. Commission on Civil Rights.

So Kinston, the city that decided they didn't want to have partisan elections, now is essentially ordered by the Department of Justice to have partisan elections on the assumption of the Department of Justice that apparently black voters won't know who to vote for if they go to the polls and they don't have a Democrat label on the names of the candidates that are apparently black Democrat candidates.

And that's been the history of what's going on in Kinston. They should have the right to select candidates without regard to race, and this is a decision that is based on race at its core. It says that the city had uncommonly high voter turnout in the last election with more than 11,000 of the city's 15,000 voters casting ballots, but Kinston's blacks voted in greater numbers than whites the last election, presumably because Barack Obama was on the ballot, where he won in that city by a margin of 2–1, and that was—excuse me. He won a victory in that city, but the election, the vote to determine that they would be electing their local candidates on a nonpartisan ballot passed by a 2–1 margin in Kinston, and yet the Justice Department overturned that decision because they concluded that black candidates—or, excuse me, black voters wouldn't know who to vote for unless they had a D beside their name.

That is pandering. That is a racial decision on its face, Mr. Speaker, and America can't tolerate that kind of thinking from a Justice Department that shut down the most open-and-shut voter intimidation case in history, Philadelphia.

And so I go on. One of the statements made is in a letter dated August 17. The city received this letter from the Justice Department. Their answer was elections must remain partisan because the change's effect will be strictly racial. In other words, if you don't label the candidates as Democrats or Republicans and you look at the anticipated result of the elections, there might be somebody that's not black that gets elected to office. This is the logic of the Justice Department.

What happened to Martin Luther King, Jr.'s ''I Have a Dream''? What happened to the content of the character rather than the color of the skin? We have come 180 degrees, Mr. Speaker, from the time when Martin Luther King, Jr. stood down here in front of the Lincoln Memorial and gave his ''I Have a Dream'' speech and inspired a people of this Nation, the people of this Nation and the people of the world when he talked about content of character, not color of the skin. That's the dream that I've had for America. I was inspired by that speech, and I don't know any American that wasn't inspired by the speech.

But I'm now watching Americans in positions of significant power that have forgotten the philosophy of Martin Luther King, Jr., and they have fallen back to a purely partisan philosophy. This is an Attorney General that declared people that were Republicans as not being willing to discuss the issue of race and being cowards when it comes to the issue of race. Well, Mr. Speaker, I've shown no reticence to discuss that. I think it's important for us to have those open discussions, and if we don't have the open discussions on race, we'll never get to the point where we can actually joke and laugh with each other and be people that are God's children pulling together in the same country for the same cause, which I believe we can and must do, and I think it's God calling to us.

Continuing on in the article, and I will quote Loretta King, who made this, issued this statement from the Department of Justice, and she said, and I quote, ''Removing the partisan queue in municipal elections will, in all likelihood, eliminate the single factor that allows black candidates to be elected to office''; Loretta King, who at the time was the Acting Head of the Justice Department's Civil Rights Division, wrote in a letter to the city of Kinston, North Carolina.

She also wrote that voters in Kinston vote more along racial than party lines, and without the potential for voting a straight Democratic ticket, I quote again, Loretta King, ''The limited remaining support from white voters for a black Democratic candidate will diminish even more.''

Purely a bald-faced racial decision coming from the Department of Justice, and, by the way, from the very DOJ official that formerly killed the case of voter intimidation that was already made in Philadelphia with the new Black Panthers and their billy clubs out in front of the polling places in Philadelphia. That's tolerated by this Justice Department, but being able to go to the polls and vote for someone in a local city election like city council or mayor and not having a party label on them, Democrat and Republican, is not tolerated because this Justice Department does the calculus that somehow it will diminish the elections of Democrats if they're not labeled as Democrats, and they presume that African Americans can't make that decision without the label.

And actually, looking at the Presidential results, you have to wonder, if 96 percent of African Americans voted for Barack Obama, one would be able to draw that as an indication that certainly ethnicity was a factor when they went to the polls. I don't think that can be denied. But again, Loretta King's statement that the limited remaining support from white voters for the Democratic candidate will diminish even more. Now, she is, as I said, the same official that put the brakes on the New Black Panther case of voter intimidation.

And then we have a situation where, after a judge ordered a default judgment against the Panthers who refused to answer the charges or appear in court, the Justice Department dropped the charges against all but one of the defendants saying, and I quote, this is very likely Loretta King's statement, ''The facts of the law did not support pursuing them.''

Really? The most open-and-shut case in the history of the United States of America of voter intimidation, videotaped witness after witness, what facts were not there to support pursuing a case of voter intimidation?

I recall the cases in Florida during the Presidential election of the year 2000 when the case was argued that a mile and a quarter away a traffic check was voter intimidation because some people were going to drive through the traffic stop and show up at the polls. That was the argument made by the party of the same people that have decided that you have to have a label of Democrat on the ballot so that African Americans know who to vote for.

□ 2320

That's what's said here. That's Loretta King's decision. She's in the Department of Justice. Eric Holder is her boss; President Obama is his boss. And they are all accountable for this breach of a constitutional concept, if not the Constitution itself.

Ms. King's letter in the Kinston statements said that because of the low turnout, black voters must be viewed as a minority for analytical purposes and that minority turnout is relevant to determining whether the Justice Department should be allowed to change election protocol.

Really.

Can't we get back again to the content of the character? Is it not possible for someone of good conscience and good character and good judgment to represent other people of good conscience, good character, and good judgment? It had better be, Mr. Speaker, because if we can't, if somehow skin color trumps good conscience, good character, and good judgment, this country is in a very sad shape indeed. How in the world with this logic did this Nation then elect Barack Obama as the President of the United States?

And that would be my question. And I don't think it can be answered by the logic, if you call it that, that's been delivered in this decision that's imposed upon the City of Kinston, North Carolina.

Continuing. Loretta King wrote: ''Black voters have had limited success in electing candidates of choice during recent municipal elections.'' Again, that's candidate of choice. Who's to determine what a candidate of choice is?

That would be the candidate that was voted for by the people who went to the polls. And if people of one color show up in a lower percentage than people of another color, that doesn't mean that they're unrepresented; it doesn't mean that you're supposed to jigger the game in order to produce a different result.

If you don't like the results, look at the way you're represented, make a decision upon the people that are elected to the city council and to the mayor's position in Kinston, North Carolina, and everywhere else in America. But don't base it on skin color as the basis.

This is so un-American, so unconstitutional, and it echoes back to the majority decision that was written by Justice O'Connor in the affirmative action cases at the University of Michigan where Justice O'Connor looked at the formulas that were used to produce the proper color and gender of the people that got into the school in Michigan, be it the broad student body at the University of Michigan or the University of Michigan School of Law. And in her decision, her majority opinion, she wrote that, you know, the Nation wasn't—and I am paraphrasing here—the Nation wasn't quite ready for a colorblind admission process, that we really needed to have a quota system as long as that quota system was based on individual analysis of individual applicants rather than a broader application that would be used as a formula.

And Justice O'Connor also wrote, and again this is paraphrasing, she also wrote that but even though that is the case today, perhaps we should come back and revisit this in 25 years or so. Maybe America will be ready for the kind of a policy that allows for merit rather than skin color or gender to be the qualifications that allows people into law school, Mr. Speaker.

That is breathtaking to me to think that a Supreme Court Justice of the United States, with the support of a bare majority, but a majority of the Supreme Court, could write, could put in print something so utterly illogical that only one could conclude that the decision was if we're going to go back and revisit this in 25 years and determine if the equal protection clause in the 14th Amendment actually will apply if society is ready for equal protection in 25 years, Justice O'Connor concluded that the Constitution itself needed to be suspended for 25 years and maybe we could come back and adhere to the Constitution if it was convenient at a later date in a subsequent generation.

This is the rationale of Justice O'Connor that opens the door for this kind of rationale and Department of Justice, civil rights division, and you could have Loretta King write, Black voters have limited success in electing candidates of choice during recent municipal elections—even though the city is about 2–1 black in turnout—doesn't reflect that and she needs to rig the game so the candidates of her choice are more likely to be elected without regard to justice. And this is the Justice Department of the United States of America.

Abigail Thernstrom of the Civil Rights Commission blasted the Department's interpretation of the law. And I would agree with Abigail Thernstrom when she said, ''The Voting Rights Act is not supposed to be compensating for a failure of voters to show up on Election Day.''

And she continues, ''The Voting Rights Act doesn't guarantee an opportunity to elect a candidate of choice. My candidate of choice loses all the time in elections.'' So does mine.

Are we really going to rig the game because our candidate of choice didn't win?

And then also continues, ''The decision that employs similar reasoning and language as in other cases of the Kinston ruling''—and here's the decision—″implementation of nonpartisan elections appears likely to deprive black-supported candidates of meaningful partisan-based support and to exacerbate racial polarization between black and white voters.''

What could more exacerbate racial polarization between black and white voters than a decision by the Department of Justice, Mr. Speaker, based strictly upon skin color that's designed to give an advantage based upon skin color that disregards the idea that a man or a woman can represent another man or a woman with logic and character and understanding and decency without regard to skin color?

Martin Luther King has got to be rolling over in his grave to see where racial politics have taken the United States of America, Mr. Speaker.

And now, Mr. Speaker, I would shift on to a few more subject matters.

As I spoke about the energy issue and the Kinston, North Carolina, issue, I'll take up the issue of Kevin Jennings.

Kevin Jennings, the appointee of President Obama to be the safe and drug-free schools czar. Now, paint that image out in one's mind's eye. All of the schools in America got along fine without someone who was in charge of safe schools. That was a local issue. Drug-free schools, local issue. Nancy Reagan said, ''Just Say No,'' and that got published through our schools and that was a good thing. But we didn't need a safe and drug free schools czar.

Well, now we have one, one of 32—maybe as many as 47 czars—that have been appointed by President Obama. And, Mr. Speaker, these czars have not come under the confirmation hearings, open hearing scrutiny of the United States Senate even though a number of them have power that eclipses that of the Cabinet members themselves. No, these czars are appointed to sometimes circumvent the confirmation process and the vetting process that takes place and just simply give them a job and grant them a power and authority eclipsing, in some cases, that of the Cabinet members who have been vetted and had hearings and had been confirmed in the United States Senate.

So we have Kevin Jennings, the safe and drug-free schools czar. Kevin Jennings, the man who—and I will go through a list of things—but the part that caught my attention the most and first was as a teacher in Massachusetts—and by law, Kevin Jennings, as a teacher in Massachusetts, was a mandatory reporter, which means under the laws of Massachusetts—and they may have had a different name for it—that is the name for people in Iowa who have to report—if a child that is in your care and custody and responsibility in the class is being abused mentally, physically, or sexually, it's the obligation of the mandatory reporters, which are listed, and all teachers are mandatory reporters, to report to—in Massachusetts, I believe it's their equivalent of HHS, Health and Human Services Department.

Kevin Jennings had a student come in, whom he has written in his book in 1994 and addressed it in the speech in the year 2000. This is Kevin Jennings' words and his analysis, not mine, Mr. Speaker; but his speech and his writings are about a 15-year-old boy who came in and sought the counsel of teacher Kevin Jennings.

□ 2330

He said, Well, I have been having sexual relations with an adult male in the restroom at the bus stop, and I want to talk to you about it. Kevin Jennings' advice was, I hope you knew to use a condom. It seems to be the sum totality of his advice, Mr. Speaker. And that is the focus of his repeated narrative of the 15-year-old boy.

Now here are some problems. As a mandatory reporter, this child was being abused. It was a violation of the law. It was statutory rape under Massachusetts law. Kevin Jennings was compelled by law to report this as a teacher, a mandatory reporter. He did not. But he wrote about it in his book. He talked about it in his speeches. And some have argued, after the fact, that the young man was actually 16, not 15. But as long as Kevin Jennings argues that he is 15, then what he knew or what he thought he knew is a controlling factor, and he was obligated to report the sexual abuse of a child, the intergenerational sexual abuse, statutory rape of a child. He did not do that.

And he has repeated himself up until recently, by my documentation, and probably after that, by the year 2000. Now he has been appointed the ''Safe and Drug-Free Schools'' czar, a man with such a colossal lack of judgment that he couldn't follow the law in the Commonwealth of Massachusetts to protect the safety of the children. The legislature of Massachusetts, as leftwing as they are, saw fit to put into the law guidelines for their teachers and their other mandatory reporters. And Kevin Jennings, the czar of ''Safe and Drug-Free Schools,'' couldn't see

fit to even follow the law in Massachusetts, let alone possess a moral compass that would have been a prudent one. He has since said he could have made a better decision.

Now I wouldn't argue that a man that made a single mistake in, I believe the year was 1988, should be punished for that in perpetuity. I would argue, though, that a man that made that mistake, that saw fit to highlight it in his book in 1994 or 1995 and highlight it in at least one speech in the year 2000—it happened to be in Iowa, by the way, Mr. Speaker—a man that has that kind of flawed judgment that is standing in front of groups that promote homosexuality and making the case that he has been a protector and advocate of that lifestyle was pretty proud of his decision to advise this young man whom he referred to as ''Brewster, '' I hope you knew to use a condom.''

That is a colossal lack of judgment. The momentary flaw in his judgment in his advice to Brewster, the colossal lack of judgment and repeating it as if it were a merit rather than a demerit in his book and in his speech in Iowa in the year 2000, and I would suspect many times before and after until he has been called on it, a single incident is not enough to judge a man by and not enough to disqualify him by, but it is something to get our attention.

And then, Mr. Speaker, we can look at Kevin Jennings in a broader view. What has been the totality of his record as an adult professional? And his focus has been on the promotion of homosexuality. In at least four books and perhaps five that he has written, every single one at a very minimum touches on the issue. Most of the material focuses on the issue. He has written the foreword to a book called ''Queering Elementary Education.'' Now I will submit that kids that are in kindergarten, first-, second-, third-, fourth-, and fifth-grade in elementary school don't need to be burdened with those kinds of decisions. They don't need an advocate for homosexuality or any kind of sexuality in those years. They need to be left alone to find their way, to study academically, to go outside at recess and play sports, and get to make friends and build an understanding of parental, adult and teacher guidance. They don't need to be burdened with the idea of trying to queer elementary education, to quote the title of the book that Kevin Jennings has written the foreword to. And by the way, on the back cover is William Ayers' comments on the value of that book, ''Queering Elementary Education.'' This is Kevin Jennings.

Now, we can continue with Kevin Jennings, the hostility towards religion that he has demonstrated clearly. He has written about it in his book, ''Mama's Boy, Preacher's Son.'' He has written cavalierly about his own drug abuse. And rather than put that into the CONGRESSIONAL RECORD, Mr. Speaker, I will just say that if students read the language, the narrative that Kevin Jennings writes about his own drug abuse and being at the airport watching the planes land, they can only draw one conclusion: That it's all right to use drugs and probably won't end up in a bad result. In fact, if you use drugs, you can end up the ''Safe and Drug-Free Schools'' czar in the United States of America. That is the model that is there if Kevin Jennings remains as the czar of ''Safe and Drug-Free Schools.''

So what does he have to offer? What does he have to offer about school safety? Well, the only thing he has to offer is his relentless advocacy to pass anti-bullying laws in the State legislatures across the land. About 20 States have adopted some legislation to that effect. Anti-bullying laws are designed to exclusively protect kids who are viewed as homosexual kids. Now I want to protect all kids. And I don't want any children bullied. By the same token, I don't believe that we need to have special laws that are based upon the perceived notions that go on in people's heads. We can punish the overt acts that are used as violence or intimidation against these kids in school, and we can protect all kids.

Kevin Jennings' advocacy has only been to protect those kids he views as homosexual. He has been offended by what he called the ''promotion of heterosexuality.'' And for want of finding the actual text, Mr. Speaker, I will paraphrase this, Kevin Jennings, in one of his speeches—and I actually typed this up with my hands from the YouTube—said that every time kids read ''Romeo and Juliet,'' they are being aggressively recruited to heterosexuality. Kids are being aggressively recruited to heterosexuality by reading ''Romeo and Juliet.''

So here is a man who is now today the ''Safe and Drug-Free Schools'' czar who is opposed to ''Romeo and Juliet'' because the implication is it's a young man and a young woman who are attracted to each other and who are in love. And he objects because he believes they are being aggressively recruited to heterosexuality. What would please and satisfy Kevin Jennings if ''Romeo and Juliet'' are anathema to his beliefs?

This goes on. But the lifetime career of 20 years and the totality of his professional engagement has been the promotion of homosexuality, much of it within our schools, and much of it that was within our schools was focused on elementary education. And some of the pamphlets that they handed out, one called ''Little Black Book,'' at Brookline schools in Massachusetts was referred to by then-Governor Romney as something that should never fall in the hands of school kids. This man would be a czar of ''Safe and Drug-Free Schools.''

And when I asked one of the top principals in the United States of America with the medal commemorating his achievement hanging around his neck if a man of the resume, the bio, of Kevin Jennings had been hired by his school inadvertently and the resume had been discovered and reviewed, could he continue to teach on the faculty of this top-notch principal's school? And the principal's answer was, No way. No way we could keep someone like that on our faculty.

So, Kevin Jennings, Mr. Speaker, at least in the mainstream schools in America, couldn't teach in the classroom because he has been such a proponent of activism when it comes to dealing with a narrow component of sexuality in America. And he has been pushing it on our kids in this country.

He has also been a supporter of and an admirer of Harry Hay. We saw the White House official just a few days ago who said she was inspired by Mao Tse Tung, the murderer of 70 million Chinese. Kevin Jennings has been inspired by Harry Hay, who is the cover boy for NAMBLA magazine, the North American Man Boy Love Association.

□ 2340

That organization that promotes intergenerational sex between men and boys and says it's all right and it doesn't hurt them—in fact, it may give them pleasure and be healthy for them—this person who has been on the cover of their national magazine was lauded by Kevin Jennings, and Jennings said of Harry Hay, I am always inspired by Harry Hay. Astonishing.

A man of this caliber and this philosophy cannot be the safe and drug-free schools czar in the United States of America. Surely, out of 306 million people, we can find one—can't there be one that has lived an exemplary life? One who wouldn't be objectionable to any parents? One who has advocated for the safety of all of the kids, not a narrow view of those whom he would label as a homosexual kid? Couldn't we find somebody that at least hasn't been public about their drug abuse so as to tell these kids to stay away from drugs, that drugs will ruin your potential, if they don't kill you and end your potential, they will ruin your potential? Can't we have somebody that hasn't been obsessed with sexuality, but someone who has been obsessed with the well-being of our children on the whole? Yes, we should. And the kids in this country do not have the ability to discern on a judgment call when you have an activist like Kevin Jennings as the czar of safe and drug-free schools. And those kids trust the adults that put people in positions of authority and power; they only discern that adults have made the decision to approve Kevin Jennings.

The President of the United States needs to fire Kevin Jennings and put someone in place who is an example for parents and children or else eliminate the position entirely, Mr. Speaker.

And now I have vented myself on that particular issue. I continue onward. And in my pocket, as I will carry for a long time until we get to the bottom of this, Mr. Speaker, is, out of one

of the trees right here outside the United States Capitol, another acorn. Now, never fear, Parliamentarian, I'm not going to ask to introduce this acorn into the RECORD. I just point out that this is something that America needs to be focused upon.

The ACORN organization and their 361 affiliates, headquartered at 2609 Canal Street in New Orleans, Louisiana, originating in Arkansas and having powerful influence in cities such as Chicago, Philadelphia, New York—Brooklyn, for example—Baltimore, Washington, D.C., San Diego—name your city, 120 cities in the United States, ACORN has a presence; ACORN, the Association of Community Organizations for Reform Now. And these are the people that started out advocating for bad loans in bad neighborhoods under the Community Reinvestment Act, shaking down lenders and intimidating lenders to make those bad loans in bad neighborhoods; the people that came to the Capitol building and lobbied to reduce and lower the standards of underwriting for a secondary mortgage market for Fannie Mae and Freddie Mac, lowered their capitalization, their regulatory standards so that they could push these lenders into making more bad loans in bad neighborhoods.

They criticized lenders for red-lining neighborhoods and refusing to loan into these neighborhoods that they had a red line drawn around. And then they had the audacity—that's the President's word, isn't it, Mr. Speaker? Then ACORN had the audacity to go back to these lenders, shake them down, demand a check so that they would move their demonstrations away from the doors of the banks so people would come in and do business. Once they were paid off, they left, but then they came back with another ruse, which is, you need to make more bad loans in these bad neighborhoods—that's the shorthand version. They didn't use that language, I'm sure.

And ACORN got to the point where they drew their own red line. Instead of the lenders drawing a red line around areas and communities and refusing to make loans, ACORN drew a red line around areas and communities and demanded that the lenders make loans into that area, and they demanded specific dollar amounts of loans on real estate, in particular, going into those areas. And so then they positioned themselves to actually broker the loans.

And ACORN Housing opened up, and people walked into those doors like Hannah Giles and James O'Keefe. They walked in with a video camera, and there they posed themselves as a pimp and a prostitute and said that they wanted to borrow some money to buy a home so they could set up a house of ill repute to put teenage girls in as prostitutes, 13-, 14-, 15-year-old girls from El Salvador, obviously illegal kids, in a sex slave arrangement being organized and facilitated by workers at ACORN in Baltimore, to start out—the film is in sequential order—then Washington, D.C.; then Brooklyn, New York; then San Bernardino, California; then San Diego, California.

All of that unfolded, and what we saw inside the doors of ACORN was essentially the same thing. We saw the face of a criminal enterprise that was set up to draw down tax dollars of all kinds, primarily Federal tax dollars, in a corrupt criminal enterprise to help facilitate child prostitution and gaming the IRS for child tax credits, for—I didn't hear him say first-time homeowners credit, but I did hear them say earned income tax credit.

And so the taxpayers of America are writing checks that are being brokered by ACORN in any way that they possibly can, passing that through into the hands of the individuals who are the beneficiaries of government largesse. And the administration of it is that it's ACORN that takes a cut out of the dollars that go through.

Five cities we saw the film. I believe, tomorrow, we will see the sixth city, the film from the sixth city. And I believe that there are more beyond that yet, Mr. Speaker.

And so this country has got to clean this up. We have an ACORN that has corrupted the home mortgage loan process. They have demanded and maneuvered for bad loans in bad neighborhoods. They have precipitated the decline, and the toxic mortgage component of this economic decline very much traces back to ACORN.

ACORN has admitted to over 400,000 fraudulent or false voter registration forms turned in in the last election cycle. They have denied that that turns into fraudulent votes, Mr. Speaker. Now, why would anyone spend millions of dollars to register hundreds of thousands of fraudulent voters and at the same time argue, well, we paid for all of that—on commission, by the way, so many registrations per pay day—but we didn't get anything out of it because these 400,000 were fraudulent or false, so don't worry, nobody voted illegally? Not true. It is unconceivable, Mr. Speaker. And I have made that argument for months, but here and a couple of weeks ago the story hit the news about Troy, New York, bringing prosecutions against ACORN because of dozens of fraudulent votes that were introduced in Troy, New York, and the ones that I read about were absentee ballots.

So we have the convictions of 70 ACORN employees. We have ACORN under indictment in the State of Nevada as a corporation to be in violation of the election laws in Nevada, and 361 affiliates. All of this we've got to get to the bottom of, Mr. Speaker.

I do appreciate your attention and your indulgence, and I yield back the balance of my time.

[From the Washington Times, Oct. 20, 2009]

JUSTICE CONCLUDES BLACK VOTERS NEED DEMOCRATIC PARTY

(By Ben Conery)

KINSTON, N.C.—Voters in this small city decided overwhelmingly last year to do away with the party affiliation of candidates in local elections, but the Obama administration recently overruled the electorate and decided that equal rights for black voters cannot be achieved without the Democratic Party.

The Justice Department's ruling, which affects races for City Council and mayor, went so far as to say partisan elections are needed so that black voters can elect their ''candidates of choice''—identified by the department as those who are Democrats and almost exclusively black.

The department ruled that white voters in Kinston will vote for blacks only if they are Democrats and that therefore the city cannot get rid of party affiliations for local elections because that would violate black voters' right to elect the candidates they want.

Several federal and local politicians would like the city to challenge the decision in court. They say voter apathy is the largest barrier to black voters' election of candidates they prefer and that the Justice Department has gone too far in trying to influence election results here.

Stephen LaRoque, a former Republican state lawmaker who led the drive to end partisan local elections, called the Justice Department's decision ''racial as well as partisan.''

''On top of that, you have an unelected bureaucrat in Washington, D.C., overturning a valid election,'' he said. ''That is un-American.''

The decision, made by the same Justice official who ordered the dismissal of a voting rights case against members of the New Black Panther Party in Philadelphia, has irritated other locals as well. They bristle at federal interference in this city of nearly 23,000 people, two-thirds of whom are black.

In interviews in sleepy downtown Kinston—a place best known as a road sign on the way to the Carolina beaches—residents said partisan voting is largely unimportant because people are personally acquainted with their elected officials and are familiar with their views.

''To begin with, 'nonpartisan elections' is a misconceived and deceiving statement because even though no party affiliation shows up on a ballot form, candidates still adhere to certain ideologies and people understand that, and are going to identify with who they feel has their best interest at heart,'' said William Cooke, president of the Kinston/Lenoir County branch of the National Association for the Advancement of Colored People.

Mr. Cooke said his group does not take a position on this issue and would not disclose his personal stance, but expressed skepticism about the Justice Department's involvement.

Others noted the absurdity of partisan elections since Kinston is essentially a one-party city anyway; no one among more than a half-dozen city officials and local residents was able to recall a Republican winning office here.

Justice Department spokesman Alejandro Miyar denied that the decision was intended to help the Democratic Party. He said the ruling was based on ''what the facts are in a particular jurisdiction'' and how it affects blacks' ability to elect the candidates they favor.

''The determination of who is a 'candidate of choice' for any group of voters in a given jurisdiction is based on an analysis of the

electoral behavior of those voters within a particular jurisdiction,'' he said.

Critics on the U.S. Commission on Civil Rights are not so sure. ''The Voting Rights Act is supposed to protect against situations when black voters are locked out because of racism,'' said Abigail Thernstrom, a Republican appointee to the U.S. Commission on Civil Rights. ''There is no entitlement to elect a candidate they prefer on the assumption that all black voters prefer Democratic candidates.''

Located about 60 miles from the Atlantic Coast in eastern North Carolina, Kinston has a history of defying governmental authority. During Colonial times, the fledgling city was known as Kingston—named for King George III—but residents dropped the ''g'' from the city's name after the American Revolution.

In Kinston's heyday of manufacturing and tobacco farming, it was a bustling collection of shops, movie theaters and restaurants. Now, many of those buildings are vacant—a few have been filled by storefront churches—and residents are left hoping for better days.

In November's election—one in which ''hope'' emerged as a central theme—the city had uncommonly high voter turnout, with more than 11,000 of the city's 15,000 voters casting ballots. Kinston's blacks voted in greater numbers than whites.

Whites typically cast the majority of votes in Kinston's general elections. Kinston residents contributed to Barack Obama's victory as America's first black president and voted by a margin of nearly 2-to-1 to eliminate partisan elections in the city.

The measure appeared to have broad support among both white and black voters, as it won a majority in seven of the city's nine black-majority voting precincts and both of its white-majority precincts.

But before nonpartisan elections could be implemented, the city had to get approval from the Justice Department.

Kinston is one of the areas subject to provisions of the landmark 1965 Voting Rights Act, which requires the city to receive Justice Department approval before making any changes to voting procedures. Kinston is one of 12,000 voting districts in areas of 16 states, almost exclusively in the South, that the Voting Rights Act declared to have had a history of racial discrimination.

In a letter dated Aug. 17, the city received the Justice Department's answer: Elections must remain partisan because the change's ''effect will be strictly racial.''

''Removing the partisan cue in municipal election will, in all likelihood, eliminate the single factor that allows black candidates to be elected to office,'' Loretta King, who (at the time) was the acting head of the Justice Department's civil rights division, wrote in a letter to the city.

Ms. King wrote that voters in Kinston vote more along racial than party lines and without the potential for voting a straight Democratic ticket, ''the limited remaining support from white voters for a black Democratic candidate will diminish even more.''

Ms. King is the same official who put a stop to the New Black Panther Party case. In that case, the Justice Department filed a civil complaint in Philadelphia after two members of the black revolutionary group dressed in quasi-military garb stood outside a polling place on election day last year and purportedly intimidated voters with racial insults, slurs and a nightstick.

After a judge ordered default judgments against the Panthers, who refused to answer the charges or appear in court, the Justice Department dropped the charges against all but one of the defendants, saying ''the facts and the law did not support pursuing'' them.

Ms. King's letter in the Kinston case states that because of the low turnout black voters must be ''viewed as a minority for analytical purposes,'' and that ''minority turnout is relevant'' to determining whether the Justice Department should be allowed a change to election protocol.

Black voters account for 9,702 of the city's 15,402 registered voters but typically don't vote at the rates whites do.

As a result of the low turnout, Ms. King wrote, ''black voters have had limited success in electing candidates of choice during recent municipal elections.''

''It is the partisan makeup of the general electorate that results in enough white cross-over to allow the black community to elect a candidate of choice,'' she wrote.

Mrs. Thernstrom of the civil rights commission blasted the department's interpretation of the law.

''The Voting Rights Act is not supposed to be compensating for failure of show up on Election Day,'' she said. ''The Voting Rights Act doesn't guarantee an opportunity to elect a 'candidate of choice.' . . . My 'candidate of choice' loses all the time in an election.''

When asked whether Justice had ever ''either granted or denied'' requests either ''to stop partisan elections or implement partisan elections,'' Mr. Miyar, the department spokesman, said it was impossible to retrieve past decisions on that basis.

But he did provide, based on the recollection of a department lawyer, a single precedent—a decision during the Clinton administration denying a bid from a South Carolina school district to drop partisan elections.

That decision employs similar reasoning and language as the Kinston ruling: ''Implementation of nonpartisan elections . . . appears likely to deprive black supported candidates of meaningful partisan-based support and to exacerbate racial polarization between black and white voters.''

But the 1994 decision doesn't mention the necessity of the Democratic Party and doesn't mention low turnout among black voters in that school district as a factor affecting their ability to elect candidates they prefer.

Kinston City Council member Joseph Tyson, a Democrat who favors partisan elections, said nothing is stopping black voters in Kinston from going to the polls.

''Unfortunately, I'm very disappointed with the apathy that we have in Kinston among the Afro-American voters,'' he said.

Mr. Tyson, who is one of two black members of the six-member City Council, said the best way to help black voters in Kinston is to change the council's structure from citywide voting to representation by district. Kinston voters currently cast as many votes in the at-large races as there are council seats up for election—typically three, or two and the mayor.

''Whether it's partisan or nonpartisan is not a big issue to me, whether or not the city is totally represented is what the issue is to me,'' he said. ''If you have wards and districts, then I feel the total city will be represented.''

Partisan local elections are a rarity in North Carolina. According to statistics kept by the University of North Carolina School of Government in Chapel Hill, only nine of the state's 551 cities and towns hold partisan elections.

The City Council could take the Justice Department to court to fight decision regarding nonpartisan elections, but such a move seems unlikely. The council voted 4–1 to drop the issue after meeting privately with Justice Department officials in August.

''What do I plan to do? Absolutely, nothing,'' Mr. Tyson said. ''And I will fight, within Robert's Rules of Order, wherever necessary to make sure that decision stands.''

The Justice ruling and Kinston's decision not to fight it comes in the wake of a key Voting Rights Act case last year. In that decision, the Supreme Court let a small utility district in Texas seek an exemption from the law's requirements to receive Justice Department approval before making any changes to voting procedures. But the court declined to address whether the law itself is constitutional.

Critics of the law argue it has changed little since its 1965 inception and that the same places the law covered then no longer need Justice Department approval to make changes to voting procedures.

Proponents, including Attorney General Eric H. Holder Jr., said the law is still necessary to ensure equal voting rights for all Americans.

In Kinston, William Barker is the only City Council member who voted to continue discussing whether to challenge the Justice Department's ruling.

He said he voted against eliminating partisan elections because the proposed new system would declare a winner simply on who received a plurality of votes instead requiring candidates to reach certain threshold of votes based on turnout.

''Based on the fact that the voters voted overwhelmingly for it, I would like to see us challenge it based on that fact. My fight is solely based on fighting what the voters voted on,'' he said. ''It bothers me, even though I'm on the winning side now, that you have a small group, an outside group coming in and saying, 'Your vote doesn't matter.' ''

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of illness.

Mr. SHADEGG (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

Mr. WALDEN (at the request of Mr. BOEHNER) for today on account of illness.

Mr. YOUNG of Alaska (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending a memorial service in Alaska for his late wife.

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 Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 23, 26 and 27.

Mr. JONES, for 5 minutes, October 23, 26 and 27.

Mr. BURTON of Indiana, for 5 minutes, October 23.

Mr. POSEY, for 5 minutes, today and October 22.

Mr. INGLIS, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, October 21.

Ms. ROS-LEHTINEN, for 5 minutes, October 26 and 27.

Mr. BURGESS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, October 23, 26 and 27.

Mr. MCHENRY, for 5 minutes, today, October 21, 22 and 23.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 21, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4160. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — C10-C18-Alkyl dimethyl amine oxides; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0690; FRL-8437-3] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4161. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerances [EPA-HQ-OPP-2008-0713; FRL-8793-2] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4162. A letter from the Director, Office of National Drug Control Policy, transmitting a letter on how the office will obligate the Fiscal Year (FY) 2009 HIDTA discretionary funds; to the Committee on Appropriations.

4163. A letter from the Assistant Secretary, Department of the Navy, transmitting a letter notifying Congress of a performance decision by the Department of the Navy to convert to contract the training and administrative support functions performed by 78 military personnel at various locations; to the Committee on Armed Services.

4164. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Extended Permit Terms for Renewal of Federally Enforceable State Operating Permits [EPA-R05-OAR-2008-0031; FRL-8963-4] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4165. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Operating Permit Programs; Flexible Air Permitting Rule [EPA-HQ-OAR-2004-0087; FRL-8964-8] (RIN: 2060-AM45) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4166. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Coal Preparation and Processing Plants [EPA-HQ-OAR-2008-0260; FRL-8965-3] (RIN: 2060-AO57) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4167. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 102-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4168. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 097-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4169. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 070-09, certification of a proposed agreement for the export of defense services or defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4170. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 079-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4171. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 101-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4172. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 126-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4173. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 107-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4174. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 100-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4175. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 106-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4176. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 026-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4177. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 116-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4178. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 096-09, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4179. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 114-09, certification of proposed issuance of an export license pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4180. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4181. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4182. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4183. A letter from the Solicitor, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4184. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2009 through September 30, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—68); to the Committee on House Administration and ordered to be printed.

4185. A letter from the Assistant Attorney General, Department of Justice, transmitting first annual report entitled, ''Prioritizing Resources and Organization for Intellectual Property Act of 2008'', pursuant to Public Law 110-403; to the Committee on the Judiciary.

4186. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operaton Regulations; Raritan River, Arthur Kill and their tributaries, Staten Island, NY and Elizabeth, NJ [Docket No.: USCG-2009-0202] (RIN: 1625-AA09) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4187. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Parker US Open Nationals; Parker, AZ [Docket No.: USCG-2009-0474] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4188. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0884] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4189. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Anchorage Areas; Henderson Harbor, NY [Docket No.: USGC-2009-0854] (RIN: 1625-AA01) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4190. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1852-DR for the State of Maine; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

4191. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1853-DR for the State of Nebraska; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 846. Resolution providing for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes (Rept. 111–304). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3792. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS (Rept. 111–305). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. COHEN, Ms. HARMAN, Ms. JACKSON-LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 3845. A bill to extend and modify authorities needed to combat terrorism and protect civil liberties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial 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. CONYERS (for himself, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 3846. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional civil liberties protections, and for other purposes; to the Committee on the Judiciary, 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. CONYERS:

H.R. 3847. A bill to provide appropriate authority to the Department of Justice Inspector General to investigate attorney misconduct, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONYERS:

H.R. 3848. A bill to amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena former agency employees, agency contractors, and employees of contractors for testimony, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONYERS:

H.R. 3849. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. KRATOVIL (for himself and Mr. BOUSTANY):

H.R. 3850. A bill to provide for the eradication and control of nutria in Maryland, Louisiana, and other coastal States; to the Committee on Natural Resources.

By Mr. GORDON of Tennessee (for himself, Mr. WAMP, Mrs. BONO MACK, and Mr. KIND):

H.R. 3851. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUMMINGS (for himself, Mr. CONNOLLY of Virginia, Mr. VAN HOLLEN, Mr. SARBANES, Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, Ms. NORTON, Mr. SCOTT of Virginia, Mr. HOYER, Mr. OBERSTAR, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3852. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program; to the Committee on Transportation and Infrastructure.

By Ms. KOSMAS (for herself and Mr. POSEY):

H.R. 3853. A bill to provide for the establishment of Commercial Space Transportation Cooperative Research and Development Centers of Excellence, and for other purposes; to the Committee on Science and Technology.

By Mr. SCHRADER (for himself, Ms. VELÁZQUEZ, Mrs. HALVORSON, and Mrs. KIRKPATRICK of Arizona):

H.R. 3854. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes; to the Committee on Small Business.

By Mr. BACA:

H.R. 3855. A bill to amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census; to the Committee on Oversight and Government Reform.

By Ms. BERKLEY (for herself, Mr. BURGESS, Mrs. DAVIS of California, Mr. HIGGINS, Ms. LEE of California, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. KLEIN of Florida, Ms. LORETTA SANCHEZ of California, Ms. TITUS, Ms. TSONGAS, Ms. DEGETTE, Mr. LEWIS of Georgia, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Mr. DONNELLY of Indiana, Ms. SCHWARTZ, Mr. DOGGETT, Ms. MATSUI, Ms. HIRONO, Mrs. NAPOLITANO, Mr. FARR, Mr. PASCRELL, Mr. CAPUANO, Mr. GENE GREEN of Texas, Ms. WATSON, Mr. KENNEDY, Mr. HARE, Mr. CLEAVER, Mrs. HALVORSON, Ms. PINGREE of Maine, Ms. JACKSON-LEE of Texas, Mr. SIRES, Mr. ORTIZ, Mr. DAVIS of Illinois, Mr. NADLER of New York, Mr. MATHESON, Ms. BALDWIN, Mr. KAGEN, Ms. WASSERMAN SCHULTZ, Ms. HARMAN, Ms. ESHOO, Mr. MCDERMOTT, Mr. THOMPSON of California, Mr. COHEN, Ms. SHEA-PORTER, Mr. ENGEL, Mr. WEXLER, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. RICHARDSON, Mr. CROWLEY, Mr. WEINER, Mr. YARMUTH, Ms. MARKEY of Colorado, Mrs. MALONEY, Ms. FUDGE, Mr. PAYNE, Mrs. LOWEY, Ms. ZOE LOFGREN of California, and Mr. BILIRAKIS):

H.R. 3856. A bill to amend the Public Health Service Act to provide for osteoporosis and related bone disease education, research, and surveillance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONNOLLY of Virginia (for himself, Mr. WOLF, Ms. NORTON, and Mr. REYES):

H.R. 3857. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to make service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 creditable for retirement purposes; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR:

H.R. 3858. A bill to amend the Federal Reserve Act to alter the terms and conditions applicable to members of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Financial Services.

By Ms. KAPTUR:

H.R. 3859. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, 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. WATT:

H.R. 3860. A bill to suspend temporarily the duty on Propanenitrile, 3-[[4-[(substituted)azo]phenyl] (substituted)amino]-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3861. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,1'-[(6-phenyl-1,3,5- triazine-2,4-diyl)diimino]bis[3-acetyl-4-amino-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3862. A bill to suspend temporarily the duty on Benz[cd]indolium, 1-ethyl-2-[1,2,3,4-

tetrahydro-1- (2-hydroxyethyl)-2,2,4-trimethyl-6-quinolinyl]-,chloride; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3863. A bill to suspend temporarily the duty on Chromate(3-), bis[3-(hydroxy-kO)-4-[[2- (hydroxy-kO)-1-naphthalenyl]azo-kN1]-7-nitro-1-naphthalenesu fonato(3-)]-, trisodium; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3864. A bill to suspend temporarily the duty on (Alkylamino-hydroxyphenyl)azo-hydroxysubstituted benzene, substituted [(hydroxy-naphthalenyl) hydroxybenzene], chromium complex, sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3865. A bill to suspend temporarily the duty on 1-Propanaminium, 3,3'-[(9,10-dihydro-9,10-dioxo- 1,4-anthracenediyl)diimino]bis[N,N,N-triethyl-, bis(ethyl sulfate); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3866. A bill to suspend temporarily the duty on 1H-Pyrazole-3-carboxylic acid, 4-[[4-[[(2,3-dichloro- 6-quinoxalinyl)carbonyl]amino]-2-sulfophenyl]azo]-4,5-dihydr -5-oxo-1-(4-sulfophenyl)-, trisodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3867. A bill to suspend temporarily the duty on Cuprate(4-), [2-[[3-[[substituted]-1,3,5-triazin- 2-yl]amino]-2-hydroxy-5-sulfophenyl](substituted)azo], sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3868. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,5(or 1,8)-diamino-2-bromo- 4,8(or 4,5)-dihydroxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3869. A bill to suspend temporarily the duty on Ethanol, 2,2'-[[6,13-dichloro-3,10-bis[[2- (sulfooxy)ethyl] amino]triphenodioxazinediyl]bis(sulfonyl)] bis-, bis(hydrogen sulfate) (ester), potassium sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3870. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,5-diamino-4,8-dihydroxy(4- hydroxyphenyl)-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3871. A bill to suspend temporarily the duty on 2-Naphthalenesulfonic acid, 5-[[4-(acetylamino)-2-(trifluoromethyl)phenyl]azo]-6-amino-4-hydroxy-, monosodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3872. A bill to suspend temporarily the duty on Substituted cyan acetic acid pentyl ester; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3873. A bill to suspend temporarily the duty on 2-Anthracenesulfonic acid, 1-amino-9, 10-dihydro-4-[[4-[[methyl[(4-methylphenyl) sulfony]amino]methyl]pheny] amino]-9, 10-dioxo-, sodium salt (1:1); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3874. A bill to suspend temporarily the duty on 2-Anilino-5-cyano-(3-(substituted)-6-(substituted))-4-methylpyridine; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3875. A bill to suspend temporarily the duty on 100 percent cotton woven color wall fabric, dyed; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3876. A bill to suspend temporarily the duty on 100 percent cotton narrow woven fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3877. A bill to suspend temporarily the duty on 100 percent cotton dyed knit fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3878. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1-amino-2-[4-[(hexahydro-2-oxo-1H-azepin-1-yl)methyl]phenoxy]-4-hydroxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3879. A bill to suspend temporarily the duty on 100 percent dyed cotton single knit fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3880. A bill to suspend temporarily the duty on b-Alanine, N-[3-(acetylamino)-4-[(2,4-dinitrophenyl)azo]phenyl]-N-(3-methoxy-3-oxopropyl)-, methyl ester; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3881. A bill to suspend temporarily the duty on 7H-Benzimidazo[2,1-a]benz[de]isoquinolin-7- one, 9(or 10)-methoxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3882. A bill to suspend temporarily the duty on 1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2- quinolinyl)-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3883. A bill to suspend temporarily the duty on Ethanol, 2,2'-[[4-[(3,5-dinitro-2-thienyl)azo] phenyl]imino]bis-, diacetate (ester); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3884. A bill to suspend temporarily the duty on 9, 10-Anthracenedione, 1-amino-4-hydroxy-2-phenoxy-; to the Committee on Ways and Means.

By Ms. WATERS:

H. Res. 844. A resolution honoring Dr. Earnestine Thomas-Robertson for 31 years of service in Academia at Los Angeles Southwest College (LASC), in the Los Angeles Community College District, the largest community college district in the Nation; to the Committee on Education and Labor.

By Mr. NEUGEBAUER:

H. Res. 845. A resolution recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself, Mr. LANCE, Mr. ROE of Tennessee, Mr. LEE of New York, Mr. ROGERS of Michigan, Mr. BURTON of Indiana, Mr. MCCARTHY of California, Mr. BOOZMAN, Ms. ROS-LEHTINEN, Mr. MACK, Mrs. BONO MACK, Mr. CULBERSON, Mr. DUNCAN, Mr. LUCAS, Mr. COLE, Mr. LATOURETTE, Mr. GOHMERT, Mr. BUYER, Mr. WESTMORELAND, Mr. MARIO DIAZ-BALART of Florida, Mr. RYAN of Wisconsin, Mr. TURNER, Mr. CALVERT, Mr. GINGREY of Georgia, Mr. CANTOR, Mr. WITTMAN, Mr. ISSA, Mr. KINGSTON, Mr. BROWN of South Carolina, Mr. JONES, Mr. PAUL, Mr. LATTA, Ms. FALLIN, Mr. BLUNT, Mrs. SCHMIDT, Mr. HENSARLING, Mr. ROSKAM, Mr. JORDAN of Ohio, Mr. STEARNS, Mr. DREIER, Mr. SHUSTER, Mrs. EMERSON, Mr. CAMPBELL, Mr. SESSIONS, Mr. YOUNG of Florida, Mr. PUTNAM, Mr. WHITFIELD, Mr. PETRI, Mr. LAMBORN, Mr. BOEHNER, Mr. HERGER, Mr. TERRY, Mr. CAMP, and Mr. HOEKSTRA):

H. Res. 847. A resolution expressing the sense of the House of Representatives that any conference committee or other meetings held to determine the content of national health care legislation be conducted in public under the watchful eye of the people of the United States; to the Committee on Rules.

By Mr. GRAVES (for himself, Mr. LUETKEMEYER, Mr. CLEAVER, Mrs. EMERSON, Mr. SCHOCK, and Mr. BLUNT):

H. Res. 848. A resolution expressing the sense of the House of Representatives that Congress should support repairing and rehabilitating United States national transportation infrastructure, including bridges not located on a Federal-aid highway; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR:

H. Res. 849. A resolution recognizing the 16th anniversary of the Future Leaders Exchange (FLEX) program, a program funded by the Government of the United States to provide an opportunity for high school students from the countries of the former Soviet Union to study and live in the United States in order to promote democratic values and institutions in Eurasia, and supporting the mission, goals, and accomplishments of the FLEX program; to the Committee on Foreign Affairs.

By Ms. KAPTUR:

H. Res. 850. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on Foreign Affairs.

By Ms. MATSUI:

H. Res. 851. A resolution recognizing and honoring the 40th anniversary of SEARCH, The National Consortium for Justice Information and Statistics, headquartered in Sacramento, California; 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. 211: Mr. DELAHUNT.

H.R. 275: Mr. PASTOR of Arizona and Mr. ROGERS of Kentucky.

H.R. 333: Mr. JONES and Mr. CLEAVER.

H.R. 422: Mr. WITTMAN, Mr. SOUDER, and Ms. DEGETTE.

H.R. 460: Mr. BERMAN.

H.R. 471: Mrs. DAHLKEMPER.

H.R. 482: Mr. FRANKS of Arizona.

H.R. 503: Mr. ROSKAM and Mr. COFFMAN of Colorado.

H.R. 504: Mr. BOUCHER.

H.R. 510: Mr. ARCURI and Mrs. KIRKPATRICK of Arizona.

H.R. 558: Mr. JOHNSON of Georgia.

H.R. 571: Mr. BRADY of Pennsylvania, Mr. GUTHRIE, Mr. LANGEVIN, Mr. ALEXANDER, and Mr. CUMMINGS.

H.R. 616: Mr. POSEY.

H.R. 635: Mr. FILNER.

H.R. 644: Ms. HIRONO.

H.R. 678: Mr. ARCURI, Mr. MICHAUD, and Ms. BERKLEY.

H.R. 739: Ms. JACKSON-LEE of Texas.

H.R. 745: Mr. LUETKEMEYER and Mr. MELANCON.

H.R. 776: Ms. LEE of California.

H.R. 847: Ms. BALDWIN and Mr. ELLSWORTH.

H.R. 855: Ms. ESHOO.

H.R. 932: Mr. HOLT and Mr. HOLDEN.

H.R. 950: Mr. FRANK of Massachusetts and Ms. BALDWIN.

H.R. 953: Mr. ADERHOLT.

H.R. 988: Mr. BUTTERFIELD, Mr. ROTHMAN of New Jersey, Mr. SMITH of New Jersey, Mr. GARY G. MILLER of California, Mr. POSEY, Mr. KILDEE, Mr. MITCHELL, and Mr. HARE.

H.R. 1017: Mr. RODRIGUEZ.
H.R. 1019: Mr. FRANKS of Arizona.
H.R. 1030: Mr. MCHENRY, Mr. DEFAZIO, Mr. CONNOLLY of Virginia, and Ms. DEGETTE.
H.R. 1168: Mr. BUCHANAN.
H.R. 1175: Ms. MATSUI.
H.R. 1177: Mr. ETHERIDGE.
H.R. 1189: Ms. DEGETTE and Mr. SIRES.
H.R. 1207: Mr. RUPPERSBERGER.
H.R. 1215: Mr. KENNEDY.
H.R. 1245: Mrs. CHRISTENSEN.
H.R. 1255: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1298: Ms. WOOLSEY, Mr. PAUL, Mr. DUNCAN, Mr. LATOURETTE, Mr. ALEXANDER, and Mr. MITCHELL.
H.R. 1324: Mr. TOWNS.
H.R. 1326: Mr. KENNEDY, Ms. DELAURO, and Mr. CONNOLLY of Virginia.
H.R. 1428: Mr. JONES.
H.R. 1458: Mr. SMITH of Washington.
H.R. 1523: Mr. TIERNEY, Mr. KAGEN, and Ms. SPEIER.
H.R. 1526: Mr. PETERSON and Mr. LATHAM.
H.R. 1549: Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Ms. FUDGE, Mr. KILDEE, Ms. CHU, and Ms. WATERS.
H.R. 1552: Mr. SKELTON.
H.R. 1677: Mr. COHEN, Mr. CARSON of Indiana, Mr. CUELLAR, and Mr. MEEK of Florida.
H.R. 1681: Mr. LEVIN.
H.R. 1685: Mr. CARSON of Indiana, Mr. DELAHUNT, and Mr. MICHAUD.
H.R. 1690: Mr. PRICE of North Carolina.
H.R. 1719: Mr. LARSON of Connecticut.
H.R. 1721: Mr. LATOURETTE.
H.R. 1751: Mr. RUSH.
H.R. 1766: Mrs. CHRISTENSEN.
H.R. 1792: Ms. SHEA-PORTER.
H.R. 1835: Mr. LUJÁN.
H.R. 1846: Mr. RODRIGUEZ.
H.R. 1849: Mr. FRANKS of Arizona, Mr. WILSON of Ohio, Mr. TAYLOR, Mr. BISHOP of New York, Mr. MCMAHON, and Mrs. CHRISTENSEN.
H.R. 1908: Ms. FALLIN, Mr. GINGREY of Georgia, and Mr. MARCHANT.
H.R. 1916: Mr. CHILDERS.
H.R. 1925: Mr. FATTAH.
H.R. 1927: Mr. FARR.
H.R. 2002: Mr. CUMMINGS.
H.R. 2017: Mr. BUCHANAN.
H.R. 2024: Mr. RYAN of Ohio.
H.R. 2030: Mr. FRANK of Massachusetts.
H.R. 2046: Mr. BLUMENAUER, Mr. OLVER, and Mr. GRIJALVA.
H.R. 2057: Mr. CONAWAY and Mr. MILLER of North Carolina.
H.R. 2084: Mr. LATOURETTE.
H.R. 2106: Mr. DELAHUNT.
H.R. 2107: Mr. DANIEL E. LUNGREN of California.
H.R. 2109: Mr. GENE GREEN of Texas, Mr. SPRATT, Mr. BERMAN, Mr. HINCHEY, Ms. MARKEY of Colorado, and Mrs. NAPOLITANO.
H.R. 2138: Mr. CLEAVER.
H.R. 2177: Mr. BISHOP of Utah.
H.R. 2205: Mr. KENNEDY.
H.R. 2214: Mr. ROTHMAN of New Jersey.
H.R. 2246: Mr. MCGOVERN.
H.R. 2251: Mr. VAN HOLLEN.
H.R. 2254: Mr. BARROW, Ms. MARKEY of Colorado, Mr. MEEKS of New York, Mr. UPTON, and Mr. CLAY.
H.R. 2256: Mr. MARSHALL and Ms. BALDWIN.
H.R. 2266: Mr. PASCRELL.
H.R. 2269: Mr. MOORE of Kansas and Mr. JOHNSON of Georgia.
H.R. 2329: Mr. MOORE of Kansas and Mr. SHUSTER.
H.R. 2339: Mr. ROTHMAN of New Jersey.
H.R. 2361: Mr. BILBRAY.
H.R. 2381: Mr. PAYNE and Mr. OLVER.
H.R. 2452: Mr. POLIS, Mr. CONNOLLY of Virginia, Mr. GUTHRIE, and Mr. COBLE.
H.R. 2478: Mr. FORTENBERRY.
H.R. 2480: Mr. PIERLUISI, Ms. SCHAKOWSKY, and Mr. MURTHA.
H.R. 2490: Mr. CARSON of Indiana.
H.R. 2502: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BOUCHER, Mr. GRIFFITH, Mr. MURPHY of Connecticut, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GORDON of Tennessee, Mr. HILL, and Mr. SPACE.
H.R. 2541: Mrs. BIGGERT.
H.R. 2548: Mrs. CHRISTENSEN.
H.R. 2567: Mrs. CAPPS.
H.R. 2573: Mr. CAO.
H.R. 2672: Mr. SKELTON and Mr. MCKEON.
H.R. 2736: Mr. PRICE of North Carolina.
H.R. 2753: Mr. SMITH of Nebraska.
H.R. 2777: Ms. BERKLEY.
H.R. 2807: Ms. DEGETTE, Mr. LANCE, and Mr. ELLISON.
H.R. 2866: Mr. GRAVES and Ms. ZOE LOFGREN of California.
H.R. 2874: Mr. NYE and Mr. PERRIELLO.
H.R. 2894: Ms. DEGETTE.
H.R. 2906: Mr. MURPHY of Connecticut and Mrs. NAPOLITANO.
H.R. 2937: Mr. ROTHMAN of New Jersey.
H.R. 2964: Ms. ROS-LEHTINEN.
H.R. 2995: Mr. KIND.
H.R. 3010: Mrs. MCCARTHY of New York and Mr. CONYERS.
H.R. 3069: Mr. MICHAUD.
H.R. 3075: Mr. FILNER.
H.R. 3100: Mr. SESTAK.
H.R. 3126: Ms. JACKSON-LEE of Texas.
H.R. 3202: Mr. YOUNG of Alaska and Mr. SABLAN.
H.R. 3226: Mrs. BLACKBURN, Mr. GERLACH, and Mr. OLSON.
H.R. 3227: Mr. PETERS.
H.R. 3238: Mr. CAPUANO.
H.R. 3245: Mr. BERMAN.
H.R. 3264: Mr. HOLDEN.
H.R. 3276: Mr. INSLEE.
H.R. 3286: Mr. KENNEDY, Mr. CAO, and Ms. WASSERMAN SCHULTZ.
H.R. 3328: Ms. WATERS and Mr. HOLT.
H.R. 3355: Mr. SHUSTER and Mr. COHEN.
H.R. 3359: Ms. LEE of California and Mr. KUCINICH.
H.R. 3365: Mr. TAYLOR, Ms. MARKEY of Colorado, Mr. CARNEY, and Mr. CONNOLLY of Virginia.
H.R. 3375: Mr. FRANKS of Arizona.
H.R. 3421: Mr. DEFAZIO, Mr. BILBRAY, Mr. HOLT, and Mr. REYES.
H.R. 3457: Ms. MARKEY of Colorado.
H.R. 3458: Mr. DOGGETT.
H.R. 3463: Mr. NYE.
H.R. 3485: Mr. MCGOVERN and Mr. HOLT.
H.R. 3545: Mr. DELAHUNT and Ms. SUTTON.
H.R. 3554: Mr. HODES, Mrs. KIRKPATRICK of Arizona, and Mr. ROSS.
H.R. 3560: Mr. GENE GREEN of Texas.
H.R. 3564: Mr. JACKSON of Illinois.
H.R. 3569: Mr. CALVERT.
H.R. 3586: Mr. DRIEHAUS and Mr. TERRY.
H.R. 3589: Ms. JACKSON-LEE of Texas, Mr. HODES, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Mr. DELAHUNT, and Mr. HINCHEY.
H.R. 3596: Ms. SCHAKOWSKY, Mr. WELCH, Mr. NADLER of New York, Mr. VAN HOLLEN, and Mr. SHULER.
H.R. 3602: Ms. RICHARDSON.
H.R. 3611: Mr. CALVERT.
H.R. 3613: Mr. CONAWAY, Mr. ALEXANDER, Mr. MCCAUL, Ms. JENKINS, Mrs. BLACKBURN, and Mr. BROWN of South Carolina.
H.R. 3633: Mr. WEINER and Mr. ROGERS of Michigan.
H.R. 3636: Mr. SCHIFF.
H.R. 3644: Mr. CONNOLLY of Virginia.
H.R. 3654: Mr. CAO.
H.R. 3677: Mr. SMITH of Texas.
H.R. 3683: Mr. BOEHNER, Mrs. MCMORRIS RODGERS, and Mr. WESTMORELAND.
H.R. 3691: Mr. CASTLE.
H.R. 3700: Mr. PRICE of Georgia and Mr. HUNTER.
H.R. 3712: Mr. CARNEY, Ms. JACKSON-LEE of Texas, and Mrs. LOWEY.
H.R. 3723: Mr. SKELTON.
H.R. 3724: Ms. LINDA T. SÁNCHEZ of California and Mr. GERLACH.
H.R. 3728: Mr. MEEKS of New York, Mr. TOWNS, Mr. RUSH, Ms. NORTON, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. FATTAH, and Mr. CLEAVER.
H.R. 3731: Mr. HOLT, Mr. CARNAHAN, Mr. COSTELLO, and Mr. CARSON of Indiana.
H.R. 3734: Ms. LEE of California.
H.R. 3749: Mr. SPACE, Mr. PETERSON, and Mrs. MILLER of Michigan.
H.R. 3766: Ms. MOORE of Wisconsin and Mr. BRADY of Pennsylvania.
H.R. 3772: Ms. MATSUI and Mr. FILNER.
H.R. 3789: Mr. ISSA, Mr. BROWN of South Carolina, Mr. BONNER, Mr. BISHOP of Utah, Mr. AUSTRIA, Mr. LUETKEMEYER, Mr. POSEY, Mr. WAMP, Mr. HUNTER, Mr. CHAFFETZ, Mr. JORDAN of Ohio, Mr. MCCLINTOCK, Mr. CAMPBELL, Mr. KING of Iowa, Mr. COLE, Mr. HARPER, Mr. DAVIS of Kentucky, Mrs. SCHMIDT, Mr. MARCHANT, Mrs. BIGGERT, Mr. KLINE of Minnesota, Mr. BROUN of Georgia, and Mrs. LUMMIS.
H.R. 3790: Mr. POSEY, Mr. FRANK of Massachusetts, Mr. TURNER, Mr. BARROW, Ms. MARKEY of Colorado, and Mr. LOBIONDO.
H.R. 3791: Mr. KENNEDY, Mr. SNYDER, Mr. COURTNEY, and Mr. PIERLUISI.
H.R. 3792: Mr. MATHESON, Mr. AL GREEN of Texas, and Ms. HARMAN.
H.R. 3797: Mrs. BLACKBURN, Mr. LEE of New York, and Mr. JORDAN of Ohio.
H.R. 3800: Mr. FILNER.
H.R. 3820: Mr. GORDON of Tennessee.
H.R. 3837: Mr. BISHOP of New York, Mr. CARNEY, Mrs. KIRKPATRICK of Arizona, and Mr. REYES.
H.J. Res. 11: Mr. FORBES, Mr. KING of Iowa, Mrs. EMERSON, and Mr. UPTON.
H.J. Res. 47: Mr. ALEXANDER and Mr. MINNICK.
H. Con. Res. 97: Mr. DELAHUNT.
H. Con. Res. 161: Mrs. BACHMANN, Mr. COFFMAN of Colorado, Ms. FALLIN, Mr. BARTLETT, Mr. GINGREY of Georgia, Mrs. BLACKBURN, Mr. HARPER, Mr. KLINE of Minnesota, Mr. COLE, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. ROONEY, Mr. HUNTER, Mr. WAMP, Mr. BILBRAY, Mr. POSEY, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. CONAWAY, Mr. BROWN of South Carolina, Mr. AKIN, and Mr. SAM JOHNSON of Texas.
H. Con. Res. 177: Mr. CALVERT and Mr. COHEN.
H. Con. Res. 198: Mr. SULLIVAN.
H. Res. 22: Ms. SPEIER.
H. Res. 89: Mr. BERMAN and Mr. COURTNEY.
H. Res. 159: Ms. HIRONO.
H. Res. 213: Mr. CUELLAR.
H. Res. 236: Mr. MINNICK.
H. Res. 255: Mr. ROTHMAN of New Jersey.
H. Res. 558: Ms. CLARKE.
H. Res. 615: Mr. FORBES.
H. Res. 619: Mr. MANZULLO.
H. Res. 648: Mr. GRAYSON, Mr. REYES, Ms. VELÁZQUEZ, and Ms. SHEA-PORTER.
H. Res. 656: Mr. WOLF and Mr. ROONEY.
H. Res. 660: Mr. CLYBURN.
H. Res. 672: Mr. PITTS, Mr. LAMBORN, and Ms. CHU.
H. Res. 699: Mr. BLUNT and Mr. MCKEON.
H. Res. 700: Mr. MCGOVERN.
H. Res. 704: Mr. HALL of Texas, Mr. ORTIZ, Mr. HUNTER, and Mr. HINCHEY.
H. Res. 711: Mr. BLUNT, Mr. TIBERI, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. HOLT, Ms. KILROY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MILLER of North Carolina, Ms. FOXX, and Mr. MCCAUL.
H. Res. 716: Mr. PERRIELLO.
H. Res. 727: Mr. MCMAHON, Mr. KLINE of Minnesota, and Mr. COHEN.
H. Res. 729: Mr. WITTMAN.
H. Res. 736: Mr. GUTIERREZ, Mr. SHIMKUS, Mr. LUETKEMEYER, Mr. CALVERT, Mr. SKELTON, Mrs. LOWEY, Mr. DUNCAN, Mr. THOMPSON of Pennsylvania, and Mrs. DAHLKEMPER.

H. Res. 740: Mr. ADERHOLT.
H. Res. 749: Mr. MANZULLO.
H. Res. 752: Mr. BRALEY of Iowa.
H. Res. 756: Mr. REYES and Mrs. MCMORRIS RODGERS.
H. Res. 761: Mr. ENGEL.
H. Res. 764: Ms. SPEIER.
H. Res. 773: Mr. CONAWAY, Mr. ARCURI, Mr. SMITH of New Jersey, Mr. CARNEY, and Mr. COBLE.
H. Res. 780: Mr. CONYERS, Mr. WOLF, Mrs. CHRISTENSEN, Mr. MCDERMOTT, and Ms. TITUS.
H. Res. 783: Mr. PASTOR of Arizona, Ms. BORDALLO, and Mr. ROGERS of Michigan.
H. Res. 787: Mr. BARROW, Mr. PALLONE, and Mr. ACKERMAN.
H. Res. 796: Mr. WITTMAN.
H. Res. 797: Mr. CARNEY, Mr. SMITH of Washington, Mr. EHLERS, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. MASSA, Mr. COBLE, and Mrs. KIRKPATRICK of Arizona.
H. Res. 801: Mr. FILNER, Ms. SCHAKOWSKY, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, and Mr. HONDA.
H. Res. 811: Mr. FOSTER.
H. Res. 817: Ms. CHU, Mr. FATTAH, Mrs. NAPOLITANO, Mr. PETERSON, Mr. POSEY, Ms. ROS-LEHTINEN, and Ms. SCHAKOWSKY.
H. Res. 819: Mr. LEE of New York.
H. Res. 823: Mr. SCOTT of Georgia.
H. Res. 831: Mr. THOMPSON of Pennsylvania, Mr. HOEKSTRA, Ms. BERKLEY, and Mr. CAO.
H. Res. 838: Mr. BROWN of South Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KENNEDY, Ms. ESHOO, Mr. ROTHMAN of New Jersey, Mr. JACKSON of Illinois, Ms. ROS-LEHTINEN, Mr. COURTNEY, Mr. LANGEVIN, Mr. ROYCE, Ms. BERKLEY, Mr. MCGOVERN, Mr. MCMAHON, Mrs. LOWEY, Mr. BLUNT, Mr. WEXLER, Mr. MCCOTTER, Ms. LORETTA SANCHEZ of California, and Mr. CARNAHAN.
H. Res. 840: Mr. CAO and Mr. SMITH of New Jersey.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GORDON, or a designee, to H.R. 3585, the Solar Technology Roadmap Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The Amendment No. __ to be offered by Mr. OBERSTAR, of his designee, to H.R. 3619 contains the following earmarks as defined in clause 9(e) of rule XXI:

Section	Description of provision	Requested by
1302	Certificate of Documentation for St. Mary's Cement.	Thomas E. Petri Bart Stupak
1302	Certificate of Documentation for Dry Dock #2.	Don Young

Furthermore, the manager's amendment contains no limited tax benefits or limited tariff benefits as defined in clause 9(f) or 9(g) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Mr. SCHRADER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

[Omitted from the Record of October 16, 2009]

Petition 5 by Mrs. BLACKBURN on H.R. 391: John A. Boehner.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, OCTOBER 20, 2009 *No. 152*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, Maker of Heaven and Earth, we praise You that You have not left us solely to our own resources. Instead, You promised to be our strength, our ever-present help in time of trouble.

Lord, our lawmakers need You during these challenging days. Guide them with Your wisdom, as Your loving providence prepares the road ahead. Give them the grace to be valiant pilgrims of life's sometimes dreary and dusty way. Teach them to toil and ask not for reward save that of knowing they do the things that please You. May the spur of conscience be the guiding star to lead them to the right decisions. Strengthen their will to always choose that which is morally excellent rather than what is politically expedient.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 20, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS 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 90 minutes, with Senators permitted to speak for 10 minutes each. The majority will control the first 45 minutes and the Republicans will control the second part of that.

Following morning business, the Senate will proceed to the consideration of the conference report to accompany H.R. 2892, which is the Department of Homeland Security Appropriations Act. There will be 3 hours 15 minutes for debate prior to a vote on the conference report. The Senate will recess from 12:30 to 2:15 p.m. today for our weekly caucus lunches. If all time is used, the vote will occur around 4:30. However, some of the debate time may be yielded back and we could vote earlier than that.

We are still working on an agreement, the Republican leader and myself, to consider the Medicare Physicians Fairness Act. Senators will be notified when any agreement is reached.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HEALTH CARE WEEK XIV, DAY II

Mr. MCCONNELL. Mr. President, over the past few months, I have delivered a series of floor speeches on the kinds of commonsense reforms that Americans were looking for but have not seen in the ongoing debate over health care. In particular, I have noted the glaring absence of medical liability reform in the various Democratic plans that are kicking around here on Capitol Hill.

My point has been simple: Throughout the debate, the administration has been hauling out one group or another onto the White House lawn as a way of suggesting support for its health care plans. We have seen doctors. We have seen nurses. We have seen hospitals, State governments—you name it. But one group you have not seen is the personal injury lawyers who drive up the cost of medicine and premiums for all of us by filing wasteful lawsuits against doctors and hospitals all across our country.

The connection between lawsuits and higher health care costs is obvious. Because of the constant threat of these suits, doctors are forced to order costly but unnecessary tests and procedures to protect themselves. The routine nature of this so-called defensive medicine is one reason health care costs

have skyrocketed over the past decade, and junk lawsuits are the primary reason doctors today spend a fortune—a fortune—on liability insurance even before they open their doors for business.

The prevalence of wasteful lawsuits is evidenced by the fact that Americans spend more on lawsuits than any other country and more than twice as much as all but one other country—not because American doctors are somehow more negligent but because our lawsuits tend to be more wasteful. In fact, according to the New England Journal of Medicine, 40 percent—40 percent—of liability suits in the United States are entirely without merit, and even in cases in which the plaintiff prevails, most of the compensation goes to someone other than the victim.

There should be no doubt that wasteful lawsuits are a major reason that health care costs in this country are out of control and that we should do something about it.

We have seen the good results of medical liability reforms at the State level. States that have adopted medical liability reform have witnessed premiums for medical liability insurance fall dramatically. Recent reforms in Texas, for example, helped drive down insurance premiums for doctors by more than 25 percent. These savings have allowed doctors in Texas to see more clients and increase charity care.

Here was a commonsense reform that surely everyone could agree on. Yet, just like the other commonsense reforms Republicans have proposed as a way of fixing our existing health care system, our advice was ignored.

The administration and Democratic leaders in Congress were determined from the outset to press ahead with a massive—a massive—expansion of government rather than take step-by-step reforms that the American people have been asking for all along. We have seen it in every Democratic proposal, including the recently finalized Baucus plan. In the face of indisputable evidence that medical liability reforms would lower costs, the Baucus bill offers nothing more than lip service—a sense of the Senate that ''Congress should consider establishing a state demonstration program.''

Well, we already have State demonstration programs. We have them in California, we have them in Indiana, and we have them in Texas. They work, and we ought to be doing that at the Federal level.

If Democrats were serious about getting rid of junk lawsuits, I am sure they could have found room in the 1,500-page Baucus bill for it. Unfortunately, they did not.

Americans expected more than this. At the outset of this debate, everyone agreed that one of the primary reasons for reform was the need to lower health care costs, and commonsense experience and the testimony of all the experts tells us unequivocally—unequivocally—that ending junk lawsuits against doctors and hospitals would lower costs. The question was not whether we should have included it. The only question was, Why would Democrats leave out such a commonsense reform?

Unfortunately, the answer is all too obvious. Here is how a former Democratic National Committee chairman put it recently in a candid moment. This is what he had to say. ''The reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers in addition to everybody else they were taking on, and that is the plain and simple truth.''

That is Howard Dean, Dr. Howard Dean, not Senate Republicans. Howard Dean says the reason this obvious, commonsense reform was not included in the Baucus bill is that the authors of the bill did not want to face the wrath of the lawyers.

This is precisely why Americans are concerned about government-driven health care. Commonsense decisions become political decisions. And Americans do not want politics interfering with their health care. Medical liability reform should be in this bill. The fact that it is not only makes Americans more concerned about the impact government-driven health care would have on their lives and on their care.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. 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.

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 will proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Rhode Island.

EXTENSION OF UNEMPLOYMENT INSURANCE BENEFITS

Mr. REED. Mr. President, I rise again to urge my colleagues, particularly my colleagues on the Republican side, to put aside their amendments so we can move immediately and pass an extension of unemployment insurance benefits.

We are facing a crisis of employment throughout this country. We are seeing people who are exhausting their benefits. The need is now. The time is now. We must act now.

Hundreds of thousands of Americans have already exhausted their unemployment benefits, including 3,500 Rhode Islanders. Unfortunately, this number is growing every day. These people are out of work, without an employment check or paycheck, with jobs remaining scarce.

It is important to recognize how we got here. A $236 billion Federal surplus accumulated in the 1990s under President Clinton and handed to President Bush evaporated in 2000 due to President Bush's unsound and excessive tax cuts which cost nearly $1.8 trillion and failed to spur sustainable economic expansion and were targeted to the richest Americans, not middle-income Americans. Indeed, most working Americans actually ended up less well off as the median income for families fell by $2,000 from the year 2000 to the year 2007. Let me say that again. In the period of the Bush administration, with the huge tax cuts which he proposed as being the key to our economic recovery and our economic progress, incomes of middle-income Americans fell, they didn't rise. Incomes of the very richest Americans rose dramatically and continue to rise.

In addition, the Bush administration praised the doctrine of inadequate supervision of our financial markets, a lack of adequate risk assessment by financial institutions throughout not only the United States but the world, and they combined that laissez-faire attitude toward regulation of Wall Street with very costly and unfunded wars in Iraq and Afghanistan. As a result of these profligate policies, President Obama inherited a $1.3 trillion deficit upon taking office. This is on top of an unprecedented set of circumstances facing our Nation both at home and abroad—the virtual collapse of the financial markets in September, the ongoing wars in Iraq and Afghanistan. With regard to Afghanistan, the same inattention the Bush administration showed toward regulation they showed toward our efforts in Afghanistan, and today we face a crisis of the first order there.

Today, we are in a serious situation. Through decisive action, which I will credit began under President Bush last September but particularly carried out through the stimulus package, we are responding to this economic crisis. But economists of all persuasions tell us we are in a very difficult and challenging moment. Unlike the 1980s and prior economic downturns, they do not expect a traditional V-shaped recovery—a quick decline and then a fairly rapid ascent to normal economic performances. In fact, economists are predicting that job gains will not be manifest until next year. It always seems to be the situation that employment numbers lag behind other indicators,

including economic growth and availability of credit, and this lag is particularly challenging today because it means people are out of work and unfortunately may stay out of work into next summer and beyond.

There have been some signs of recovery. The last time the Dow hit 10,000 was October 2008, and we recently have seen it headed up in crossing 10,000. It is no longer in a meltdown, but we are far from a full, sustainable recovery.

Wall Street is one indication, but it is not the indication most Americans look to in terms of their own family's welfare. The most important aspect of a family's welfare is steady, dependable, rewarding employment, and that is the challenge we face today. People are concerned about jobs. Many Rhode Islanders with jobs are coping with reductions in hours and earnings, while those without jobs are tirelessly looking for work in a labor market that is worsening, and jobs simply aren't there.

We have a particularly dire situation in Rhode Island. There are 74,000 unemployed in my State. That is a big number, but it is much bigger in terms of my State of Rhode Island. We are the smallest State in the Union. With a population between 900,000, and 1 million, 74,000 unemployed people is a huge amount. It translates to 13 percent unemployment. If you look at the underemployed, if you look at those who have dropped out of the labor force, it is probably much higher. If you look at subcategories—teenagers, for example, much higher; minority communities, much higher. As a result, there is a growing frustration and too often a desperation gripping the people of Rhode Island.

A key component of stabilizing the economy is ensuring that Americans without jobs can continue to support their families, and that is at the heart of our unemployment compensation program. This compromise legislation which I helped craft along with Leader REID, Chairman BAUCUS, Senator SHAHEEN from New Hampshire, Senator DURBIN, and others, strikes a careful balance. It is completely offset. It helps unemployed workers across the country by providing all States with an additional 14 weeks of unemployment insurance benefits. It also continues the historical precedent and sound policy of recognizing that workers in the hardest hit States such as Rhode Island have even greater challenges finding work and are in the greatest need of assistance. Rhode Island and other States with unemployment rates at or above 8.5 percent would get an additional 6 weeks of benefits, for a total of 20 weeks. This provision will help more than 25 States, including South Carolina, Tennessee, and Michigan.

Unfortunately, the other side of the aisle, instead of permitting us to take up the bill quickly, is blocking legislation to extend unemployment insurance.

First they argued that they needed to see a CBO score, even though this legislation has been scored by CBO and, again, it is fully offset. It is quite obvious it is fully offset.

Now my colleagues on the other side are delaying passage of this measure by offering a range of amendments that are not related to unemployment benefits. It is my understanding that the junior Senator from Nebraska is offering an amendment with respect to ACORN funding. This amendment not only has nothing to do with extending the benefits to jobless Americans, but it has already been considered on several occasions. In fact, I joined the Senator in passing his amendment to the Transportation appropriations bill just the other week.

Another of our colleagues wants to extend the $8,000 new homeowner tax credit which costs an estimated $16.7 billion. This is a worthy effort, but in the context of trying to get aid immediately to unemployed workers, I don't think it is the best use of our time.

It is counterintuitive to delay an extension of unemployment insurance with these types of amendments. Again, the homeowner tax credit is something I support. It is something we should do. It is something we should consider paying for also. But now is the time to deal with the most obvious crisis: people without work, running out of benefits, facing a desperate situation. They are falling behind in mortgage payments, accelerating another aspect of our problem—the crisis in foreclosures. They need this extension. Debating amendments that send messages but don't provide help for working Americans is not what we should be doing.

I wish to underscore the urgency we are facing. People are exhausting their benefits. They are receiving nothing. They still have to provide for their families. In Rhode Island, 3,500 people would benefit immediately from a Federal extension, a majority of whom have already exhausted their benefits going back, in some cases, several months. Thousands more Rhode Islanders will see their benefits end unless we act. These families need this help to stay afloat, to pay their bills, to stay in their homes. It is truly ironic that the Republican Party is delaying an extension of unemployment insurance to the middle class, yet in the past they have had no problem supporting huge tax cuts skewed toward the wealthiest Americans.

It is my hope we can work together. This is not a Rhode Island problem alone. It is not a Democratic problem or a Republican problem. I have been joined—and I wish to thank my colleague from South Carolina, LINDSEY GRAHAM, for working on this, because South Carolina is feeling the effects of this recession. Every part of this country, with very few exceptions, is feeling this problem. I again urge that we pass this measure.

In addition, we should recognize that there is one other aspect we should consider; strengthening and expanding work-share programs, which allow employers to cut-back hours rather than lay people off if the employer maintains pension and health benefits. In turn, employees receive a proportionate unemployment insurance benefit for those hours reduced. It has been very effective in Rhode Island—averting nearly 5,000 layoffs in the first eight months of this year.

I urge immediate consideration of this extension, and I hope we can pass it this week.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor for the third time in the last couple of weeks to urge passage of the Unemployment Compensation Extension Act. This will help the almost 2 million Americans who are in danger of losing their benefits. I am proud to join Senator JACK REED, and I thank him for his leadership in trying to get this done and working out legislation that can be supported by hopefully most of the Members of this Senate. For nearly 2 weeks, we have been working to pass an extension to help struggling families across the country.

The Senate bill we have introduced is a good bill, as Senator REED has said. It extends unemployment benefits for up to 14 weeks in all 50 States and by an additional 6 weeks in States with the highest unemployment rates. The extensions are targeted: only unemployed workers who have already exhausted their benefits are eligible. That means that almost all jobless workers who use this extension will have been out of work for a year or longer. That is a very long time.

Unemployment insurance was created to provide workers with an income while they look for another job, but with unemployment almost 10 percent nationally, it has gotten harder to find work, not easier. The number of long-term unemployed—those without a job for 27 weeks or more—rose to 5.4 million in September. In my home State of New Hampshire, the number of long-term unemployed has more than tripled in the past year. So now we have reached a perfect storm with unemployment. There are more than six people for every job opening, and nearly 2 million Americans are about to run out of all benefits, the benefits they need to pay the rent, to pay their mortgage, to buy food, to pay for gas, to continue to look for a job.

The Presiding Officer and I both know that unemployment is spent on necessities and it is spent immediately. So when we extend benefits, we are not just helping the workers who have lost their jobs; we are helping small businesses that provide the goods and services unemployed workers need. In fact, economists say that dollar for dollar, extending unemployment benefits is one of the most cost-effective actions we can take to stimulate the economy.

So now, as this economy is trying to recover, as people are struggling to

find work, it makes perfect sense that we would extend unemployment benefits for those people who need them. The American people are calling for the Senate to act, but some of our Members just aren't listening, and they have held up an extension for almost 2 weeks. They don't seem to want to move forward under any circumstances. My office is getting calls every day from people in New Hampshire and across the country, and they want to know why the Senate isn't acting quickly to pass an extension. Unfortunately, some Senators seem to be holding up the process to win political points, to delay our entire legislative agenda. They are playing politics while 7,000 workers a day run out of benefits, the benefits they need to put food on the table, to pay their bills, to keep our economy going.

This is not the time to play politics. This extension will help millions of Americans. It will help Americans in Democratic States, in Republican States, in Independent States, in purple States and red States and blue States.

It is important for us to pass this extension to help those Americans to stimulate our economy by getting money back into the hands of people who will spend it immediately.

I, again, urge all those Senators who have been standing in the way to stop playing politics and to pass this critical extension.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from New Hampshire for adding to the statement of the Senator from Rhode Island about this unemployment issue. As you can tell, this is a national concern. There was a time, I say to the Senator from New Hampshire, who is one of our newer Members, this was not even debated. Whether you were talking about minimum wage or unemployment compensation, it was a bipartisan issue. We basically knew, as the Senator said, the people hurting out there are not all Democrats, not all Republicans; they are all Americans and they are from all over this country.

Unfortunately, we have now drifted into a status where even this has become a political issue. I say to my colleagues on the Republican side of the aisle who are blocking unemployment benefits for the millions of unemployed people in this country: Go out and meet some of these people.

Last Friday, I went to Pilsen, which is a section in Chicago. I went to an office called the National Able Network, where they are trying to help the unemployed find a job. I sat at the table with about 12 unemployed people around me. I wish my Republican colleagues would actually sit down and meet some of these people who are unemployed. They will learn something. These are not lazy people. These are not people who enjoy being unemployed. These are people who are now desperate—desperate people.

Let me tell you about Ira. I will not use his last name. I met him. He is a 43-year-old African American. He worked at one of the biggest banks in Chicago up until 14 months ago. He was in charge of human relations. He said: My job was to place people in jobs. Now I am trying to place myself in a job. He is going to DePaul University to pick up a certification in his field in the hopes that will give him an edge to find a new job.

Ira is a father with a family and his son suffers from a serious illness. Ira has no health insurance. He lost it when he lost his job.

Corinne is another one. Corinne had been a vice president in a bank in downtown Chicago, which the Presiding Officer would know if I mentioned its name. She worked her way up, at age 61, to a good-paying job. She lost it when the bank went out of business and merged. She said: I look through all these classified ads and go on the Internet. There are not too many jobs for vice presidents at banks, and that is what I used to be. Now she says: I am willing to do whatever it takes. Corinne has no health insurance either.

I went around the table and asked people what they were up against. They said, basically, if we stop unemployment payments, if Congress does not extend it, we will turn to our savings. One lady said: I don't have any savings; I have spent it all to keep my house so I don't go into foreclosure.

That is the reality of this issue. So why are the Republicans stopping us from extending unemployment insurance benefits? Some of them oppose it. Some of them believe people who are unemployed are just plain lazy. They should sit down and talk with some of these folks. As the Senator from New Hampshire said, there are six unemployed people for every available job in America. This is not laziness. This is a reality of a recession which this President inherited.

Some others want to try to refinance and reconfigure unemployment as we know it—the unemployment benefits that are collected from all working Americans, while we are working, for the rainy-day possibility that we will lose a job someday. There is money in this fund to pay these benefits.

One of the Senators on the Republican side came to the floor last week and said: I wish to find a new way to refinance unemployment benefits. That is a great exercise and a great challenge. For goodness' sake, while you debate this issue, are you going to let hundreds of thousands of people wonder whether they will be able to keep food on the table? That is the reality.

There is a third group, honest to goodness, that believes these folks do not deserve to receive this money, that it means they will not try hard to find a job. That is fundamentally unfair. If you believe in family, family values, and a safety net for America, unemployment insurance is absolutely critical and essential.

Mr. President, 400,000 American families have run out of unemployment insurance benefits already, and the Republicans are stopping us from bringing up the bill to extend this safety net to unemployed Americans. There are 20,000 in my State of Illinois who lost their benefits a few days ago, at the end of September. There are another 200,000 families across the country who will lose their benefits this month because the Republicans continue to stop us from extending unemployment insurance benefits.

What are they waiting for? Mr. President, 1.3 million Americans will lose their temporary assistance by the end of the year if the Republicans stop us from moving on this legislation, 50,000 families in Illinois, similar to the ones I met with last Friday.

This money is essential for these families. It is essential for the economy. The money we put in an unemployment check is going to be spent by these people instantly. They are living paycheck to paycheck and, in this case, unemployment check to unemployment check.

Never in the history of the country's unemployment insurance program have more workers been unemployed for such prolonged periods of time. That is why we are extending the benefits. Half of all jobless workers cannot find a job within the first 6 months they receive benefits. That is the highest percentage of prolonged unemployment in the history of the program.

I can tell you what this comes down to. We are either going to stand up for these people who have been victims of this recession or we are going to watch more and more Americans show up at the bread lines, show up at the soup kitchens, show up at the homeless shelters. The New York Times had an article yesterday that said 1 out of 10 Americans in homeless shelters today is a victim of foreclosure. In the Midwest, it is one out of every six.

We are pretty comfortable as Members of the Senate. Our life is not bad at all. We know our next paycheck is coming in. But what about these poor people? I say to the Republicans, it is time to wake up to reality. Don't talk about family values, rewarding work, and standing up for people when you believe in them and turn down these unemployment benefits. It is time to pass these benefits now, and the Republicans had better step aside.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues who have come before the Senate on this critical issue, our ability to extend unemployment insurance, and to ask our Republican colleagues not to block our efforts and to allow us to bring up this bill and do it quickly to help the families who are suffering in every one of our States.

This week we have an important opportunity and a need to address a real ''kitchen table'' issue for families all across this country. We have an opportunity and a responsibility to pass an extension of unemployment insurance and, in doing so, to provide a measure of financial stability to millions of Americans who have been laid off in the most difficult economic times since the Great Depression. We have the opportunity and the responsibility to provide peace of mind to families who are left without a job and nowhere else to turn and are so concerned about their future, families who, right now, as we debate our ability to bring this bill to the floor of the Senate, are having a much more agonizing debate about how to make next month's rent or even next week's grocery budget if their unemployment runs out.

For these families, this bill Senator BAUCUS has worked so hard on to bring to the floor helps them out. What this bill does is extend the unemployment to laid-off workers in States that have been hardest hit by job losses by 6 weeks, and it provides every single unemployed worker who has exhausted his or her benefits, regardless of the State in which they live, an additional 14 weeks of support. It makes some critical changes to help our families. It makes clear that the additional $25 per week in benefits that Congress included in the Recovery Act does not count against someone who is seeking food stamps.

This bill could not come at a more critical time. This month, we have seen banner headlines in newspapers all across the country that make a very stark point about the tough climate our laid-off workers face today. In my home State of Washington, unemployment has now risen to 9.3 percent. That number alone does not illustrate the need to provide immediate relief. Even with the robust recovery program that has saved and created jobs throughout my State, our workers are feeling the very sharp effects of this recession.

Since this recession began in December of 2007, there have been over 145,000 jobs lost in my State. That means 1 in 20 jobs in Washington State has been lost. These unemployed workers are searching for an average of 6½ months before they find a job. While those statistics clearly point out the need for this legislation, the stories behind these statistics provide even more of a call to action—stories of single mothers who are scanning the classifieds every morning and then having to search through coupons each night to afford to feed their family dinner; stories of skilled workers, with many years of education and the debt that comes with that, facing stacks of unpaid bills; stories such as those that over the past few weeks, as unemployment benefits have become exhausted for millions of workers, have poured into my Senate offices, stories such as the one of Wane Ryan of Bonney Lake, WA, who shared it with me.

Mr. Ryan says he is a carpenter, with 23 years of experience, who has been looking for work for more than a year. In his letter, Mr. RYAN tells of recently selling all his personal belongings, relying on food banks, and being on the verge of financial ruin, through no fault of his own. He wrote me to ask for another emergency unemployment extension just to keep his head above water.

There is Kristina Cruz, from Seattle, who received her last unemployment check just a few weeks ago. Kristina told me she has been unemployed now for 20 months, after spending 10 years in human resources. She talks of going above and beyond in her job search, a skill she picked up as her career. But still, she said, interviews have been few and far between. She told me she is stressed out and panicked. She says she is not interested in living off the government long term, but in the midst of this economic crisis, she believes we need to pass this extension.

There is the story of Angela Slot and her family from Washougal, WA. Angela's husband designs kitchens and has been out of work since last May. He has returned to school, put out over 1,500 applications in different fields in different States and for every different type of job. Yet today he remains without work.

The Slot family has taken out loans, used all their savings and unemployment payments just to stay in their home and provide for their three children. Without this extension, the Slot family calculates they will not have their home by the end of this year.

For these families and millions more like them, the question that haunts them every single day is what will we do if this support runs out? Where will we go when our savings are exhausted, when the credit card can no longer make ends meet, when the bank will not wait for a mortgage payment any longer? To whom do we turn?

In a time of national crisis, it is our job to make sure we are answering those questions. We can do that by providing a bridge to financial stability for families today. By the end of this year, my State projects that nearly 18,000 people will be in need of these benefits just to keep them afloat.

I, personally, know how important it is to have the government in your corner during financial times. When I was young, my dad had to stop working. He was diagnosed with multiple sclerosis. That left my mom at home to support and raise seven kids, as she also took care of my dad. It was a very difficult time for my family. We made a lot of sacrifices to get by. But you know what. Our country was there for us. Through food stamps, VA benefits for my dad, student loans, my family made it through those tough times, and I am here today. That is why I believe strongly that we need to be there now for the millions of Americans who are struggling today.

We cannot sit on the sidelines. Doing so would only compound the problems we already face—more families pushed into bankruptcy, more families who will have foreclosures happen to them, more people will lose their health care, and less progress will be made on this important road to financial recovery. We cannot sit by as working families are pushed to the brink by a financial crisis they did not create but for which they are still paying.

Angela Slot ended her letter to me by saying she felt families such as hers, families who are just scraping by, are ''falling off the radar.'' This unemployment extension bill is our opportunity to prove to her and many others that is not the case. We have not forgotten them. We know they are out there.

I urge our colleagues to listen to the voices of their constituents. I ask our Republican colleagues not to block this effort, not to say no to these families, not to turn a blind eye but to join us in passing an unemployment extension that makes sure America's laid-off workers are not ignored.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I speak in support of extending unemployment benefits to provide much needed relief to jobless workers.

Nearly 2 million Americans, including more than 13,000 Minnesotans, will exhaust their unemployment benefits by the end of the year. We are facing record high unemployment in this country. The number of Americans out of work has almost doubled over the past 2 years. People who want to get back to work are still facing a depressed job market, where there are six unemployed workers for every job opening. It is no wonder that I have received so many letters from my constituents, scores of people going to 60 job interviews, sending in hundreds of resumes.

I thank Senator SHAHEEN for her leadership here; Senator DURBIN, who just spoke; the majority leader, Senator BAUCUS, Senator DODD, Senator JACK REED, and my other distinguished colleagues in working with me to provide this much needed relief. I was so pleased that we were able to put together a proposal that included all 50 States because I simply could not explain to the people of my State that while people in Wisconsin who are unemployed would get extended unemployment benefits, those in Minnesota would not. Our States share a border, but when people suffer in one State, they also suffer in the other.

This is a fiscally responsible solution that is fair and will provide for a State such as Minnesota, where unemployment is still high but below 8.5 percent, which was the mark that was used in the House bill. Unemployment is unemployment no matter where you live. Minnesotans without jobs do not suffer any less because our State's unemployment rate is slightly lower.

Several constituents wrote to me earlier, when Minnesota's unemployment rate was around 8 percent. At

that time, as I mentioned, the proposal from the House would have cut things off at 8.5 percent. After getting these letters and talking to people in my State, I decided that was not good enough.

In one letter, Marilynn, from St. Paul, wrote:

Unemployment may be 8 percent for the State of Minnesota, but in our house it's 100 percent.

As Marilynn notes, unemployment is a national issue that does not simply begin or stop at State lines. Being unemployed in North Dakota, South Dakota, Iowa, Wisconsin, or any other State does not hurt any more or less than being unemployed in Minnesota. Deep, persistent unemployment hurts no matter where you happen to live, and the solution my colleagues and I crafted strikes the right balance in recognizing that fact.

Mariann from White Bear Lake, MN, wrote:

The tremendous stress of trying to search for an affordable job and raise two children on my own is overwhelming in itself. I cannot help that I live in one of the States with lower than 8.5 percent unemployment.

And Brian from Anoka wrote:

In fairness, what is good for one unemployed person should be good for all unemployed persons everywhere.

As the Senator from Illinois knows, sometimes we get letters that are all the same, from groups that organize, but these were individual letters from citizens out there who are hurting and who actually looked at the paper, heard the news, and decided: Wait a minute, the House bill, at 8.5 percent, does not help me. I am going to be left with nothing.

Simply put, this legislation in the Senate provides relief in a fair way to all those in need. This legislation helps jobless workers who desperately need relief. This legislation does not add to the deficit. This legislation is the right thing to do. Despite our best efforts, we have not been able to convince some of our colleagues on the other side of the aisle to agree that struggling middle-class Americans deserve an up-or-down vote on whether their unemployment benefits should be extended.

While my colleagues can perhaps afford to wait in their States—maybe the unemployed people in their States aren't writing them these letters—the more than 13,000 Minnesotans who will exhaust their unemployment benefits by the end of December cannot afford to wait. They have already waited too long. The time to act is now. This is the decent thing to do, and in a stretched economy, it is the right thing to do.

I know people are happy that we have started to see some good numbers on Wall Street. We need that. Maybe it will help us with our 401(k)s. But what do you say to Barbara, from Mahtomedi, MN, who understands Wall Street is doing well, but writes this:

My husband has been looking for a job since March and without unemployment to help us out, I don't know what will happen. All four of us have been looking for steady employment for months. We drive old cars, bought a house within our means that we have been fixing up slowly by ourselves the past 22 years, buy everything used or on sale. Please don't let Minnesotans get left out in the cold—oh yes, don't forget about the heating bills coming in the next months. We need jobs and extending benefits will help us survive.

And what would my colleagues who are now stopping this bill from coming to the floor say to Carolyn of Woodbury, MN, who writes:

As of the early part of November of this year, I will have completed all my unemployment benefits. I have been looking for work daily since May of 2008 and have had several interviews but no offers yet. I like working, I am looking for work, I want to work and I am able to work but have not gotten any offers yet. Is there any chance that unemployment benefits will be extended? My unemployment is my only source of income and if I am not able to get that and don't have a job what will happen to a person like myself?

The time for partisanship is over. This is about people's lives and their ability to survive and to continue to provide for their families. I am very glad this Senate recognized that an unemployed person in Minnesota needs as much help as an unemployed person in Wisconsin, but now it is time to get the bill passed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

HEALTH CARE REFORM

Mr. MCCAIN. Mr. President, last year, the President of the United States, during his campaign, stated that there was going to be a change in the way we do business here in our Nation's Capitol, and that when it comes time for a conference on a bill that the American people would be brought in; that C–SPAN cameras would be there as Republicans and Democrats in a room that was open to the American public; that they would sit down and negotiate and come forward with results from a process that the American people would all be aware of. I have the direct quote here.

So what is going on today? Here is the bill from the HELP Committee. This is only some 600 pages. And over here we have the Finance Committee bill, some 1,500 pages. And not far from here—very close to here—there is a handful of Democrats and administration people behind closed doors who are reconciling these two bills. Sooner or later they will come out of that room—fortunately no longer smoke filled, but certainly with no access or information available for the American people—with perhaps a 2,100-page bill which has yet to be on the Internet so that the American people can see it. A remarkable process. No one should wonder then about the cynicism that is out there in America about the way we do business in our Nation's Capitol.

Less than 6 months ago, the President stood before a receptive audience and he told the members of the American Medical Association, and I quote him:

Now, I recognize that it will be hard to make some of these changes if doctors feel like they're constantly looking over their shoulders for fear of lawsuits. Now I understand some doctors may feel the need to order more tests and treatments to avoid being legally vulnerable. That's a real issue. I do think we need to explore a range of ideas about how to put patient safety first, how to let doctors focus on practicing medicine. I want to work with the AMA so we can scale back the excessive defensive medicine that reinforces our current system. So this is going to be a priority for me.

That is a quote from the President back when he spoke to the AMA less than 6 months ago. Yet in this 600-page document there is not a mention of medical malpractice reform. In this 1,500-page document there are 20 pages of sense-of-the-Senate language. In case there is anyone who doesn't know what sense of the Senate means, it means exactly that. It does not mean law.

So the President of the United States talks to the AMA and tells them that we are going to bring about change. We are going to stop this practice of defensive medicine, which by the way, the estimates say account for as much as $200 billion a year added to health care expenses. But what have we got here, and here, and going on behind closed doors? Does anybody believe the Democrats are going to come out with anything that is meaningful on medical malpractice reform? No. But what they will do is to say that we are going to try some demonstration projects. We are going to try some demonstrations.

In fact, on September 9, 2009, before a joint session of Congress, the President went a step further and stated:

Now, finally, many in this Chamber—particularly on the Republican side of the aisle—have long insisted that reforming our medical malpractice laws can help bring down the cost of health care. Now, I don't believe malpractice reform is a silver bullet, but . . . defensive medicine may be contributing to unnecessary costs. I know that the Bush administration considered authorizing demonstration projects in individual States to test these ideas.

And by the way, the reason why they did that was because they couldn't get meaningful malpractice reform through the Congress. Continuing the quote from the President:

I think it's a good idea, and I'm directing my Secretary of Health and Human Services to move forward on this initiative today.

Shortly thereafter, the President did issue a memo on medical malpractice reform where he stated:

We should explore medical liability reform as one way to improve the quality of care and patient-safety practices and to reduce defensive medicine.

So we all read with great interest about the new initiative. The memo went on to state:

We must foster better communication between doctors and their patients. We must ensure that patients are compensated in a fair and timely manner for medical injuries,

while also reducing the incidence of frivolous lawsuits. And we must work to reduce liability premiums.

The memo concluded with the grand policy crescendo and a request that the Secretary of Health and Human Services announce:

. . . that the department will make available demonstration grants to States, localities, and health systems for the development, implementation, and evaluation of alternatives to our current medical liability system.

There is nothing to be demonstrated. We already have two demonstration States—California and Texas—where medical malpractice laws are working. What is needed is leadership. Despite all the promises, the President and his party have yet to put forward any real medical malpractice liability reforms as part of either of the two health bills that have been shepherded through two Senate committees that are being merged behind closed doors by a select few.

I wish to point out that every time we tried to get an amendment on the 600-page bill—not the 1,500-page bill—those amendments to do even the slightest change in medical malpractice were voted down on a party-line basis. It is a failure of leadership.

How many patients are subjected to unneeded and unwarranted tests and procedures—some of which are certainly not painless—because the doctor has to perform defensive medicine? How many medical practitioners in America today are like the chief of surgery, the surgeon I met at the Palmetto Medical Center in Miami, who said: No, I don't have insurance. I couldn't afford the premiums. I don't have insurance. But if they sue me, all they can do is take everything I have. What kind of incentive is that for people to engage in the medical profession?

As I said, the Finance Committee bill—1,522 pages—contains 20 lines of nonbinding sense-of-the-Senate language that merely expresses a view that ''health care reform presents an opportunity to address issues related to medical malpractice and medical liability insurance.'' Let me repeat that. This is the 1,500-page bill. In 1,500 pages, there are 20 lines of sense-of-the-Senate language which says: ''Health care reform presents an opportunity to address issues related to medical malpractice and medical liability insurance.''

I am not making that up. I am not making it up. It surely does present an opportunity to address issues related to medical malpractice reform. However, the other side passes on such an opportunity. It is a fact that just the narrowest specifics of medical liability reform could save $11 billion this year alone. As I said, there are some estimates which claim it could be as much as $200 billion when you look at the defensive medicine that is being practiced today.

California addressed this precise problem in 1975 by passing legislation that capped jury awards for ''non-economic'' damages such as pain and suffering in medical malpractice suits. Not only does this cap reduce the amount of damages but it has had the effect of deterring unwarranted lawsuits. Malpractice filings have fallen in almost every county in California, medical malpractice insurance premiums have dropped, and patient costs have lessened.

In Texas, the trial lawyers had created such a problem for lawsuit abuse that patients didn't have access to doctors for several primary and specialty care services. Women couldn't find OB–GYNs. Several counties didn't even have neurosurgeons or anesthesiologists. Texas put in place a new structure that ensured patients got full compensation for their losses while at the same time curbing lawsuit abuse. In Texas, ''Patients are the ultimate beneficiaries of the tort reform measures passed in 2003,'' said Dan Stultz, M.D., president/CEO of the Texas Hospital Association.

It's clear that hospitals are able to attract more specialty physicians and offer new or expanded services that have enhanced patients' access to care and saved lives.

A survey conducted by THA—that is the Texas Health Association—in July 2008 found that 85 percent of hospitals are finding it easier to recruit medical specialists and subspecialists.

We could replicate these success stories across America, but the other side has refused to consider medical malpractice amendments to the bills. Instead, the Democrats and the White House are attempting to buy the silence of American medical associations and doctors everywhere who support reform by increasing the deficit by $250 billion in Medicare physician payment increases.

CBO estimates the medical malpractice reform would reduce the Federal deficit by $54 billion over the next 10 years. Others say it is as high as $200 billion. The question is, is there anyone who denies that medical malpractice reform would not reduce health care costs in America? Is there anyone? Of course not. This bill is ample testimony of the influence of the trial lawyers of America on this body. We should be ashamed.

Talk is cheap. This issue requires real leadership. I believe the President needs to stand by his word and put forward real medical malpractice reforms rather than simply request applications for demonstration grants. I hope the President will demonstrate a willingness to listen and a willingness to reach a bipartisan agreement on this important issue. Patients, doctors, hospitals, and taxpayers need action.

We are going through an interesting process. Mr. President, 1,522-page and 622-page bills are being merged behind closed doors with a handful of elected representatives, leaving out not only everyone on this side of the aisle and most of the people on that side of the aisle, but the American people are being left out of this process. The American people are getting more and more angry. I don't think this will go over well with the American people. In fact, I think they will steadfastly reject it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

Mr. WICKER. Madam President, do you know how long I have at this moment to speak to health care?

The PRESIDING OFFICER. The minority has a total of 27 minutes 15 seconds.

Mr. CORKER. I will not take 27 minutes. Thank you for letting me know that.

Madam President, I was on the Senate floor last week, which is a rarity for me. I spend very little time on this floor. Most of my time is spent in committee hearings. But I rise today to speak regarding the proposed Stabenow bill, a bill that is designed to pass on a $¼ trillion in unfunded liabilities to future generations. As you know, we have been talking about health care reform in this body for some time. I have met numerous times with almost every official involved in health care reform and talked about how I thought it was unwise to look at taking $404 billion out of Medicare and not using that money to deal with the issue of SGR or the ''doc fix,'' the fact that physicians across this country are going to see a 21-percent cut in fees in the very near future, and what that would do to the Medicare population depending upon these services.

I talked to the President on July 15 about how this body and the House were putting together pieces of legislation that did not make sense. I urged the President to use a responsible approach as it relates to health care reform. I have met with the chairman of the Finance Committee, the distinguished Senator from Montana, numerous times to talk about the Ponzi scheme that is being created by the Finance Committee in looking at how we finance something that is going to be a part of our citizens' lives for years to come and certainly a tremendous strain on the American budget.

I have been told from day one that in fact we were going to put together a health care reform bill that will be paid for. I think most people know now the way that is being looked at is we are going to take $404 billion out of Medicare, which is an insolvent program, and leverage a new entitlement program—something the people of Tennessee do not believe makes much common sense. I know you are aware of the

fact that in addition to trying to solve this problem by taking money from an insolvent program, we also are planning to pass what Tennessee's Governor has called the mother of all unfunded mandates; making States, if you will, increase their Medicaid rolls at their expense so we in Washington can say we have reformed health care.

But I have to say one of the most sinister moves I have seen take place in my 2 years and 10 months being in the Senate is the Stabenow bill. The Stabenow bill seeks to say we are going to deal with SGR, that we are going to deal with our obligation in Medicare to pay physicians at least the rates they are making today. We are going to pass on a $¼ trillion bill to future generations in order to get support from physicians across our country.

I talked to physicians in our State this weekend, a meeting at Tennessee Medical Association—the American Medical Association was on the line—and I was shocked at the response. Today the Hill cited a meeting where Senator REID and others met with physicians in order to buy their support. I know we all know the selling of one's body is one of the oldest businesses that has existed in the history of the world. So the AMA is now engaged in basically selling the support of its body by leveraging—by throwing future generations under the bus, by in essence urging that we as Congress pass this week a $¼ trillion spending bill, unpaid for. If we would do that, we might get their support in health care reform.

I have to tell you, I have never witnessed something more sinister than the Stabenow bill. It is my hope that this week Senators on both sides of the aisle will come together and realize we have to graduate.

We talk fondly about the ''greatest generation,'' our parents and others, who did so much in the way of sacrificing for this country to make sure that generations who came after had a better way of life. I am sad to say that—while I consider it the greatest privilege of my life to serve in this body, and I thank the citizens of Tennessee for allowing me this lease, this 6-year lease to serve in this body to try to conduct myself in a way that will put our country's long-term interests first—I am sad to say I serve during what I would call the ''selfish generation.'' The political leadership we have today, of which we are a part, no doubt embodies the most selfish policies this country has seen in its history. There is no question that is the case; that for short-term political gain, in order to make some constituents happy, in order to give people what they want with no sacrifice, we are willing to throw future generations under the bus.

It is my hope, this week even, this body will graduate from that selfish existence, doing things we know absolutely are undermining the future of this country, and that we will come together and look at this legislation in the appropriate way. I hope there will be Senators on both sides of the aisle that revolt at the majority leader's push to purchase the support of physicians all across our country by, in essence, creating legislation that puts our country another $¼ trillion in debt.

Madam President, I wanted to say this is not at all what the President said he would do. This President has said he would offer health care reform that balanced the budget. The American people understand by doing what the Stabenow bill seeks to do this week, that is absolutely not true. This administration absolutely is not living up to the commitment it has given the people of this country.

This body needs to stand up and do what is right. I hope we will do that this week. I hope we will defeat the Stabenow bill as it now has been introduced. I hope we will work together to do those things that are responsible.

I absolutely agree physicians around this country do not need to take a 21-percent cut. I have probably been the most outspoken person on that issue in the Senate since I came here. But what we need to do is balance our resources, not continue to do things we think make sense on one hand to the detriment of future generations. It is my hope this will be embodied as part of the overall health care reform package.

This gets to my point I have been making on this floor and in committees and other places for months; that is, it makes absolutely no sense to use $404 billion out of Medicare to finance health care reform and not deal with SGR. I hope other Senators will join me in revolting against this most sinister act that, hopefully, will not come to fruition this week.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded the call the roll.

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

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

HEALTH CARE REFORM

Mr. ENSIGN. Madam President, I rise today to discuss why meaningful medical liability reform must be included in the health care reform package. Americans spend far more on lawsuits than any other country, and more than twice as much as all countries except for one.

According to a recent study conducted by the Tillinghast-Towers Perrin Group, the direct cost of health care lawsuits is $30 billion per year. These costs are multiplied by the indirect costs of lawsuits, especially doctors ordering costly tests out of fear of being sued.

Estimates of wasted money spent on unneeded tests range from over $100 billion each year to nearly $250 billion annually. In a 2006 article in the New England Journal of Medicine, it suggests that as much as 40 percent of medical liability lawsuits are frivolous.

Medical liability insurance premiums are threatening the stability of our Nation's health care system. These rates are forcing many physicians, hospitals, and other health care providers to move out of high liability States, limit the scope of their practices, and some even to close their doors permanently. This crisis is affecting more and more patients. It is threatening access to reliable, quality health care services.

I have a good friend from Nevada who practices obstetrics. In his practice he specializes in high-risk pregnancies. Because of medical liability problems that we have seen in the past several years, his insurance company limits the number of high-risk pregnancies in which he can assist.

If you are a woman and you are pregnant with a high-risk pregnancy, it would seem to me you would want the doctors who specialize in high-risk pregnancies to see you. This only makes sense. However, because of the medical liability crisis we are facing in this country, the best of the best are limited in the number of cases they can handle.

Because of the unaffordable medical liability insurance premiums, it is now common for obstetricians to not deliver babies and for other specialists to no longer provide emergency calls or provide certain high-risk procedures.

Ask yourself this question: What if I were in need of an emergency procedure? What if I were the woman who had a high-risk pregnancy and could not find a specialist to provide me with the health care I needed?

The medical liability crisis is threatening patient access to reliable, quality health services all across America. Additionally, costly medical liability premiums have forced some emergency rooms to shut down temporarily in recent years.

In my home State of Nevada, our level 1 trauma center was closed for 10 days in 2002. This closure left every patient within a 10,000-square-mile area unserved by a level 1 trauma center.

Unfortunately, a gentleman by the name of Jim Lawson was one of those in need of a trauma unit at that time. Jim lived in Las Vegas and was just 1 month shy of his 60th birthday. He had recently returned from visiting his daughter in California. When he returned, he was injured in a severe car accident. Jim should have been taken to the University Medical Center's level 1 trauma center. Unfortunately, it was closed.

Instead, Jim was taken to another emergency room where he was stabilized and then transferred to Salt Lake City's trauma center. Tragically, Jim never made it that far. He died that day due to cardiac arrest caused by blunt force from physical trauma.

Why was Nevada's only level 1 trauma center closed that day? Due to the

simple fact that doctors could not afford the medical liability insurance premiums, and there were not enough doctors to provide the care.

Ultimately, the State had to step in and take over the liability to reopen the trauma center. Our State has caps on how much someone can sue for, so medical liability insurance is affordable.

More than 35 percent of the neurosurgeons have altered their emergency or trauma call coverage because of the medical liability crisis. This means patients with head injuries or who are in need of neurosurgical services must be transferred to other facilities, delaying much needed care.

Doctor Alamo of Henderson, NV, brought another example of this problem to my attention. Doctor Alamo was presented with a teenager suffering from myasthenia gravis. She was in a crisis and in need of immediate medical treatment. Because of the medical liability situation, there was no emergency neurologist on-call to assist this young woman.

Dr. Alamo called several neurologists in the area and none of them wanted to take her case because of the medical liability situation. So Dr. Alamo had the young woman transported all the way to California by helicopter to receive the medical care she so desperately needed.

These kinds of situations should not happen and should not be forced to happen because of the medical liability crisis we face in America. Stories such as these are all too common across our country.

To address the growing medical liability crisis in my home State of Nevada, the State enacted legislation that includes a cap on noneconomic damages and a cap on total damages for trauma care. Several other States have enacted similar reforms.

This should not be a Republican or a Democratic issue. Simply put, the current medical liability crisis means patients cannot find access to care when they need it most in many areas.

Without Federal legislation, the exodus of providers in the practice of medicine will continue, and patients will find it increasingly difficult to obtain needed care. As we work on comprehensive health care reform, one of our primary goals must be to enact meaningful medical liability reform to help patients access care.

As you know, President Obama recently addressed the entire Congress on health reform. During his speech he said:

> I do not believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs.

The President went on to say he asked Secretary Sebelius to move forward on demonstration projects in individual States to test ways to put patient safety first and let doctors focus on practicing medicine. Let's face reality. There is no doubt that defensive medicine occurs every day and that the costs to the health care system are staggering.

As I mentioned earlier, tens if not hundreds of billions of dollars are wasted every year due to the practice of defensive medicine, largely in an attempt to avoid frivolous, junk lawsuits. Just think of how many uninsured patients we could cover with this money or how much cheaper the premiums would be for those who already have insurance.

We must stop playing games and start doing something real to address important health care issues. Unfortunately, the Finance Committee bill that was voted on last week only includes a meaningless sense of the Senate on medical liability reform. That seems to parrot some of the President's remarks.

Specifically, the language in the bill expresses the Sense of the Senate that States should be encouraged to develop and test alternatives to the current civil litigation system as a way of improving patient safety, reducing medical errors, encouraging the efficient resolution of disputes, increasing the availability of prompt and fair resolution of disputes and on and on and on. It is only a Sense of the Senate.

The provision also expresses the sense of the Senate that Congress should consider establishing a State demonstration program to evaluate alternatives to the current civil litigation system.

Let's be honest with ourselves. The Sense of the Senate is fluff. It ignores the substantial progress many States have already made with medical liability reform. Capping noneconomic damage awards has been highly successful in a number of States, such as Texas, and is something we should consider as part of health care reform.

It is important for the Senate to consider capping punitive damages, limiting attorneys' fees, and providing that if multiple defendants contributed to a mistake, each defendant should pay only for the portion of the mistake for which they are responsible.

So let's do the right thing. Let's enact real medical liability reform rather than a meaningless Sense of the Senate. As part of the health care debate, I will be offering a comprehensive medical liability reform amendment that sets reasonable limits on noneconomic damages while also providing for unlimited economic damages.

My amendment is a responsible reform measure that includes joint liability and collateral source improvements, and limits on attorney fees according to a sliding scale. My legislation also includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of so-called professional witnesses who are too often used to further the abuse of the system.

What happens today in our medical liability system is we have professional witnesses. Too often they are not a specialist in the field for which they are called to testify. Yet because juries do not know they are not a true expert, their testimony is allowed to influence liability claims.

My amendment uses a Texas style of caps on noneconomic damages that provides a cap of $250,000 for a judgment against a physician or health care provider. In addition, the patient can be awarded up to $250,000 for a judgment against one health care institution.

Under Texas law, judgments against two or more health care institutions cannot exceed $500,000, with each institution not liable for more than half that. In total, noneconomic damages cannot exceed $750,000.

Medical liability reform works, and it is already turning the tide against frivolous lawsuits and outrageous jury awards in some States. We have seen it in California, in Texas, and in my home State of Nevada, where the number of medical malpractice lawsuits has decreased dramatically.

It has been a crisis driving doctors out of business for too long. It is time to protect patients across the country and to ensure access to quality health care.

To illustrate my point, I would like to tell you about the success of medical liability reform in Texas. Over 16,000 new physicians have come to Texas since reform was enacted. The number of high-risk medical specialists in Texas is growing. Since 2003, Texas has added 650 emergency room doctors, 350 heart doctors, over 200 obstetricians, 160 orthopedic surgeons, and almost 60 neurosurgeons.

These additions are not limited to urban Texas. The ranks of rural obstetricians have grown by almost 30 percent. Twenty-two rural counties have added an obstetrician and 10 counties have added their first OB. The statistics go on and on about the success in Texas.

In addition to improvements in access to health care, charity care has also greatly expanded due to medical liability reform. Today, Texas hospitals are rendering $600 million more in charity care annually than they were just 6 years ago—$600 million more in charity care by hospitals than they were giving before medical liability reform.

Liability savings have allowed hospitals to upgrade medical equipment, expand emergency rooms, expand outpatient services, staff Emergency Rooms 24/7 with high risk specialists, improve salaries for nurses, and launch patient safety programs.

Without reforms and the attendant savings, these healthy developments would not have been possible. Lawsuit reform has been a magnet for attracting doctors and the funding mechanism to improve access to care and enhance patient safety.

Physicians have seen a decrease in their medical liability premiums. Since 2003, physicians in Texas have saved, collectively, almost $600 million in

their liability premiums. Today, most Texas doctors are paying lower liability premiums than they were almost 10 years ago.

All major physician liability carriers in Texas have cut their rates since the passage of the reforms and most of them by double digits.

Texas's reforms prove lawsuit reform can improve access to care, expand the number of doctors and types of care hospitals are able to offer, and help reduce medical costs. According to a conservative estimate by the Congressional Budget Office, CBO, if Congress adopted only a few of the proposed lawsuit reforms, the deficit would decrease by $54 billion over 10 years.

Madam President, $54 billion is how much it would save the government. To put this in perspective, this is twice as much as the Finance Committee plans to raise by taxing medical devices.

During the Finance Committee markup, CBO's Director, Dr. Elmendorf, added that he felt the savings to the private sector would be approximately equal to the $54 billion saved by the government.

Madam President, $54 billion to decrease the deficit, and the savings in the private sector is another $54 billion. Under this conservative estimation, which is substantially less than what third-party estimates have shown, enacting medical liability reform would save at least $100 billion between the government and the private sector over 10 years.

So why would the Democrats leave medical liability reform out? Well, they did put a Sense of the Senate in the Finance Committee bill. What are the savings from the Sense of the Senate to the private sector and the government? A big, fat zero.

I will tell you why the Democrats left out medical liability reform. It is because it would hurt a Democrat special interest group: they are known as trial lawyers.

Howard Dean, the former chairman of the Democratic National Committee, put it simply:

[T]he reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers in addition to everybody else they were taking on, and that is the plain and simple truth. Now, that's the truth.

I hope as the debate unfolds on the floor that many of my colleagues on the other side of the aisle will change their mind about enacting serious medical liability reform. My medical care access protection amendment is not a battle of right versus left. It is a battle of right versus wrong.

This amendment is the right prescription for patients. We need to secure patient access to quality health care services when they need it the most. I urge my colleagues to adopt this commonsense amendment when it is brought to the floor.

One last comment. We are going to be adding what is called the doctor fix. We are going to be adding the doctor fix unpaid for. It is $250 billion over the next 10 years. I have been talking a lot about the Federal debt and what we are doing to our children. The other side wants to do what we all want to do around here; that is, make sure doctors' fees in Medicare are not cut because they are already paid at a very low rate, but they are doing that without honoring what they talked about known as ''pay-go''.

We heard a lot about that during the campaign: We need to pay for everything. We cannot keep adding to the deficit. They accused this side of the aisle as being fiscally irresponsible. Now they are going to add $250 billion, take it off the table, and say: Well, it does not count. We are just going to add to the deficit $250 billion; that we can fix the doctors' payments, but we are not going to pay for it.

I think this is pretty outrageous. That is why we are going to have amendments to attempt to fix what is happening to the doctors but to do it in a fiscally responsible way so we are not adding to our children's and our grandchildren's tax burden in the future.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. MCCAIN. Madam President, parliamentary inquiry: What is the pending business before the Senate?

The PRESIDING OFFICER. There is just under 3 minutes remaining in morning business.

Mr. MCCAIN. And then?

The PRESIDING OFFICER. Then the Senate will turn to the conference report on homeland security.

Mr. MCCAIN. Madam President, thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that the remaining time in morning business be yielded back.

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

Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2892, which the clerk will state.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of October 13, 2009.)

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Madam President, I speak today in support of the conference report providing appropriations for the Department of Homeland Security for fiscal year 2010. I especially wish to thank my ranking member, Senator GEORGE VOINOVICH, for his cooperation in producing the agreement that is now before the Senate. It has been 8 years—8 long years—since the attacks of 9/11. There are some people in this country who have become complacent about the threat of another attack. Don't count me as one of them. I am not one of those people.

There have been numerous terrorist attacks around the globe, including the London, Madrid, and Mumbai bombings. Just last month, a Denver man was indicted on a charge of conspiracy to use weapons of mass destruction. Where? In New York City. So we must continue to be vigilant. Nor can we be complacent about Mother Nature's power to wreak havoc with a major earthquake, flood, or hurricane, meaning that such disaster relief will require the funding provided in this bill.

This year, I have set five goals for the Homeland Security Department, five goals that I trust we all share. What are they? No. 1, to secure our borders and enforce our immigration laws. No. 2, to protect the American people—your people, my people, the American people—from terrorist threats. No. 3, to prepare for and respond to all disasters, both manmade and natural. No. 4, to support our State, local, tribal, and private sector partners with resources and information. No. 5, to give the Department of Homeland Security the management tools it needs to succeed.

I believe the conference report we are presenting today meets those goals.

Funding for the Department of Homeland Security totals $42.8 billion. Do you know how much money that is? That is $42.80 for every minute since Jesus Christ was born. That is a lot of money. It is an increase of $2.65 billion

over 2009. Again, I thank my friend, the very able Senator GEORGE VOINOVICH, the ranking member, for his notable contributions to this legislation. I thank Senator DANIEL INOUYE and Senator THAD COCHRAN, the chairman and the vice chairman of the Appropriations Committee.

I also thank our able majority and minority staff who have worked together to produce this legislation. Let me name them: Charles Kieffer, Chip Walgren, Scott Nance, Drenan Dudley, Christa Thompson, Rebecca Davies, Carol Cribbs, and Arex Avanni.

Madam President, I thank all Senators, and I urge support for the conference report.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I am pleased to join the distinguished Senator from West Virginia in presenting the fiscal year 2010 appropriations conference report for the Department of Homeland Security.

As my colleagues know, it is after October 1—the start of a new fiscal year—and the Department of Homeland Security's programs and activities are being funded under a continuing resolution because we did not complete our work on time. I think this is unfortunate. The House adopted its version of the bill on June 24 and the Senate adopted it on July 9.

When I was mayor and Governor of Ohio, I would have lost my job if the budget were not done in time or the appropriations not done on time. I think everyone would agree that this is not the way to properly run our operation. I know of no good explanation as to why we could not have resolved our differences to allow this conference agreement to be signed into law before this date.

Senator BYRD said the conference report recommends a total of $44.1 billion in appropriations to support programs and activities of the Department of Homeland Security. Of this amount, $42.8 billion is for discretionary spending, and this is roughly $254 million less than the President's total discretionary request. I wish to make that clear, that it is less than the President requested.

In addition, $1.4 billion is provided for the Coast Guard retired pay—the only mandatory appropriations account in the conference report—and $241.5 million is provided for Coast Guard overseas contingency operations.

The conference report includes significant resources for border security and enforcement of our immigration laws, for continued improvements in security at our Nation's airports and modes of surface transportation, for the Coast Guard operations and recapitalization, for helping our citizens prepare for and recover from natural disasters, and for equipping and training our Nation's first responders. I think Senator BYRD did a beautiful job in terms of his five reasons and the things we ought to be doing, and that is what we have tried to do in this report, to respond to those five goals Senator BYRD outlined.

As Senator BYRD has indicated, there is much in this conference report to recommend. I am not going to list all of the funding recommendations, but I do wish to note some. This is very important: Full funding is provided for border security. This includes funds to support 20,163 Border Patrol agents, 21,124 Customs and border protection officers, and 33,400 detention beds. These are the beds we use when we pick up people and we put them there and hold them until we return them to where they came from. Also included is $800 million to continue work on the virtual border fence and to improve radio communications.

Starting in fiscal year 2005, significant increases have been provided for border and immigration enforcement. Fewer people are illegally crossing our borders. This can be seen in the decrease in apprehensions of aliens along our borders from nearly 1.2 million in fiscal year 2005 to nearly 724,000 in fiscal year 2008. More fencing, roads, and personnel have allowed the Border Patrol to increase the number of miles over which it has effective control from 253 miles in October of 2005 to 729 miles in March of 2009.

Additional agents and detention beds have allowed U.S. Immigration and Customs Enforcement to increase total removals of aliens from nearly 247,000 removals in fiscal year 2005 to approximately 347,000 in fiscal year 2008. We are making significant progress in terms of our border protection and going after these illegal aliens.

This fiscal year 2010 conference report provides nearly $16 billion in appropriations for these activities. This will allow us to continue making progress, but we still have a long way to go and at a great expense. One of these days I am going to come to the Senate floor and talk about how much money we have spent and how much money we are going to have to continue to spend if we are going to do anything about the problems of illegal aliens in this country.

While this conference report is significant for what it includes, it excludes two important provisions added to this bill when it was considered by this Senate, including a permanent extension of the E-Verify program and the extension of E-Verify to current employees. I would have preferred to have the conference agreement to include both provisions, but my House colleagues were not so inclined. Even though this conference agreement does not permanently authorize E-Verify programs as opposed to the Senate bill, it does extend the program's authorization for an additional 3 years, allowing its continued development as a crucial tool for employers to ensure a legal workforce. However, it does not include the Senate provision offered by my colleague from Iowa, Senator GRASSLEY, which would have given employers the flexibility to voluntarily check their entire workforce and not solely new hires.

The administration expressed concerns that the provision could tax the capacity of E-Verify. Let me tell my colleagues, E-Verify has the capacity to handle more than 60 million queries a year and it has received less than 8.7 in fiscal year 2009. Capacity does not seem to be a barrier of this program, and this is an issue I hope we are going to revisit one of these days.

I wish to thank the chairman of the Senate subcommittee, my colleague from West Virginia, Senator BYRD. It has been an honor for me to work with Senator BYRD this year. This is my first year on Appropriations, and who do I have as my chairman but the distinguished Senator from West Virginia.

Mr. BYRD. I thank the Senator.

Mr. VOINOVICH. Madam President, I wish to thank Mr. PRICE, the ranking member of the House committee, and Mr. ROGERS for their substantial contributions to this bill. It has taken many hours of hard work by these Members and their staffs to reach the agreements which are presented to the Senate today. While everything is not settled to my liking, I believe this is a balanced set of recommendations which reflects many of the Department's priorities and achieves a reasonable degree of compromise in some of the more contentious issues.

I again wish to join Senator BYRD in commending our staff. Mr. Kieffer has been wonderful to work with. The folks on my side, Carol and Rebecca. I am a new member of the Appropriations Committee. I have never seen staff work as conscientiously as we have had for the Appropriations Committee. Senator BYRD, it is almost like magic they do such a good job for us. So again, I wish to thank them for their good work.

Madam President, I recommend this conference report to my colleagues for their consideration, and I support it.

I yield the floor.

Mr. BYRD. Madam 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. TESTER. 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. TESTER. Madam President, I congratulate Chairman BYRD and Senator VOINOVICH in getting this conference report to the Senate today. This is a very good example of good work that comes from folks who work together to get things done.

With good funding levels for our firefighter support programs and funding for two emergency operations centers critical to my State, this is a bill that does right by the folks to keep America safe every day.

There is one issue, however, that still gives me great concern; that is, the funding in this bill for the proposed National Bio and Agro-Defense Facility. The final conference report includes my amendment requiring DHS to conduct a security and risk mitigation study before getting any money for construction of the bio facility. It also includes an additional requirement that the National Academy of Sciences puts its independent eyes on the Department's study before funds go out the door.

This is a good start, but it is not enough. I do not understand why we are going to appropriate $30 million for a project we need not one but two studies about whether this project can move forward safely.

Independent experts have real concerns about building the NBAF in the heart of the beef belt where an accidental or intentional release of foot-and-mouth disease could have disastrous consequences for America's livestock industry, and that industry includes Montana where the livestock industry is a $1.5 billion industry.

This facility will house some of the most dangerous agricultural diseases around the world. We should not start doing this research on the U.S. mainland and in the middle of tornado alley without taking every possible precaution.

On a matter this serious, we ought to measure twice and cut once. Regrettably, by giving the Department $30 million this year, we are not heeding that old saying.

The GAO, the subcommittee, and independent experts acknowledge that we do not know if this research can be done safely on the U.S. mainland. We all agree that an accidental release of foot-and-mouth disease or another dangerous disease from this facility would devastate America's livestock industry. Yet we are providing the money to go ahead with it anyway.

Why not just wait and do the studies this year and then the Department can come back to us with their revised funding request next year?

I understand this has to do with getting Kansas to sign a cost-sharing agreement. But are we convinced Kansas will not put forward the money next year if this facility is to be built there?

If this facility is built in Kansas, the United States will become the only country, other than England and Canada, to do FMD research on a mainland. Everyone else does it on an island.

England had an accidental release in 2007 which led to eight separate outbreaks of FMD on farms surrounding their facility. Canada at least does it in an urban area far from livestock production areas.

Congress's nonpartisan, independent auditor, the Government Accountability Office, has sounded the alarm on this issue. They are telling us that Homeland Security has not conducted or commissioned any study to determine whether foot-and-mouth disease work can be done safely on the mainland.

Proponents of this facility have said it is OK to do this research because the new Kansas facility will have the most modern technology and all the safety bells and whistles that Plum Island lacks. But the GAO rightfully argues this view only encourages a false sense of security.

The GAO says:

> Even with a proper biosafety program, human error can never be completely eliminated. Many experts told us that the human component accounts for the majority of accidents in high-contaminant laboratories. This risk persists, even in the most modern facilities and with the latest technology.

I know I am not the only Senator who shares the GAO's concern. So I look forward to working with many of my colleagues on this issue again next year. We do need to pay attention to what these studies say, and as a member of this subcommittee, I will be watching it very closely.

The Department is going to come here next spring with a $500 million request for funding for this project. That is a lot of money. But the true cost of doing this research in the middle of tornado alley could be much higher. The cost of cleaning up after an FMD release—the culling of entire herds of livestock, the loss of foreign agricultural sales that will endure for years after a release, and the loss of America's food security—will be measured in the tens of billions of dollars. That is something America cannot afford, and we must not let it happen.

Madam President, I yield the floor and suggest the absence of a quorum. I ask that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. BYRD. Madam President, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m. today.

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

Thereupon the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I believe we are going to be considering the Homeland Security conference report. I want to spend a few minutes talking about that so that the American public might realize what we are doing. This year's spending totals have averaged, on individual appropriations bills, anywhere from a high of 24 percent to a low of about .6 percent, on one bill that had received twice its annual appropriation in the stimulus. We have of course a conference report that is $42.7 billion. That is a 6.5, almost 7-percent increase over last year, the same the year before, and a 23-percent increase the year before that. There is no question, homeland security is an important part.

The issue I want to raise with my colleagues and the American people is, we had inflation of 1.5 percent last year. We do have one bill, one bill that has come in at inflation or less. All the rest are averaging around 10, 11, 12 percent increases. We ought to be concerned about what the Congress is doing in terms of increasing the spending in light of the fact that we have just finished a year in which we had a published $1.4 trillion deficit. But those are Enron numbers. That is Enron accounting because we didn't recognize all the money we borrowed from trust funds that don't go to the public debt, that are internal IOUs that our children nevertheless will still have to pay back.

The real reason I want to talk about this bill is because it purports to have an amendment on competitive bidding. I will grant that the amendment is better than no amendment, but the American people should be outraged at what we have done on competitive bidding in this bill. What we have said is we want competitive bidding—except for our friends. If you are connected to a Senator through an earmark or if you are connected through a grant process, what we have done is taken a large number of grants and directed them specifically without competitive bidding. What does that mean to the process? What does that do to the integrity of the process? It says if you are well heeled and well connected, then in fact you can have what you want on a noncompetitive basis, because that is what the amendment in the bill says. But if in fact you are not, then you will have to compete on the basis of merit and price like everybody else in the country.

Once again we have earned our lack of endorsement by the American public because of what we have said: ''Unless otherwise authorized by statute without regard to the reference statute.'' Those are fancy words for saying we want competitive bidding on everything except earmarks and the congressional directive we have in this bill.

That means if you have a business and you have an earmark, you didn't have to be the best business to get

that, to supply the Federal Government whatever it is. If you are a grant recipient and got earmarked, you didn't have to be the one with the greatest need, No. 1, or the most efficient way to generate the dollars through that grant. What it does is it puts on its ear any semblance of fair play, No. 1; and, No. 2, it takes away the initiative for everybody else who now is going to get a competitive bid. What it is going to do is drive a greater demand for earmarks in the future.

We ought to ask ourselves the following question: If this is taxpayer money and our grandchildren's money—because 43 percent of this bill is going to be borrowed—is it morally correct, is it intellectually honest that we would say: If you are connected, if you have an ''in,'' you don't have to meet the same level of responsibility and accountability as those who are well connected? I think that is a great question for us to debate.

Unfortunately, a real competitive bidding amendment was not agreed to in this bill that would put all of it at competitive bidding. Senators have the right to say we ought to do something. But they don't necessarily have the right to say we ought to do something and this person ought to benefit from it. It is not ours to give away. When we do things as we have done in this bill to protect those most well heeled, those most well connected to the Congress, by saying everybody else is going to play under one set of rules but if, in fact, you have a friend or a connection or an earmark or a directed grant, you don't have to play by those rules, not only is it unfair to everybody else who does not have to play by those rules, it actually undermines the value of what we do.

On the basis of that and the spending levels, I plan on opposing the Homeland Security conference report. My hope is that we will get better, that in fact we will not play games with the American public, that we will not say our friends get to get treated differently than anybody else in this country and that every dollar we spend we can assure to the American taxpayer is going to go to the best firm to do that based on a competitive bid so we actually get the best value for the hard-earned dollars that are being spent.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to vote for passage of the fiscal year 2010 appropriations bill for the Department of Homeland Security.

First, I want to thank my colleagues on the Appropriations Subcommittee on Homeland Security, Chairman Byrd and Ranking Member Voinovich, as well as full Committee Chairman and Ranking Member Inouye and Cochran for all the hard work and consideration they brought to this bill.

The overall bill, which provides $42.776 billion in discretionary funding for DHS in fiscal year 2010, is $151 million less than the total provided in the Senate bill, but $159 million higher than the House funding total, and seems to me to be a fair compromise.

The resources provided in the bill are sufficient to carry out the Department's core missions of protecting the homeland against the threat of terrorism, securing our borders, enforcing our immigration laws, and preparing for and responding to terrorist attacks and natural disasters.

While there are many programs and activities at DHS deserving of funding above the level provided in this bill, we are in a time of serious economic challenge, and obviously tough choices had to be—and were—made in putting this legislation together.

This bill reflects the priorities of a department that has made great strides in the last 6 years but still faces many hurdles in fulfilling the mission Congress laid out for it in 2002. Senator COLLINS and I have worked together since DHS was created—alternating as chairman and ranking member of the primary authorizing committee for the Department—to strengthen the Department's ability to carry out its many national security assignments, to strengthen its management, facilitate its integration, and to hold its leadership accountable to an American public that has a right to be safe and secure within the borders of our own Nation.

In May, I wrote to Chairman Byrd and Ranking Member Voinovich setting forth what I believed to be the most significant appropriations priorities for the Department, and I am grateful that a number of my recommendations have been incorporated into this bill. Let me briefly discuss a few sections of this bill that I believe are particularly important to our homeland security.

First, I am pleased the Appropriations Committee recognized that the Department's management and operations accounts need adequate funding if DHS is to succeed as it must. Secretary Napolitano has emphasized the need to create ''One DHS'' where the Department's many components are working closely together. To accomplish this, the offices for policy, human capital, acquisition, and information technology need additional resources, and all received significant increases in their budgets. The additional investment in acquisition oversight is particularly gratifying, as it will improve the Department's ability to oversee the $12 billion it spends each year on contracts with the private sector to better ensure our tax dollars are not wasted on bloated or ineffective programs.

Second, this bill, together with the funding provided in the fiscal year 2009 supplemental, significantly increases resources for combating violence on our southern border and includes the bulk of the $500 million increase in border security funding Senator COLLINS and I successfully added to the Senate budget resolution in March.

The FBI has said that the Mexican drug cartels are the number one organized crime threat in America today, replacing the Mafia. The kind of targeted and grisly violence we are seeing in Mexico is unprecedented. Thanks to this funding, DHS will be able to send almost 300 additional law enforcement officers to our ports of entry in order to conduct southbound inspections and interdict the illegal flow of cash and guns into Mexico that is fueling the cartels' ruthless attacks against the Mexican Government.

The funding will also add hundreds of ICE investigators to work on drug, currency, and firearms cases in the border region, and will expand the Border Enforcement Security Task Force fusion centers that ICE has established along the southwest border. This funding was badly needed to help Federal, State, and local law enforcement agencies take down these sophisticated and dangerous drug and human smuggling networks. The Mexican drug cartels represent a clear and present threat to homeland security, and I remain fully committed to working with the administration to support our Federal law enforcement agencies in this crucial fight.

Third, this bill continues funding for the Homeland Security grant programs that our first responders need to prepare for acts of terrorism and natural disasters at the State, local, and tribal levels. Funding for the State Homeland Security Grant Program, which provides basic preparedness funds to all States and is the largest of DHS's grant programs, remains steady from last year at $950 million, including $60 million for grants focused on border security, essentially the full level authorized by Congress in the Implementing Recommendations of the 9/11 Commission Act of 2007. Funds for Urban Area Security Initiative, UASI, grants, which provide resources to the Nation's highest risk metropolitan areas, are increased by nearly $50 million over last year.

I am also pleased that funding for SAFER grants which assist local fire departments with the cost of hiring new firefighters was doubled to $420 million for fiscal year 2010. In this era of budget constraints, this funding will help ensure that communities are able to continue to staff their local firehouses.

The Appropriations Committee has also wisely restored a significant portion of the funding cut from the President's budget for assistance to firefighter grants. These grants fund essential equipment, vehicles and training for firefighters. However, the $390 million for these grants still represents a cut of nearly one-third below the fiscal year 2009 appropriation. I hope that next year the funding for this important program will be brought fully up to its previous level.

Fourth, this bill wisely supports the administration's request for a significant increase in funding for cybersecurity at DHS which has been identified

as one of our top national security priorities. The Department needs resources to protect Federal civilian networks from cyber-related threats and to work with the private sector to protect their networks and infrastructures. The Homeland Security and Governmental Affairs Committee is currently working to develop legislation that strengthens the government's authorities with respect to cybersecurity, so this funding decision is particularly important.

Fifth, this bill adds $25 million above last year's appropriation to support coordination, management and regulation of high-risk chemical facilities and brings DHS regulator staff to 246—an increase of 168 over the 2009 staffing level.

This bill makes other essential homeland security investments in port security, transit security, science and technology, and biosecurity, all of which are critical to the overall security of the Nation.

I believe that overall this is a strong and essential piece of legislation. I thank the leadership and the members of the Appropriations Committee for their work on this bill and strongly urge my colleagues to support its passage.

Mr. INOUYE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 2892 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate has passed the Department of Homeland Security appropriations conference report. This legislation contains important funding for the Department of Homeland Security to carry out its various responsibilities. I commend Chairman INOUYE and Subcommittee Chairman BYRD for their hard work on this legislation, and also for their support of a vibrant immigration program that fosters direct investment in U.S. job creation that is extended through this legislation.

The conference report we will pass today contains a 3-year extension for the EB–5 regional center program. This extension will bring badly needed stability to this program. Foreign investors who look to the regional center program must have the confidence that the Federal Government supports and believes in this program. Stakeholders that rely on financing through this program must have the predictability that this 3-year extension will help provide. As the U.S. Citizenship and Immigration Services expressed to the Senate Judiciary Committee during a recent hearing about this program, the biggest impediment to the EB–5 regional center program is its lack of permanence. I have long believed in the potential of this program as an economic engine for America's communities. Given the recent and rapid expansion in the number of approved regional centers around the country, it is clear that many Americans recognize this potential, as well.

In an effort to make this program an integral part of our immigration system, I offered an amendment to the Homeland Security appropriations bill on the Senate Floor to provide for its permanent authorization. That amendment was overwhelmingly adopted. Unfortunately, the conference committee did not retain that permanent authorization, and once again, irrational immigration politics got in the way of good policy. Instead of making permanent a program that has created thousands of American jobs and brought more than $1 billion of capital investment into our communities since 2006, the conference was compelled to sacrifice this opportunity for no legitimate reason. However, it is still heartening to know that over the next 3 years the citizens who are working to better their communities through the regional center program will be able to do so without the fear of constant interruption and uncertainty.

I want to take a moment to commend all of the resourceful business people who have turned to this program to finance key economic development projects in their communities. Despite the hurdles that have continually hampered the efforts I have led to renew the program, the stakeholder community has not only continued to work hard on improving local economies across the country, but has directly engaged Members of Congress to ensure that this program does not wither away. As a result of their efforts to retain a strong extension in the conference report, I am confident that many more Members of Congress have a better understanding of this program's potential and importance in their own communities.

These stakeholders all deserve thanks for the jobs and capital investment they are bringing to their communities. In Vermont, people like Bill Stenger at Jay Peak Resort and Win Smith at Sugarbush Resort have used the EB–5 program to keep Vermont's ski industry a vibrant and foundational part of the Vermont economy. As a direct result of the EB–5 regional center program and in a very difficult economic environment, dozens of subcontractors in Northeastern Vermont are hard at work on a project financed through the EB–5 Regional Center program. And in an effort to build on these successes, the State of Vermont is actively involved in working to expand the business sectors covered by Vermont's regional center so that technology firms and other diverse Vermont business enterprises can market their investment opportunities to a global audience. My efforts will continue in support of the regional center program. I look forward to helping Vermont and States across the country realize the full potential of this program through a permanent authorization.

I am also pleased that the conference retained an important measure to correct a serious inequity in immigration law commonly known as the widow penalty. Prior to the corrective amendment contained in this legislation, a foreign national widow or widower of a U.S. citizen was put into the untenable position of not only losing their spouse but losing their lawful permanent residence and path to U.S. citizenship. To underscore the nature of this injustice: In cases where a marriage was entered in good faith and without any fraud or ill intent, if the U.S. citizen spouse passed away during the period of conditional residency, the immigration agency took the position that the widow or widower no longer had standing to become a lawful permanent resident. This is wrong, and for a society that places such great value on family, a truly unfortunate position. The amendment in this legislation, which I and other Senators worked hard to ensure was retained in the conference report, will end this injustice.

The conference report also contains an amendment to extend a visa program that allows individuals from around the world dedicated to working on behalf of their religious faiths to come to the United States to do just that. I am pleased that the efforts I and others made to ensure this measure was retained have resulted in its adoption.

Finally, I commend the conference committee for rejecting an amendment that would have done little more than waste taxpayer dollars and cause further harm to the rights of property owners and the environment along our southern border. The conference committee wisely rejected an amendment that would have, in effect, required the Department of Homeland Security to tear down and rebuild hundreds of miles of barriers between the United States and Mexico that have already been constructed, at enormous expense to taxpayers. The Secure Fence Act, a piece of legislation I strongly opposed, directed the Department of Homeland Security to build border fencing and other barriers as a response to illegal border crossings. The Department carried out this legislative command during the Bush administration and constructed pedestrian fencing with vehicle barriers and other infrastructure. The amendment that was rejected by the conference committee would have compounded the negative effects that attended the border fence's original construction, and wasted taxpayer dollars in the process. I commend the conference for its wisdom in not accepting this amendment.

Mr. President, I commend the Senate for enacting the Leahy-Cornyn OPEN FOIA Act—a commonsense bill to promote more openness regarding statutory exemptions to the Freedom of Information Act, FOIA—as part of the Department of Homeland Security Appropriations Act, H.R. 2892. This FOIA reform measure builds upon the work that Senator CORNYN and I began several years ago to reinvigorate and strengthen FOIA by enacting the first major reforms to that law in more than a decade.

The Freedom of Information Act has served as perhaps the most important Federal law to protect the public's right to know for more than four decades. The OPEN FOIA Act will help to ensure that FOIA remains a meaningful tool to help future generations of Americans access government information.

The OPEN FOIA Act will make certain that when Congress provides for a statutory exemption to FOIA in new legislation, Congress states its intention to do so explicitly and clearly. In recent years, we have witnessed a growing number of so-called ''FOIA (b)(3) exemptions'' in proposed legislation—often in very ambiguous terms—to the detriment of the American public's right to know.

During a recent FOIA oversight hearing held by the Judiciary Committee, the president and CEO of the Associated Press, Tom Curley, testified that legislative exemptions to FOIA ''constitute a very large black hole in our open records law.'' The Sunshine in Government Initiative, a coalition of media groups dedicated to improving government transparency, has identified approximately 250 different statutory exemptions to FOIA that are used by Federal agencies to deny Americans' FOIA requests. This is an alarming statistic that should concern all of us, regardless of party affiliation or ideology.

By enacting the OPEN FOIA Act, Congress has taken an important step towards shining more light on the process of creating legislative exemptions to FOIA, so that our government will be more open and accountable to the American people. I thank Senators LIEBERMAN, GRAHAM and CORNYN, and Representative PRICE, for working with me on this measure. I also thank the distinguished chairmen and ranking members of the Senate and House Appropriations Committees—Senators INOUYE and COCHRAN and Representatives OBEY and LEWIS—for their support of this open government measure.

President Obama—who supported the OPEN FOIA Act when he was in the Senate—has demonstrated his commitment to enacting this measure, as have the many FOIA, open government and media organizations that have tirelessly supported this measure since it was first introduced in 2005, including OpenTheGovernmnet.org, the Sunshine in Government Initiative, the National Security Archive and the American Civil Liberties Union.

I have said many times before—during both Democratic and Republican administrations—that freedom of information is neither a Democratic issue nor a Republican issue. It is an American issue. I commend the Congress for taking this significant step to reinvigorate FOIA and I urge the President to promptly sign this provision into law.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of the conference report to accompany H.R. 2892, the Department of Homeland Security Appropriations Act for fiscal year 2010.

The conference report provides $42.8 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of $25.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report will total $46.6 billion.

The conference report includes $242 million in budget authority designated as being for overseas deployments and other activities for the Coast Guard. Pursuant to section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, an adjustment to the 2010 discretionary spending limits and the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

The conference report matches its section 302(b) allocation for budget authority and is $2 million below its allocation for outlays.

The conference report includes provisions that make changes in mandatory programs that result in an increase in direct spending in the 9 years following the 2010 budget year. These provisions are subject to a point of order established by section 314 of S. Con. Res. 70, the 2009 budget resolution. The conference report is not subject to any other budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

[Spending comparisons—Conference Report (in millions of dollars)]

	Defense	General Purpose	Total
Conference Report:			
Budget Authority	1,567	41,209	42,776
Outlays	1,395	45,239	46,634
Senate 302(b) Allocation:			
Budget Authority			42,776
Outlays			46,636
Senate-Passed Bill:			
Budget Authority	1,582	41,335	42,917
Outlays	1,404	45,296	46,700
House-Passed Bill:			
Budget Authority	1,553	41,064	42,617
Outlays	1,390	44,931	46,321
President's Request:			
Budget Authority	1,365	41,473	42,838
Outlays	1,219	45,168	46,387
Conference Report Compared To:			
Senate 302(b) allocation:			
Budget Authority			0
Outlays			−2
Senate-Passed Bill:			
Budget Authority	−15	−126	−141
Outlays	−9	−57	−66
House-Passed Bill:			
Budget Authority	14	145	159
Outlays	5	308	313
President's Request:			
Budget Authority	202	−264	−62
Outlays	176	71	247

Note: The table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111–32).
The conference report includes $242 million in budget authority designated as being for overseas deployments and other activities for the Coast Guard.

AIR FORCE AERIAL REFUELING TANKER

Mr. HATCH. Mr. President, I rise today with my fellow cochair of the Senate Tanker Caucus, Senator CONRAD, to lend my support to the expedited acquisition of the next aerial refueling tanker for the Air Force. We were pleased to hear Secretary Gates announced on September 16 that he was giving oversight authority back to the Air Force for this vital procurement program. This program will ultimately produce 179 new KC–X aerial refueling tankers through one of the largest military procurement contracts

in history, worth approximately $35 billion.

Mr. CONRAD. While it is important to acknowledge that the KC–135 replacement flight path was turbulent at times, we rise to commend the Air Force for its plan to carry out the service's No. 1 recapitalization priority. The Air Force has presented a revamped KC–X plan after a rigorous review of previous acquisition strategy. The new plan belies the fact that the Air Force is committed to a fair, open, and transparent competition. On September 25 the draft Request for Proposal was released, restarting the process to ensure our men and women in uniform have an aerial refueling tanker that will continue our unmatched Global Reach anywhere on the planet. It goes without saying now is the time to produce a timely, cost-effective, war-winning system for the war fighter. The operations our nation is conducting today and will conduct for the foreseeable future and require our airmen, soldiers, sailors, and marines to operate in remote locations that need to be supplied and defended without delay.

Mr. HATCH. The current KC–X proposal has been refined to 373 key mandatory requirements that will allow this new tanker to ''Go to War'' on day 1. There are 93 additional areas that will enable offerors to enhance their proposals. If the bids are within 1 percent of one another, the 93 additional capabilities will be analyzed to break this virtual tie. If a competitor has a score that wins by more than one point then the award will go to that contractor. If the tally of additional requirements score is less than a one point difference, the contract will be awarded to the contractor with the lowest proposed price. After reviewing this process, we believe it is very clear and transparent. The contract award has been projected for May 2010.

Mr. CONRAD. Mr. President, we are concerned that the plan is only projected to purchase 15 tankers each year from the winning offeror. As you remember, the last contract was structured to purchase 19 tankers per year. It is imperative we find a way to increase the rate at which we purchase this new tanker especially given the time we have lost. If we stay on the current course, we will be relying on 80-year-old KC–135s when the last new KC–X comes off the assembly line—an absolutely unprecedented age for operational aircraft, especially such a critical enabler that we rely on to ensure America's Global Reach. We must accelerate this purchase.

Mr. HATCH. Mr. President, we are in great need of a new aerial refueling tanker now. No one can dispute this fact; the President, the Secretary of Defense, and the Secretary of the Air Force have all said so. President Eisenhower was our first President to see the current refueling tanker in service and it has served through every contingency for over almost 50 years. The venerable KC–135 is by far the oldest airframe in our inventory. The generation of men and women that defend our freedom deserve an aerial refueling tanker that capitalizes on the innovations of today while providing the taxpayer the best value.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 7 minutes as in morning business.

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

RYAN WHITE AUTHORIZATION

Ms. MIKULSKI. Mr. President, I want to talk today about the Ryan White authorization. The Ryan White authorization passed last night by, really, unanimous approval. As many people know, the Ryan White legislation is one of the most important pieces of legislation to fund help for those people living with HIV and AIDS.

I want to comment on the importance of the bill, but essentially, in today's world, remind people of where we were and how far we have come. I want to talk about the importance of the bill. I could cite statistics from my own State. I have a State with one of the largest numbers of surviving AIDS patients, for which we are so happy and grateful. I have over 34,000 Marylanders living today with HIV and AIDS.

As I said, the passage was almost unanimous. The debate was noncontroversial. It was the same way in our Health, Education Committee. Our debate was quite civil. It was even policy wonkish. We were focusing on the details of funding, how to include more assistance for rural communities where there is a spike in the number of AIDS cases. It was actually quite civil and collegial—robust as it always is in the HELP Committee. But as I sat there and listened to my colleagues—and it was somewhat dull, the usual—I thought back to 1990 when it was not like that at all.

I say that today as we take up health reform. We are gripped by fear, we are gripped by frenzy where all kinds of myths and misconceptions are out there. The debate is prickly. It is tense. We don't listen to each other. We are out there, hurtling, hurling accusations.

I want to go back to a day in 1990, a day in the HELP Committee chaired by Senator Kennedy, when this young boy, Ryan White, came to testify. Ryan White was diagnosed with AIDS at age 13. He came to testify at the committee when we were trying to figure out what to do with this new disease that was gripping the land, where people in our urban communities were dying, adults who contracted it. Here was this little boy who came, who was so frail, who was so sick, and he wrenched our hearts that day as he talked about this new disease that he had gotten. He had gotten it through a blood transfusion.

But what he also told us about was what he was going through. He testified that day, mustering every bit of energy he had, speaking with verve and pluck about his plight, he told us about what had happened to him—how he was shunned in the class, how he was locked in a room, how children were forbidden to play with him. He lived a life of isolation and a life of desolation. He was treated like a pariah.

He wasn't the only one. Anyone who had AIDS in those days was greeted as if they were the untouchables. I remember it well. If you had AIDS, you were hated, you were vilified, you were viewed as a pariah. People were afraid to get near you, afraid to use the water fountain. If you heard someone in our office had AIDS, you didn't want to use the same bathroom.

Firefighters and emergency people were afraid to touch people bleeding at the site because they were concerned they could get it. Funeral homes would not bury people who had AIDS. I remember a little girl who died in my State who had AIDS, and only one funeral home in the Baltimore area would bury her. This is the way it was then.

As that little boy spoke, we were gripped by tears and we were gripped by shame, we were so embarrassed at what was happening in our country. Both sides of the aisle were touched. The Senate stepped up and they did it on a bipartisan basis. I was so proud that day when Senator Ted Kennedy, whom we miss dearly, said: Tell me, young man, what can we do for you?

And he said: Help the other kids. Help the other people who have AIDS.

Ted said: I certainly will.

And Senator ORRIN HATCH immediately stepped up—sitting next to Kennedy—and said: I want to be involved. I want to work on that legislation.

Ted Kennedy, ORRIN HATCH, CHRIS DODD, TOM HARKIN, BARBARA MIKULSKI, NANCY KASSEBAUM—we all came together. We worked on a bipartisan basis and we did move the Ryan White bill against the grain of many people in this country and in the face of the fear and frenzy.

As Ryan White left with his mother that day, as he walked out in a very halting way, he was gripped by a media frenzy. The noise went on. They were pushing and shoving to try to get a picture of this poignant little lad. Senator Kennedy jumped up, built like the linebacker he once was in Harvard, and ran out and he said, ''BARB, come with me; CHRIS, get over there; ORRIN, grab that chair.'' We all ran out and Ted Kennedy literally threw himself in front of Ryan White to protect him from being run over by TV cameras.

Again, both sides of the aisle, we were there—Ted, calling this out—CHRIS, you go there; BARB, open the door; ORRIN, stick with me, and ORRIN stuck with him. They put their arms around him and got him into a safe haven in one of our offices.

Ted Kennedy literally put himself on the line that day of fear and frenzy, and Republicans were right there with

him, helping him out to get that young man to a safe room. Ted Kennedy protected that little boy that day, literally and figuratively, and he had the support of the committee.

So as we move ahead today, as we reauthorize the Ryan White program for 4 more years, remembering that it is the largest source of Federal funding for HIV/AIDS programs, I want us to remember how we worked together, what it is like when we literally stand up for each other. Ted Kennedy literally protected that child 19 years ago. He stood up and protected the people who count on us to protect them every day. It was a moving day. It was a lesson to be learned today—Ted Kennedy leading the way, the ranking member by his side, all of us coming together.

What I also remember that day was not only our bipartisanship and our compassion and our civility with this little boy and with each other, I remember the angry mob out there, worrying about people who had AIDS, finger pointing. I guess the lesson of today is don't listen to the mob. Don't be swayed by fear and frenzy. Let's get rid of misconceptions and stop accusing each other. Let's start to work together. Let's listen to each other.

Maybe 20 years from now when we look back on the debate of health insurance reform, we will pass it and make it, and it will be so usual and customary, and we will be proud of what we did as we are proud of what we did today. Ryan White is no longer with us. But what he helped inspire a nation to do is. I thank him and his family and all who endured during that time.

Now I call upon us again. Let's return to civility, bipartisanship. Let's stick to the facts. Let's stick with each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today to speak about the conference report to accompany the Department of Homeland Security Appropriations bill.

When this bill was originally before the Senate, I joined 83 other Members of this body in supporting it.

But at this time I cannot support the conference report because it includes language that was not included in the Senate-passed bill relating to the detainees being held at the Guantanamo Bay Naval Facility, or Gitmo.

This bill would prohibit the transfer, release or detention in the United States of any of the detainees held at Gitmo as of June 24, 2009. However, it does allow detainees to be brought into the U.S. for prosecution. I cannot support this. I have been very outspoken on this issue and believe it is wrong to bring these detainees into our country to try them in our criminal courts. These terrorists have committed violations of the laws of war and should be held and prosecuted according to the procedures Congress laid out in the past.

Prosecuting these individuals in our U.S. courts simply will not work and there is too much at stake to grant the unprecedented benefit of our legal system's complex procedural safeguards to foreign nationals who were captured outside the United States during a time of war. Allowing these terrorists to escape conviction, or worse yet, to be freed into the U.S. by our courts, because of legal technicalities would tarnish the reputation of our legal system as one that is fair and just. Prohibiting the detainees from entering into the U.S. is one small step in the right direction. However, this legislative loophole is a step in the wrong direction.

In May, the Senate voted 90 to 6 to prohibit any of these hardened terrorists from being brought to the United States. Despite this clear objection, the administration transferred one detainee, Ahmed Ghailani, to New York City in June. He is facing a trial in the Southern District of New York for his role in the August 7, 1998 bombings of two U.S. embassies in Africa. Some of my colleagues in the Senate have touted this as an example of how we can bring criminal charges against the Gitmo detainees and try them in our courts. However, Ghailani was indicted on March 12, 2001, a full 6 months prior to the terrorist attacks of 9/11 and after a full investigation by the Federal Bureau of Investigation. The case against Ghailani was built long before he was transferred to Gitmo in 2006. To imply that other detainees, many of whom the FBI has not investigated or collected evidence against, may be prosecuted similarly in U.S. courts is naïve. Worse yet, just recently, the Attorney General ordered the U.S. attorney not to seek the death penalty in this case, despite the fact that his participation in the bombings resulted in the death of over 200 people and injured over 4,000. In contrast, six of the charges brought against Ghailani in his military commission carried the death penalty.

Now there are press reports that the administration is considering transferring Khalid Sheikh Mohammed or KSM to the United States. KSM is the self-proclaimed, and quite unapologetic, mastermind of the 9/11 attacks. KSM admitted he was the planner of 9/11 and other planned, but foiled attacks against the U.S. In his combatant status review board, he admitted he swore allegiance to Osama bin Ladin, was a member of al-Qaida, was the Military Operational Commander for all foreign al-Qaida operations, and much more. These admissions are unlikely to be admitted in a Federal court. Bringing KSM to a U.S. court will do nothing but allow defense lawyers to expose our intelligence sources and methods used in interrogating KSM to the world.

Time after time since President Obama's January 22, 2009 announcement stating that he would close Gitmo within a year, I have seen hasty and ill-advised comments and action taken with respect to the Gitmo detainees. The detainees at Guantanamo are some of the most senior, hardened, and dangerous al-Qaida figures we have captured. It is imperative that the President satisfy the concerns of Congress and the American public before we should fund the transfer of any of these detainees to U.S. soil for any reason.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Georgia for his comments. Having served on the Judiciary Committee and the Armed Services Committee with Senator CHAMBLISS, we had a number of hearings on these issues. I agree with Senator CHAMBLISS that there is no practical alternative to the process we are using. It is right and just to do so, to use the one, at least, we have been using at Guantanamo Bay.

To create trials in Federal district court using American rules of procedure such as Miranda and the exclusionary rule is not the kind of thing that ought to be done in this case. He has given a lot of thought to it, and I appreciate it. In essence, he is disappointed that the conference committee altered language we passed by an overwhelming majority in this Senate. That is exactly what I am going to talk about today.

I am disappointed that those in the leadership in this Congress, without discussion or debate, have decided to dramatically alter the amendment I offered that was accepted unanimously to the Homeland Security appropriations bill in this Congress.

On July 8, 2009, the Senate rejected, by a vote of 44 to 53—I think at least 13 or more Democrats voted this way—a motion to table the E-Verify amendment I offered to the Department of Homeland Security bill. After the motion to table was defeated, the Senate then unanimously accepted my amendment. The amendment made the program permanent, the E-Verify Program, which allows businesses to run virtually an instant computer check to see if the person who has applied before them is legally able to work in the United States. The amendment I offered would have made that E-Verify system permanent and it would have made it mandatory for government contracts. Some States have mandatory rules; businesses are voluntarily doing it. It would simply say: You are not going to get a contract from the taxpayers of the United States if you are not legally working in the United States. How simply is that? But the version of the bill reported from conference is dramatically different. It contains only a 3-year extension of the E-Verify Program and does not include any of the Federal contractor language. We passed a lot of stimulus money to try to create jobs for Americans this year, and it should be for lawful people, not unlawful.

This is the third time this Congress and the leadership in this Congress have either removed, changed, or blocked attempts to make this successful program permanent, against the overwhelming will of the American people, actually, and against the will of the Obama administration—at least in their verbal statements—and the express will of both the House and the Senate.

So this is how things happen. I think this is one of the reasons people are angry with Congress. Some people say they are angry at immigrants. I do not think that is accurate. I think they are angry at Congress for failing to take commonsense steps to create a lawful system of immigration and end the lawlessness that exists.

The mechanism is this: We pass it. Members of the Senate vote for it. They go home and say: I voted to make E-Verify permanent. I voted to make it apply to contractors. I am sorry it did not happen. Well, who makes this happen? Who changes the language? It is done in secret in conference in a nonopen way. They meet and just change it. They think nobody is going to know and they can just get away with it. It is the reason people are not happy with Congress.

In addition, the Democratic leadership on the conference committee—and they are all appointed by the Speaker and by the majority leader. So the majority of both Houses, the House and the Senate, are clearly Democratic Members. I do not want to make this such a partisan thing, but I guess it is an institutional thing of frustration that our Democratic Members have voted for these reforms, for these good ideas, but yet somehow it goes into conference and it gets eliminated, gets undermined so it does not become law.

There were three other amendments stripped that dealt with immigration issues that had overwhelming support: A DeMint amendment that passed in the Senate called for completing the 700 miles of double-layer fence called for by the Secure Fence Act that we passed overwhelmingly some time ago, and that was taken out. A Grassley amendment that would have allowed employers to reverify employees through E-Verify was taken out. A Vitter amendment that would have precluded the rescissions of the no-match rule was taken out.

So together with the recent actions of this administration—and they have been sending mixed signals, but their actions sometimes speak louder than words. They have backed off of the detention policy. Now I see they are putting people illegally coming into our country in hotel and motel rooms. They watered down the 287(g) Program which allows local law enforcement to work with the Federal officials to help them identify those who are illegally in the country in a way that makes sense. It is a limited power, but it is very helpful. Those are some of the things this administration has backed off on.

So I think the conclusion we reach is that the majority in control of this Congress seems to be committed to blocking any congressional action that actually seeks and is effective in enhancing law enforcement. Some say: That is a harsh thing to say, JEFF. That is not true. I will just repeat it. If you know what the system is about, you know how the debate is going on in this Senate and in the House, you would be aware of the fact that E-Verify is very important and that it should apply to people who get government contracts. Why do they keep taking it out?

Back in February, two amendments were unanimously accepted to the House stimulus bill, the $800 billion bill that was supposed to create jobs in America. Those amendments related to the E-Verify Program. One was offered by Congressman KEN CALVERT of California for a 4-year extension of the E-Verify Program. It was identical to the reauthorization language that passed the House on July 31, 2008, by a vote of 407 to 2. Another was offered by Congressman JACK KINGSTON, and it prohibited funds made available under this $800 billion stimulus bill from being used to enter into contracts with businesses that do not participate in this E-Verify system.

It is growing. Millions of checks are being done by this system. It is no burden on businesses. So it would say, if you did not use that system, you could not get this stimulus money to do things, build things with.

The provisions of the bill were both unanimously accepted without a vote by the House Appropriations Committee. Furthermore, the provision that extended the program was also overwhelmingly approved by the House last July by a vote of 407 to 2.

One of the main purposes of the stimulus bill was to put Americans back to work. It was common sense—common sense—to include a simple requirement that the people hired to fill the stimulus-created jobs be lawfully in our country and lawfully able to work.

I tried to offer an amendment, at that time, that incorporated both the House provisions in the Senate stimulus bill when the stimulus bill was being considered in the Senate, but it was blocked on three separate occasions by the Democratic leadership. I can only conclude from that they did not want it. I knew, if we could get a vote, we would have a bipartisan Democratic and Republican vote for it.

My amendment only incorporated the short 5-year extension, but I was not even allowed to get a vote. As I predicted at that time, once the bill went to conference, the conferees would strip the E-Verify provisions from the final version of the economic stimulus package without any open discussion or debate. That is exactly what they did. I hate to say it, but the actions seem to send a clear signal that our leadership wants to use taxpayers' money to employ people who are in this country illegally.

That is a harsh thing to say. But if you do not want that to happen, why don't we take some steps to do something about it? Why wouldn't we require people who get government money—taxpayers' money that is supposed to be designed to create American jobs—why wouldn't we want to at least take this modest step to try to see that people illegally here do not get those jobs?

Furthermore, in March, when I tried to offer an identical amendment to the Omnibus appropriations bill, it was tabled by a vote of 50 to 47. This proves to me there are some powerful forces out there somewhere still alive who want to block this important step.

It is important we permanently reauthorize this successful E-Verify Program, which is currently set to expire when the current continuing resolution ends. We should do it particularly now that we are in a time of serious economic downturn and unemployment.

E-Verify is an online system operated jointly by Homeland Security and the Social Security Administration. Participating employers can check the work status of new hires online by comparing information from an employee's I–9 form—that is their employment form—against the Social Security and DHS databases. It is done like that. It takes just a few minutes.

E-Verify is free to businesses and is the best means available for determining the employment eligibility of new hires and the validity of their Social Security numbers, instead of the so many bogus numbers many of you have read about.

As of October 3 of this year—2009—over 157,000 employers, businesses, are enrolled in this program. This represents over 600,000 hiring sites nationwide. Over 8.5 million inquiries were run through the system in 2009 and over 90,000 have been run since October 1 of this year—in 20 days.

The Homeland Security Secretary—President Obama's Secretary—Janet Napolitano, has spoken highly of the E-Verify Program. She called the program ''an integral part of our immigration enforcement system''—an integral, essential part of our enforcement system. There is no doubt about it, in my view. Attempts to make the program permanent have been thwarted time and time again during this Congress.

According to Homeland Security, 96.1 percent of employees are cleared to go to work immediately under this online system, and growth continues at over 1,000 new employer users each week.

Of the remaining 3.9 percent of queries with an initial mismatch—so there are 3.9 percent who are not cleared immediately—of those, only .37 percent, about a third of 1 percent, were later confirmed to be work authorized. So it looks like about 80, 90 percent of the people who did not get immediate clearance—really, more than that—were not authorized to work legally in America. Only .37 percent of those

later were shown to be held up improperly—or not ''improperly,'' just being held up. Maybe they entered a wrong Social Security number by mistake.

Employers get an advantage. An employer that verifies work authorization under E-Verify has established a rebuttable presumption that the business has not knowingly hired an illegal alien.

Recently, the Bureau of Labor Statistics reported that the unemployment rate in the United States has jumped to 9.8 percent—basically, double what it was a year or so ago. That is 15 million unemployed. This is the highest unemployment rate in 25 years.

Immigration by illegal immigrants has had a serious and depressing effect on the standard of living of lower skilled American workers. That is a fact, in my view. The U.S. Commission on Immigration Reform, chaired by the late civil rights pioneer, Barbara Jordan—and they had a big study of this—found that ''immigration of unskilled immigrants comes at a cost to unskilled U.S. workers.''

The Center for Immigration Studies has estimated that such immigration has reduced the wage of the average native-born worker in a low-skilled occupation by 12 percent or almost $2,000 annually.

In addition, Harvard economist and author of perhaps the most respected book on immigration—he goes into great detail of economic studies and information that he analyzed—Professor George Borjas, himself born in Cuba, has estimated that immigration in recent decades has reduced the wages of native-born workers without a high school degree by 8.2 percent.

E-Verify is working. In fact, the program is so successful that Secretary Napolitano recently said:

> The Administration strongly supports E-Verify as a cornerstone of worksite enforcement and will work to continually improve the program to ensure it is the best tool available to prevent and deter the hiring of persons who are not authorized to work in the United States.

That is a strong, clear, good statement the Secretary has given, and it is common sense.

Recently confirmed Citizenship and Immigration Services Director Alejandro Mayorkas said:

> I believe E-Verify is an effective law enforcement tool.

In February of 2009, Doris Meissner, former head of immigration under President Clinton, said:

> Mandatory employer verification must be at the center of legislation to combat illegal immigration . . . the E-Verify system provides a valuable tool for employers who are trying to comply with the law. E-Verify also provides an opportunity to determine the best electronic means to implement verification requirements. The Administration should support reauthorization of E-Verify and expand the program. . . .

Alexander Aleinkoff—President Clinton's INS official and an Obama administration Department of Homeland Security transition official—calls it a ''myth'' that ''there is little or no competition between undocumented workers and American workers.'' He is right about that. They can say this is not true all day long, but anybody who observes what is happening knows the large influx of low-skill workers pulls down the wages of hard-working Americans who did not get a high school diploma who are trying to take care of their families and survive in a competitive world. It is a fact. We need to understand that.

Even the distinguished majority leader supports the program. He wrote a letter in March of this year saying:

> I strongly believe that every job in our country should go only to those authorized to work in the United States. That is why I strongly support programs like E-Verify that are designed to ensure that employers only hire those who are legally authorized to work in the United States, and believe we need to strengthen enforcement against employers who knowingly hire individuals who are not authorized to work. I support reauthorization of the E-Verify program, as well as immigration reform that is tough on lawbreakers, fair to taxpayers and practical to implement.

This is one I hope we can all agree on. But I do not know how it came out that this language was gutted out of the conference report, once again.

Since 2006, 12 States have begun requiring employers to enter new workers' names into the system, which checks databases, including Arizona, which passed the law while our current Homeland Security Secretary, Janet Napolitano, was Governor of Arizona. Colorado, Georgia, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, and Utah have this system where their employers that have contracts in government work—actually any employers have to use the system before they are hired.

Secretary Napolitano has also said:

> I'm a strong supporter of E-Verify. . . . You have to deal with the demand side for illegal immigration, as well as the supply side, and E-Verify is an important part of that.

In January of 2009, the Washington Post reported that Secretary Napolitano said:

> I believe in E-Verify. I believe it has to be an integral part of our immigration enforcement system.

President Bush signed Executive Order 12989 last year. I think, in many ways, he was slow to come to realize how important creating a lawful system of immigration was. But he made some progress toward the end and he made this statement and took this action. He said:

> Contractors that adopt rigorous employment eligibility confirmation policies are much less likely to face immigration enforcement actions, because they are less likely to employ unauthorized workers, and they are therefore generally more efficient and dependable procurement sources than contractors that do not employ the best available measures to verify the work eligibility of their workforce. . . . It is the policy of the executive branch to use an electronic employment verification system because, among other reasons, it provides the best available means to confirm the identity and work eligibility of all employees that join the federal workforce. Private employers that choose to contract with the federal government should meet the same standard.

So President Bush issued that Executive Order, that private employers that choose to contract with the Federal Government should meet the same standard. Basically, what happened was, President Obama delayed it. They have since issued a policy that larger businesses should use the system, for which I give them credit. So the Federal Government should meet the same standard. He meant it should apply. The Obama administration has made, as I understand it, an executive order that requires larger businesses to use this system for the current time but not smaller businesses, and it is not a part of law.

Last June, when Homeland Security designated E-Verify as the electronic employment eligibility verification system that all Federal contractors must use, Secretary Chertoff—the Secretary of Homeland Security—said this:

> A large part of our success in enforcing the nation's immigration laws hinges on equipping employers with the tools to determine quickly and effectively if a worker is legal or illegal. . . . E-Verify is a proven tool that helps employers immediately verify the legal working status of all new hires.

So some have argued it is too costly and too cumbersome. However, a letter to the Wall Street Journal from Mark Powell, a human resources executive with a Fortune 500 company, said it is free; it takes only a few minutes and is less work than a car dealership would do checking a credit score prior to selling a vehicle or taking a test drive.

Well, that is true. How else can we explain so many employers voluntarily signing up? I think the short-term extensions only discourage participation in the E-Verify Program and leave us with a lack of assurance in the future we need.

With regard to the contention that there are some mismatches, as I said, only .37 percent—less than 1 percent—of the people whose numbers don't check out are found to be improperly checked out. Truthfully, most of them got the right answer.

So I would conclude by saying a lot of progress has been made to make the system even better than it was. Over 60 percent of foreign-born citizens who have utilized this option and more than 90 percent of those phone calls have led to a final ''work authorized'' determination. I think we are on the right track. I think we should make this permanent. We absolutely should make it so that anyone who obtains a contract or a job as a result of government taxpayer money should be legally in the United States. If they are not, they shouldn't get the job. It should be set aside for American taxpayers. I thank the Chair.

Just before I conclude, once again, let me express frustration that what

was passed so overwhelmingly, somewhere behind closed doors—the same place they are meeting right now to write a health care bill. We don't know where they are or what they are talking about, but a group is meeting to try to cobble together the two or three or four bills that are pending out there with something they will bring to the floor, and nobody has even seen it yet. We are having too much of that. I think it is eroding public respect for the Congress, and I can understand why the American people are angry with us.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to join my distinguished colleague from Alabama, as well as our colleague from South Carolina, who will come to the floor soon to talk about this Department of Homeland Security Appropriations conference report and specifically the major provisions which had broad bipartisan support which were stripped out of the conference report in the dead of night. I wish to thank my colleague from Alabama for all his work on this issue in general, particularly the E-Verify system. I strongly support the E-Verify system. I strongly support expanding it aggressively. It is part of a solution. It is not the whole solution; no one item is. But it is an important part of the solution to get our hands around immigration enforcement, particularly at the workplace. So I thank my colleague for that work.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. VITTER. Absolutely, I will yield.

Mr. SESSIONS. The Senator has served in the House and the Senate and knows how conference committees work. Isn't it true that the majority of the Senate conferees would be appointed by the majority leader, and a majority of the House conferees would be appointed by the Speaker?

Mr. VITTER. Absolutely.

Mr. SESSIONS. Isn't it a tradition that normally conferees appointed by those leaders tend to follow their lead in how they vote in conference?

Mr. VITTER. Absolutely.

Mr. SESSIONS. The Senator had an amendment that was stripped out, as I did, dealing with the immigration issue. It seems to me odd that amendments receiving such high votes in both the House and the Senate would be stripped out of conference. Would you agree that is an odd thing to happen?

Mr. VITTER. I absolutely agree with my colleague.

I would point out in that vein, the Sessions amendment got broad support. When the Democratic leadership handling the bill on the floor asked to table the amendment, that was rejected 53 to 44. In a similar way, they attempted to table the amendment of our colleague from South Carolina, and that motion was defeated 54 to 44. My amendment was adopted by unanimous consent. Yet with that clear support from the Senate floor, the leadership on the other side apparently went to conference and took out those amendments in the dead of night. I find that worrisome. I find it worrisome in terms of the process. I find it worrisome in terms of immigration reform and where we are apparently headed.

Again, as I said, these were three significant amendments put in this bill on the Senate floor. All three have been stripped out of this conference report.

Let me focus for a minute on my proposal. When the bill was on the Senate floor, my amendment, which was Senate amendment No. 1375, was passed by unanimous consent. So literally no one in the entire body, Democratic or Republican, objected. Essentially, everyone agreed to put this amendment on the bill. The amendment was to prohibit funding to the Department of Homeland Security if they implemented any changes in a final rule requiring employees to follow the rules of the Federal Social Security no-match notices. This, as E-Verify, is an important piece of the puzzle. It is an important piece of the solution.

In August of 2007, the Department of Homeland Security introduced its no-match regulation. This clarified the responsibility of employers who receive notice that their employees' names and Social Security numbers don't match up with the records at Social Security.

So under the rule, employers receiving these notices who did not take corrective action would be deemed to have constructive knowledge that they are employing unauthorized aliens. So, in other words, the intent and the way the rule worked was very simple and straightforward. If records went in to the Department of Homeland Security, if a name and a Social Security number didn't match according to Social Security records, then the Federal Government would notify the employer and would say: Time out; you have a problem. You need to do something about it. If it is a mistake, we need to figure that out, but otherwise it seems as though you are hiring an illegal. So stop and either clear up the mistake or do not hire that person.

This rule provided employers with clear guidance on the appropriate due diligence they should undertake if they received that sort of letter from the Federal Government. So employers who received no-match letters would know they have a problem: Either their record keeping needs to be improved or they have hired illegal workers. The DHS no-match rule gives companies that want to follow the law a clear path to safety. Companies that prefer to ignore the problem or have chosen to run their business with illegal labor cannot be forced to act responsibly, so they do so at their peril under this rule. Since the Social Security letter leaves a clear record for DHS investigators to build a case against employers, it makes the entire system far more workable.

My amendment simply said we are going to keep that new rule in place. It is important for enforcement. It is important for workplace enforcement. It is important to get our hands around the problem of illegal immigration because of the common sense behind that concept. My amendment was adopted on the Senate floor unanimously, by unanimous consent.

As I said, Senator SESSIONS had an important amendment which he just talked about to expand the E-Verify system. That amendment was actually opposed by some, and there was a motion to table the amendment, but that motion to table was defeated 53 to 44. Similarly, Senator DEMINT of South Carolina had an important immigration enforcement amendment. He will be coming to the floor to talk about that this afternoon. His amendment required the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010. Again, his amendment was opposed by some liberals on the Senate floor. They moved to table that amendment but, again, by a significant vote that motion to table was defeated 54 to 44.

So if these amendments are adopted by comfortable, if not unanimous, margins in the Senate, why are they being stripped in the dead of night in the conference committee report? Unfortunately, I think it is clear this Congress, under the Democratic leadership, and this administration want to take a very different approach to immigration, and they are not serious about any of these enforcement measures.

I think that is a shame because these three amendments and other good enforcement ideas I believe represent the common sense of the vast majority of the American people. To me, this harkens back to the major immigration reform debate we had in the summer of 2007 when a big so-called comprehensive immigration reform bill came to the floor of the Senate. It didn't have enough enforcement, in my opinion. It did have a huge amnesty program instead. So by the end of the debate, the American people spoke loudly and clearly. They said: No, we want enforcement. We want to do everything we can on the enforcement side first. We don't want a big amnesty.

That so-called comprehensive bill was defeated by a wide margin. After that seminal event, so many on the Senate floor, including many who had backed that bill, Senator MCCAIN among them, said: OK, we heard the American people. We heard you loudly and clearly. We need to start with effective enforcement. We need to start with commonsense measures, such as a certain amount of fencing, such as E-Verify, such as the Social Security no-match rule. Yet when we put those commonsense measures in this bill, what happened? In this Congress, led by Democratic leadership, under this administration, it was just stripped out of the conference committee report.

Sure, it got big votes on the Senate floor; sure, it has widespread House

support; sure, the Vitter amendment was adopted by unanimous consent. We don't care. We are going to strip it out.

The message is loud and clear. The message is, we don't care what the American people have said. We don't care what they said in the summer of 2007. We don't care what they say over and over and over again about these issues—no-match, E-Verify, fencing—we are just going to oppose any of those commonsense enforcement measures.

I truly believe the second half of where the leadership in this Congress and this administration is coming from is the same thing as the second half of that immigration reform bill in 2007: a big amnesty program with little to no enforcement, a big amnesty program.

We need to listen to the American people. We don't need to play games and say we are supporting provisions and then have them stripped out of conference reports. We need to be more straightforward, more honest in what we are truly about in attacking this problem. Unfortunately, this conference report is an example of exactly the opposite.

I urge my colleagues to pay attention to what is happening because so many folks in this body are speaking out of both sides of their mouth. They are saying: Oh, yes, fence, sure; E-Verify, absolutely; social security no-match, sure. Then they get certain leaders of the conference committee to do their dirty work and just strip those provisions. They are ignoring the will of the American people. They are rejecting commonsense enforcement, and according to many reports, the Obama administration and its leaders in the Congress are going to attempt another push for broad-based amnesty.

We need to listen to the American people and not play games. In particular, we need to stop this game playing overall. Senator SESSIONS, my distinguished colleague from Alabama, was right when he said these sorts of antics—talking out of both sides of our mouths on this issue, stripping so-called popular amendments from a conference committee report—these antics are exactly what is eroding confidence in Congress overall. This is exactly what the American people are so frustrated and, in fact, so scared about with regard to many other issues, such as health care.

I believe this is of real concern as we go into the health care debate because, quite frankly, what does it matter what we adopt on the Senate floor when the conference committee work is going to be handled, perhaps, just like this Homeland Security conference committee was. People can have little confidence based on our votes on the Senate floor. The conference committee work can be diametrically opposed to it on significant issue after significant issue, just as it was on no match, on E-Verify, on fencing.

We need to stop eroding public confidence in that way. We need to do what is, in fact, our first job in the Congress, House and Senate, which is to listen to the American people and, yes, represent the American people.

I am afraid this DHS conference report, with its significant omissions in the area of Social Security no match, E-Verify, and fencing, is a sign that this leadership in Congress and this administration are not prepared to do any of that. I lament that.

I urge all of our colleagues to come back together and demand progress on E-Verify, on no match, and on fencing, and to stop this game playing as we move to other crucial issues, including health care.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. I thank the Chair.

(The remarks of Mr. CARPER and Mr. KAUFMAN pertaining to the introduction of S. 1801 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CARPER. I thank the Chair, and with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided between both sides.

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

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. 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. DEMINT. Mr. President, I apologize for your having to listen to me again this week, but I thank you for recognizing me, and actually I want to talk about something pretty serious.

I think as Americans look in—and I guess in our relationships here—cynicism is becoming so much a part of what we are doing. As a matter of fact, trying to stop cynicism here in Washington is like trying to stop water from flowing downhill. Every time the American people succeed in forcing sunlight and transparency on the political process, politicians find another corner to hide in. The latest trick is the majority's practice of accepting popular amendments to legislation while fully intending to strip those amendments out of the final bill that we send to the President. There were at least four of these amendments stripped from the conference report that is in front of us today.

One of the amendments—authored by Senator SESSIONS—permanently authorized the E-Verify Program and made it mandatory for all government contractors. That is very important to the American people, very important to employers, to be able to determine whether they are hiring a worker who is here legally. That was thrown out.

Senator VITTER had an amendment which allowed the implementation of what is called the ''no match'' rule, which essentially says that if a name and a Social Security number don't match, that the employer is immediately identified. That was thrown out.

Senator GRASSLEY had an amendment to allow employers to voluntarily verify the status of current employees. That was thrown out.

Then there was my amendment to require the Department of Homeland Security to complete the 700-mile reinforced fence along the Southwest border by the end of 2010. It passed on this Senate floor 54 to 44. This amendment was stripped, along with all the others.

As always, Washington politicians respect the people's wrath when the cameras are on us, but they do not respect the people's opinions when the cameras are turned off. As everyone here is aware, the American people are adamant about securing our southern border. It is a matter of security, it is a matter of jobs, it is a matter of drug trafficking and weapons trafficking. Thousands of Mexicans have been killed because of our unwillingness to control our own border.

In 2006, overwhelming public opinion forced Congress to order the construction of a 700-mile reinforced double fence by 2010. Both the Bush administration and the Obama administration have dragged their feet, and so far we only have 34 miles actually completed. The Department of Homeland Security claims 661 miles are completed, but that is not according to the law we passed because they count single-layer fencing and vehicle barriers, which do nothing to stop pedestrian traffic. My amendment would have reasserted a promise—a law—that Congress has already passed. Leaders of both parties have repeatedly tried to break this promise.

We are learning there is almost nothing that politicians won't do to get out of promises they make in the daylight, especially if they can pretend to keep the promises. This is staggering cynicism, and it is undemocratic. It violates our whole principle of the rule of law. But this problem goes well beyond our unkept promises to cure our southern border. Earlier today, we considered the conference report on Energy and Water—the Energy and Water spending bill. That report also stripped out a popular amendment offered by Senator COBURN to require all reports under the law to be made available to the public.

The majority is now so afraid of public scrutiny that they have to go behind closed doors to complete amendments they earlier accepted to guarantee transparency. This is now a pattern and a practice of the least transparent Congress in American history. That should give all of us pause, especially when we consider these same politicians are right now behind closed doors planning the takeover of one-sixth of our economy, if this health care bill succeeds.

They have promised the bill won't add to the deficit, promised it won't force people off their health care plans, promised it won't pay for abortions or cover illegal immigrants, and promised thousands of other things. The problem is we don't know what is in the bill. In the context of this back-room amendment stripping, these promises cannot be delivered, and this process cannot be trusted.

I encourage my colleagues to recognize that we need to make good on our promises. Both parties in this Congress have talked a lot about ethics and transparency. When we accept a bill on the floor, with the American people looking, but then strip it when the American people are not looking, our whole process is denigrated. This bill in particular, containing issues that deal with illegal immigration, which our country is so engaged in—and particularly at a time when people are losing their jobs, many times to workers who are not legal—is a very sensitive issue to the American people.

For this amendment to be voted on and passed and then stripped out makes no sense at all. I encourage my colleagues not to support this conference report. It has stripped out the will of the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on this bill, on a particular issue of interest to my State and I think to the country on a new National Bio-Agriculture facility to research new diseases and problems that can come in on animal health. In this particular bill, Senator ROBERTS and I have been working for some period of time to get funding for this facility to go forward. This was a national competition that took place for the location of the NBA facility. A number of States competed for it. It was determined that Kansas would be the primary location for this to occur. The initial funding of $32 million is in this conference report. I am delighted that the National Bio-Agriculture facility, to be located in Kansas, is getting its initial funding.

As one of the responsible acts of this body, the fullest amount of the funding for this will not come until the Plum Island facility is sold. When that is sold, then that money is to go to build this facility that will research a number of different, difficult diseases in the animal health industry—foot-and-mouth disease and a number of other ones are to be researched. The facility has to be built safely so the containment facility, its initial design, is a metal structure on top of a concrete structure on top of another concrete structure in which the animals and the pathogens will be contained.

To make sure this structure is safe, the facility design will be reviewed by the Department of Homeland Security and the DHS review will also be reviewed by the National Academy of Sciences, so it is an additional review on top of a review process. That may seem like redundancy to a lot of people, but there has been a lot of concern about moving FMD research into the mainland from Plum Island off of New York.

I think it is prudent for us to do this research. I think it is important for us to research cures in this area. I think it is also prudent for us to make sure that the facility is well built and one from which we can be certain these pathogens will not be released.

The passage of this final bill is a huge step in locating this NBA facility in Kansas, providing additional funding for this. I believe there is no better place than in Kansas to do this research. I am not just saying that because it is my State—although that is a big part of it—but 30 percent of the animal health industry globally is located within 100 miles of Kansas City. It is a place where there is a lot of this research taking place. The scientists are already there, the companies are already developing these products to take care of animal health problems. They are there and we can build on that success at a national level.

I am delighted to see this moving forward in a responsible fashion. This is the initial piece. The bigger piece comes after the sale of Plum Island, which is appropriate. I am hopeful my colleagues will see fit to doing that this next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, later today—in fact, as I understand, in a very short time—the Senate will vote on the conference report to accompany the fiscal year 2010 Department of Homeland Security appropriations bill. This conference report spends approximately $42.7 billion, 6.6 percent above last year's bill. I am sure many American households would love a 6-percent increase in their budget but cannot afford it. The Federal Government can't afford it either.

Specifically, this conference report contains 181 congressionally directed spending items totaling over $269 million. As far as I can tell, none of these projects was requested by the administration, authorized, or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayers' dollars.

By the way, as I recall, when we first started with the Homeland Security Appropriations bills, we had decided at that time there would be no earmarks. So the next time we didn't do them. Then there are a few more. Now there are 181 of them—181, totaling over $269 million. I do not need to remind Americans—I might want to try to keep reminding the appropriators—the Federal deficit now stands at $1.4 trillion. It is an all-time high. Americans are losing their jobs and their homes at record rates. What are we doing? We just keep on spending.

Let's take a look at some of the earmarks included in this conference report: $4 million for the Fort Madison Bridge, in Fort Madison, WI. How is that related to homeland security? There is $3.6 million for a Coast Guard Operations Systems Center in West Virginia. Why would the Coast Guard Operations Systems Center be located in a landlocked State? There is $200,000 to retrofit a college radio station in Athens, OH. Let me be clear here. This is to appropriate funds for homeland security. Obviously high on somebody's list is $200,000 to retrofit a college radio station. My, my, my.

There is $900,000 for the City of Whitefish Emergency Operations Center in Whitefish, MT. The population is 5,849. That comes out to $153.87 per resident which is paid for by my taxpayers and all American taxpayers.

There is $250,000 to retrofit a senior center in Brigham City, UT. The last time I checked, senior centers are important but they have very little relation to homeland security. There is $125,000 to replace a generator in La Grange Park, IL. I have to say, maybe there is something we don't know here. Maybe there is a reason why we need to retrofit a college radio station in Athens, OH; maybe there is a reason we need to replace a generator in La Grange Park, IL; maybe there is a reason why we have to spend $250,000 to retrofit a senior center in Brigham City, UT in the name of homeland security; maybe there is a reason to spend $130,000 to relocate the residents of 130 homes in DeKalb, IL. But we will never know because we don't have any hearings, we don't have any authorization. We just go ahead and spend the money—6.6 percent over last year. The original intent was there were not going to be any earmarks. Amazing.

In addition to the earmarks contained in the conference report, Congress continues to fund programs that the President, as part of his budget submission, had recommended terminating or reducing. This is the President's budget submission. These are the requests of the President that certain programs be terminated because

they are unnecessary and unwanted and redundant. Remember, this is in the face of a $1.43 trillion deficit. We are still funding them, no matter what the President of the United States says and no matter what good sense says.

The first amendment I tried was to terminate a terrestrial-based, long-range maritime radio navigation system called the LORAN–C. The Bush and Clinton administrations sought to terminate the program. They tried. The current administration states in its budget that, although the program is not fully developed, it is already ''obsolete technology.'' This is what the President says:

The Nation no longer needs this system because the federally supported civilian global positioning system, GPS, has replaced it with superior capabilities.

Is there anybody who doubts that GPS is a superior capability?

The elimination of this program, according to the President, would achieve a savings of $36 million in 2010 and $190 million over 5 years.

Those are not my words, those are the words of the administration. So what have the appropriators done? They continued to fund it. When I offered an amendment to eliminate that obsolete technology that the Nation no longer needs, 36—count them—36 of my colleague also supported it. The majority party in the Senate did not support the administration's view that this program should be eliminated and this conference report continues to fund the program into next year, rather than cutting funding immediately—as we should have done a long time ago.

My other attempt to support the President's effort to eliminate wasteful government programs also failed. The administration proposed in its 2010 budget to cut the Over-the-Road Bus Security Program because the money was not awarded based on risk, as recommended by the 9/11 Commission, and the program has been assessed as not effective.

The appropriators have now gone against the recommendations of the 9/11 Commission, they have gone against the recommendations of the President of the United States, and we will continue to spend another $6 million. I offered the amendment to eliminate the program. The amendment was defeated by a vote of 47 to 51, so we will spend another $6 million that the administration says we do not need and that clearly is unnecessary to be funded.

During the Senate consideration of the bill, I filed a total of 28 amendments to strike earmarks and end funding for programs that the President had sought to terminate. Not surprisingly, my efforts were rebuffed each time by the members of the Appropriations Committee. The American people are tired of this process, they are tired of watching their hard-earned money go down the drain. Earlier this year, the President pointedly stated, and I quote him:

We cannot sustain a system that bleeds billions of taxpayers dollars on programs that have outlived their usefulness, or exist solely because of the power of politicians, lobbyists or interest groups. We simply cannot afford it. . . . We will go through our Federal budget—page by page, line by line—eliminating those programs we don't need, and insisting those we do operate in a sensible and cost-effective way.

This is the document. The President went through it line by line. So we offered amendments to eliminate these programs. So of course the appropriators won again. They not only voted against my attempts to strike wasteful and unneeded spending, they also eliminated a provision that was supported by 54 Members of the Senate to mandate the completion of 700 miles of fence along the Southwest border by December 31, 2010. This elimination will only serve to weaken our efforts to secure the border. We know that fencing alone is not a panacea to every security issue on the border, but there is no doubt that increased fencing bolsters Customs border patrol efforts to secure our border.

Additionally, the other body's leadership added language that prohibits use of the funds in this act or any other act for the release of detainees held at Guantanamo into the United States, its territories and possessions. By extending this prohibition to U.S. territories and possessions, the conference report further restricts the release of detainees enacted into law in the supplemental appropriations act for fiscal year 2009. The conference report also restricts transfers of detainees from Guantanamo, limiting them to only transfers for the purpose of prosecution or detention during legal proceedings, and requires the President provide a plan to Congress 45 days prior to transfer. These provisions allow detainees to be tried for acts that amount to war crimes in Federal criminal courts and would authorize bringing detainees into the United States for that purpose.

I will continue to believe that war crimes—and by that I include the intentional attacks by civilians that resulted in the loss of nearly 3,000 lives on September 11, 2001—should be tried in a war crimes tribunal created especially for that purpose. The Military Commission's Act of 2009 is a result of extensive input and coordination with the Obama administration. It should be the vehicle for the trial for the horrendous war crimes committed against thousands of innocent American civilians, rather than bringing detainees from Guantanamo to the United States to face trial in a domestic Federal criminal court.

I am sure that many of my colleagues read with interest the views of former Attorney General of the United States Michael Mukasey in the Wall Street Journal on Monday, October 19, in which he opposes trial of these detainees who are suspected of being responsible for the 9/11 attacks in Federal criminal court. He says:

The Obama administration has said it intends to try several of the prisoners now detained at Guantanamo Bay in civilian courts in this country. This would include Khalid Sheikh Mohammed, the mastermind of the September 11, 2001 terrorist attacks, and other detainees involved.

The Justice Department claims our courts are well suited to the task. This is the former Attorney General of the United States who says:

Based on my experience trying such cases and what I saw as Attorney General, they are not.

That is not to say civilian courts cannot ever handle terrorist prosecutions, but rather their role in a war on terror—to use an unfashionable phrase—should be as the term ''war'' would suggest, a supporting and not a principal role.

I ask unanimous consent the article from the Wall Street Journal by the former Attorney General of the United States saying, ''Civilian Courts Are No Place To Try Terrorists,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 19, 2009]

CIVILIAN COURTS ARE NO PLACE TO TRY TERRORISTS

(By Michael B. Mukasey)

The Obama administration has said it intends to try several of the prisoners now detained at Guantanamo Bay in civilian courts in this country. This would include Khalid Sheikh Mohammed, the mastermind of the Sept. 11, 2001 terrorist attacks, and other detainees allegedly involved. The Justice Department claims that our courts are well suited to the task.

Based on my experience trying such cases, and what I saw as attorney general, they aren't. That is not to say that civilian courts cannot ever handle terrorist prosecutions, but rather that their role in a war on terror—to use an unfashionably harsh phrase—should be, as the term ''war'' would suggest, a supporting and not a principal role.

The challenges of a terrorism trial are overwhelming. To maintain the security of the courthouse and the jail facilities where defendants are housed, deputy U.S. marshals must be recruited from other jurisdictions; jurors must be selected anonymously and escorted to and from the courthouse under armed guard; and judges who preside over such cases often need protection as well. All such measures burden an already overloaded justice system and interfere with the handling of other cases, both criminal and civil.

Moreover, there is every reason to believe that the places of both trial and confinement for such defendants would become attractive targets for others intent on creating mayhem, whether it be terrorists intent on inflicting casualties on the local population, or lawyers intent on filing waves of lawsuits over issues as diverse as whether those captured in combat must be charged with crimes or released, or the conditions of confinement for all prisoners, whether convicted or not.

Even after conviction, the issue is not whether a maximum-security prison can hold these defendants; of course it can. But their presence even inside the walls, as proselytizers if nothing else, is itself a danger. The recent arrest of U.S. citizen Michael Finton, a convert to Islam proselytized in prison and charged with planning to blow up a building in Springfield, Ill., is only the latest example of that problem.

Moreover, the rules for conducting criminal trials in federal courts have been fashioned to prosecute conventional crimes by

conventional criminals. Defendants are granted access to information relating to their case that might be useful in meeting the charges and shaping a defense, without regard to the wider impact such information might have. That can provide a cornucopia of valuable information to terrorists, both those in custody and those at large.

Thus, in the multidefendant terrorism prosecution of Sheik Omar Abdel Rahman and others that I presided over in 1995 in federal district court in Manhattan, the government was required to disclose, as it is routinely in conspiracy cases, the identity of all known co-conspirators, regardless of whether they are charged as defendants. One of those co-conspirators, relatively obscure in 1995, was Osama bin Laden. It was later learned that soon after the government's disclosure the list of unindicted co-conspirators had made its way to bin Laden in Khartoum, Sudan, where he then resided. He was able to learn not only that the government was aware of him, but also who else the government was aware of.

It is not simply the disclosure of information under discovery rules that can be useful to terrorists. The testimony in a public trial, particularly under the probing of appropriately diligent defense counsel, can elicit evidence about means and methods of evidence collection that have nothing to do with the underlying issues in the case, but which can be used to press government witnesses to either disclose information they would prefer to keep confidential or make it appear that they are concealing facts. The alternative is to lengthen criminal trials beyond what is tolerable by vetting topics in closed sessions before they can be presented in open ones.

In June, Attorney General Eric Holder announced the transfer of Ahmed Ghailani to this country from Guantanamo. Mr. Ghailani was indicted in connection with the 1998 bombing of U.S. Embassies in Kenya and Tanzania. He was captured in 2004, after others had already been tried here for that bombing.

Mr. Ghailani was to be tried before a military commission for that and other war crimes committed afterward, but when the Obama administration elected to close Guantanamo, the existing indictment against Mr. Ghailani in New York apparently seemed to offer an attractive alternative. It may be as well that prosecuting Mr. Ghailani in an already pending case in New York was seen as an opportunity to illustrate how readily those at Guantanamo might be prosecuted in civilian courts. After all, as Mr. Holder said in his June announcement, four defendants were ''successfully prosecuted'' in that case.

It is certainly true that four defendants already were tried and sentenced in that case. But the proceedings were far from exemplary. The jury declined to impose the death penalty, which requires unanimity, when one juror disclosed at the end of the trial that he could not impose the death penalty—even though he had sworn previously that he could. Despite his disclosure, the juror was permitted to serve and render a verdict.

Mr. Holder failed to mention it, but there was also a fifth defendant in the case, Mamdouh Mahmud Salim. He never participated in the trial. Why? Because, before it began, in a foiled attempt to escape a maximum security prison, he sharpened a plastic comb into a weapon and drove it through the eye and into the brain of Louis Pepe, a 42–year-old Bureau of Prisons guard. Mr. Pepe was blinded in one eye and rendered nearly unable to speak.

Salim was prosecuted separately for that crime and found guilty of attempted murder. There are many words one might use to describe how these events unfolded; ''successfully'' is not among them.

The very length of Mr. Ghailani's detention prior to being brought here for prosecution presents difficult issues. The Speedy Trial Act requires that those charged be tried within a relatively short time after they are charged or captured, whichever comes last. Even if the pending charge against Mr. Ghailani is not dismissed for violation of that statute, he may well seek access to what the government knows of his activities after the embassy bombings, even if those activities are not charged in the pending indictment. Such disclosures could seriously compromise sources and methods of intelligence gathering.

Finally, the government (for undisclosed reasons) has chosen not to seek the death penalty against Mr. Ghailani, even though that penalty was sought, albeit unsuccessfully, against those who stood trial earlier. The embassy bombings killed more than 200 people.

Although the jury in the earlier case declined to sentence the defendants to death, that determination does not bind a future jury. However, when the government determines not to seek the death penalty against a defendant charged with complicity in the murder of hundreds, that potentially distorts every future capital case the government prosecutes. Put simply, once the government decides not to seek the death penalty against a defendant charged with mass murder, how can it justify seeking the death penalty against anyone charged with murder—however atrocious—on a smaller scale?

Even a successful prosecution of Mr. Ghailani, with none of the possible obstacles described earlier, would offer no example of how the cases against other Guantanamo detainees can be handled. The embassy bombing case was investigated for prosecution in a court, with all of the safeguards in handling evidence and securing witnesses that attend such a prosecution. By contrast, the charges against other detainees have not been so investigated.

It was anticipated that if those detainees were to be tried at all, it would be before a military commission where the touchstone for admissibility of evidence was simply relevance and apparent reliability. Thus, the circumstances of their capture on the battlefield could be described by affidavit if necessary, without bringing to court the particular soldier or unit that effected the capture, so long as the affidavit and surrounding circumstances appeared reliable. No such procedure would be permitted in an ordinary civilian court.

Moreover, it appears likely that certain charges could not be presented in a civilian court because the proof that would have to be offered could, if publicly disclosed, compromise sources and methods of intelligence gathering. The military commissions regimen established for use at Guantanamo was designed with such considerations in mind. It provided a way of handling classified information so as to make it available to a defendant's counsel while preserving confidentiality. The courtroom facility at Guantanamo was constructed, at a cost of millions of dollars, specifically to accommodate the handling of classified information and the heightened security needs of a trial of such defendants.

Nevertheless, critics of Guantanamo seem to believe that if we put our vaunted civilian justice system on display in these cases, then we will reap benefits in the coin of world opinion, and perhaps even in that part of the world that wishes us ill. Of course, we did just that after the first World Trade Center bombing, after the plot to blow up airliners over the Pacific, and after the embassy bombings in Kenya and Tanzania.

In return, we got the 9/11 attacks and the murder of nearly 3,000 innocents. True, this won us a great deal of goodwill abroad—people around the globe lined up for blocks outside our embassies to sign the condolence books. That is the kind of goodwill we can do without.

Mr. MCCAIN. Finally, I hope we will have the opportunity to come back to this debate during the floor consideration of the Commerce-Justice-State appropriations bill in the context of the Graham amendment on this issue, which I am proud to cosponsor along with Senator LIEBERMAN.

I am concerned, however, because I understand the administration will soon announce its decision on prosecuting the 9/11 detainees, and indications are the administration will seek such prosecutions in Federal criminal courts. Congress should have the opportunity to speak on this issue before the administration embarks on a course with which I and many law and national security experts strongly disagree.

I am also pleased this conference report does contain a provision that will allow the Secretary of Defense to prohibit the disclosure of detainee photographs under the Freedom of Information Act if he certifies that release of the photos would endanger U.S. citizens, members of the Armed Forces, or U.S. Government employees deployed outside the United States.

I do not have to, nor should I have to, remind my colleagues about the seriousness of the fiscal crisis our Nation is facing. There is no better way to prove we are serious about getting our country back on the right path than by ending the wasteful practice of earmarking funds in appropriations bills, especially a bill as important as this one that provides for funding of our critical homeland security programs.

Our current economic situation and our vital national security concerns require that now more than ever we prioritize our Federal spending. But this conference report does not do that. We cannot continue to spend taxpayer dollars in such an irresponsible manner. So, obviously, I am unable to support this legislation. I encourage my colleagues to vote against it, and if it is passed, I urge the President of the United States to send a message that this is going to stop and veto this bill and every other bill that is larded down with earmarked porkbarrel projects. It is time for a change, a real change.

Finally, there are some angry people out there. They call them tea parties. They come to the townhall meetings in huge numbers. They write. They call. They e-mail. They Twitter. They tell us they are sick and tired of this. I urge my colleagues to vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the junior Senator from South Carolina earlier raised concerns about dropping his amendment concerning the fence on the southwest border. He asserted that the decision to drop the language was

made behind closed doors. To be clear, the conference met in public session on October 7 during the full light of day.

As to the DeMint amendment, I fully support the goal of the amendment that was offered by the Senator from South Carolina. I am one of the strongest proponents in the Senate of securing our southwest border. That is why I supported legislation in 2006 to build the fence. I have led the effort to increase border security and immigration enforcement efforts.

However, the amendment that was offered by the able Senator from South Carolina is too prescriptive and too costly. Instead, in conference I worked to provide real resources to secure our borders. The conference agreement before the Senate today sustains the bipartisan congressional effort begun by the Byrd amendment to the fiscal year 2005 supplemental and continued in the fiscal year 2006–2009 appropriations acts to provide substantial increases in border security and immigration enforcement.

The number of Border Patrol agents has increased from 11,264 to a level of 20,019 agents, by the end of this year. Under this agreement, the conferees added over $21 million above the request to hire an additional 144 agents. There will be 20,163 agents onboard at the end of fiscal year 2010.

Similarly, the number of detention beds has increased in the same time period from 18,500 beds to 33,400 beds. The agreement fully funds 33,400 detention beds and includes statutory language to maintain that level of bed space throughout the fiscal year.

The agreement also adds $25 million to the President's request of $112 million to expand the capacity of the E-Verify Program and increases its compliance rate.

The miles of fencing that have been constructed have increased from 119 miles in 2006 to more than 629 miles. The number of miles of the southwest border that are under ''effective control,'' as determined by the Border Patrol, has grown from 241 miles to almost 700 miles this year. That is an increase of almost 80 miles since the end of the last fiscal year.

More than 655 miles of border fence will be complete in early 2010. The agreement provides $800 million or $25 million above 2009 for the deployment of additional sensors, cameras, and other technology on the southwest border. Since beginning major border fence and security construction along the southwest border in fiscal year 2007, when combined with the $800 million in this bill and the $100 million provided in the Recovery Act, nearly $4.1 billion—spelled with a ''b''—nearly $4.1 billion has been appropriated for this purpose. That $4.1 billion is a lot of money, a lot of money. That is $4.10 for every minute since Jesus Christ was born the way I figure it.

However, it is estimated it could cost $8.5 billion to construct the additional fencing required by the Senator's amendment. That is money we do not have. The conference report strongly supports all aspects, all aspects of border security and immigration enforcement, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 3 minutes remaining.

Mr. DURBIN. I ask unanimous consent to have 5 additional minutes, for a total of 8 minutes allocated for us.

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

Mr. DURBIN. I rise today to speak in support of a provision in this bill and thank the chairman of this committee, Senator ROBERT C. BYRD of West Virginia, for his fine work not only on this bill but for his amazing contribution to America and to this institution of the Senate.

I rise today to speak in support of a provision in the bill which allows detainees held at Guantanamo to be transferred to the United States to be prosecuted and held responsible for their crime. The President has been clear. It is a priority of this administration to bring to justice those responsible for 9/11 and other terrorists who have attacked our country.

The conference report which we are considering would allow those people responsible for acts of terrorism to be brought here to be tried for their crimes. Unfortunately, some people on the other side of the aisle have spoken today and have a different view.

Earlier today, my colleagues, Senators CHAMBLISS and SESSIONS, argued that we should not transfer suspected terrorists from Guantanamo to the United States to be prosecuted for their crimes.

Senator CHAMBLISS said, ''Prosecuting these individuals in our United States courts simply will not work.''

Senator SESSIONS said, ''There is no practical alternative'' to prosecuting detainees in military commissions at Guantanamo Bay.

Those statements are very clear but they are also wrong. Look at the record. For 7 long years the Bush administration failed to convict any of the terrorists planning the 9/11 attacks. And for 7 long years only three individuals were convicted by military commissions at Guantanamo. In contrast, look at the record of our criminal justice system when it came to trying terrorists accountable for their crimes. Richard Sabel and James Benjamin, two former Federal prosecutors with extensive experience, published a detailed study of the prosecutions of terrorists in the courts of the United States of America. Here is what they found: From 9/11 until June 2009, 195 terrorists were convicted and sentenced for their crimes in our courts.

When the Senator on the other side says, ''Prosecuting these individuals in our United States courts simply will not work,'' he ignores 195 successful prosecutions.

According to the Justice Department, since January 1, 2009, more than 30 terrorists have been successfully prosecuted or sentenced in Federal courts. It continues to this day.

When you compare the record at Guantanamo, where Senators from the other side of the aisle say all these cases should be tried, it is clear the only way to deal with this is through our court system—not exclusively, but it should be an option that is available to the Department of Justice.

Recently, the administration transferred Ahmed Ghailani to the United States to be prosecuted for his involvement in the 1998 bombings of our Embassies in Kenya and Tanzania, killing 224 people, including 12 Americans.

My colleagues on the other side of the aisle have been critical of the administration's decision to bring this man to justice in America's courts. For example, ERIC CANTOR, who is a Member of the House on the Republican side, said:

> We have no judicial precedents for the conviction of someone like this.

The truth is, there are many precedents for the conviction of terrorists in U.S. courts: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel Rahman, the so-called Blind Sheikh; Richard Reid, the ''Shoe Bomber;'' Zacarias Moussaoui; Ted Kaczynski, the Unabomber; and Terry Nichols, the Oklahoma City coconspirator.

In fact, there is a precedent for convicting terrorists who were involved in the bombing of the United States Embassies in Tanzania and Kenya, the same attack Ahmed Ghailani was indicted for. In 2001, four men were sentenced to life without parole at the Federal courthouse in lower Manhattan, the same court in which Mr. Ghailani will be tried.

I will tell you point blank: If they on the other side of the aisle are trying to create some fear that we cannot bring a terrorist to the United States of America, hold them successfully, try them in our courts, convict them and incarcerate them, history says otherwise.

Over 350 convicted terrorists have been tried in our courts and are being held in our prisons today successfully—held every single day. Is America less safe because of it? No. We are safer because would-be terrorists are off the streets, convicted in our courts, serving time in prison—exactly where they belong.

To argue we should eliminate this administration's right to try a terrorist in a U.S. court is to deny to our government a tool they need to fight terrorism. We also know that not a single person has ever escaped from maximum security in the Federal prisons of America. Somehow, to create the notion that the people tried in our courts are somehow going to be released in

America—President Obama has made it clear, that will never happen. He is not endorsing that, never has. And to suggest that is to suggest something that has never been endorsed by the administration. Furthermore, we know they can be held successfully in our courts.

This bill does the right thing. It gives the President the option, when the Department of Justice believes it is the most likely place to try, successfully, those accused of terrorism—to bring them into our court system, to detain them in the United States for that purpose.

There is nothing in this bill which would give the President—or anyone, if he wanted it—the authority to release a Guantanamo detainee in America. This is something that has been created, unfortunately, by a lot of talk show hosts who do not read the bill and do not understand the law and certainly do not understand what Guantanamo does to us today.

What does it cost for us to hold a terrorist at Guantanamo today? Mr. President, $435,000 a year. That is what it costs—dramatically more than the cost of incarcerating in America's prisons.

I want to make it clear that I endorse the position not only of the administration but also of GEN Colin Powell; Republican Senators JOHN MCCAIN and LINDSEY GRAHAM; former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice; Defense Secretary Robert Gates; ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff; and GEN David Petraeus, who have all said that closing Guantanamo will make America a safer place.

There are some on the other side of the aisle who have not accepted that. I do not believe they understand the threat which the continuation of Guantanamo as an imprisonment facility challenges us to acknowledge in this day and age when we face global terrorism.

Guantanamo must be closed because it has become a recruiting tool for al-Qaida and other terrorists. That is not just my opinion; it is the opinion of significant leaders of this country, such as former GEN Colin Powell.

I think we should endorse the language in this conference report. We should move forward with the adoption of this conference report, give the President another tool to fight terrorism.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from West Virginia.

Mr. BYRD. Mr. President, as we complete the debate today on the fiscal year 2010 Homeland Security Appropriations bill, I again thank the very able Senator from Ohio, GEORGE VOINOVICH, the ranking member, for his many contributions to this bipartisan legislation.

I thank all Senators. This conference report provides the Department of Homeland Security with the resources it needs to succeed in its critical missions. I urge support for the conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I thank the chairman of our subcommittee, Senator BYRD, for the outstanding job he has done in finally putting together this conference report so it can be considered by the Senate.

I also acknowledge the tremendous help we have gotten from our staff on this piece of legislation. I am sorry that Carol Cribbs cannot be here today. Carol worked very hard on this legislation. She is at home after taking a big fall and cutting her face, and I want to mention her name and let her know we miss her and we appreciate the good job she has done for us. Rebecca Davies has worked very hard on this legislation, and I appreciate it. She was bringing in a neophyte. This is my first opportunity to be on the Appropriations Committee.

There have been several issues raised here by some of my colleagues on our side of the aisle that are things that should be taken into consideration. The Senator from Arizona continues to make the case in terms of earmarks, and I am sure he will continue to do that, and we do respect what he has to say about that issue. But I believe the way this legislation is put together carefully justifies people on my side of the aisle supporting this legislation, in spite of some of the things the Senator from Arizona talked about.

In addition to the provisions that deal with Guantanamo Bay, I wish to point out that the language in this conference report is the same language that appeared in the June Defense supplemental that was passed in 2009, which continues to be the law under the continuing resolution. Fundamentally, what we do is put that same language here in this conference report.

If somebody reads the conference report, on page 38, they can see, in spite of the fine words of the Senator from Illinois, there is a large barrier the President has to go over before he could let anyone here into this country. And if he does let them here, as Senator DURBIN has said, they would be here for prosecution. But there are seven hurdles that have to be met by the President. Once he does that, then 45 days thereafter he could bring someone in for prosecution. So I think anyone who is concerned about bringing a bunch of the Gitmo people here in the United States for any other reason but prosecution should be comforted by the fact of this language. Also, I point out, there is language in the Senate Defense appropriations bill that also deals with this subject.

So for all intents and purposes, I think we have done a fairly good job. Frankly, I wish we had adopted this conference report a month and a half ago. But we did not. I urge my colleagues to support the conference report.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Mr. President, unless someone is seeking recognition—and I do not believe they are—I ask unanimous consent that all time be yielded back, and the Senate vote on adoption of the conference report, with no points of order in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on the adoption of the conference report.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—79

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Begich	Gregg	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Inouye	Roberts
Bond	Johanns	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Brownback	Kirk	Shaheen
Burris	Klobuchar	Shelby
Byrd	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	LeMieux	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	McConnell	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NAYS—19

Barrasso	Crapo	Kyl
Bayh	DeMint	McCain
Bunning	Ensign	Risch
Burr	Enzi	Sessions
Chambliss	Hutchison	Wicker
Coburn	Inhofe	
Corker	Isakson	

NOT VOTING—2

Hagan	Kerry

The conference report was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, while I voted in support of the fiscal year 2010 Homeland Security appropriations bill, I do want to take this opportunity to express my frustrations with the

fact that many good provisions were taken out of the final bill by the House-Senate conference committee. The provisions I want to talk about were intended to improve our ability to enforce immigration law in the interior and to secure the border to protect the homeland.

First, I want to talk about the amendment I pushed for during Senate consideration of the appropriations bill. It would have given businesses the tools to ensure that they have a legal workforce. My amendment would have allowed employers to voluntarily check their existing workforce and make sure their workers are legally in this country to work. It said that if an employer chooses to verify the status of all their workers—not just new hires—then they should be allowed to do so. And, it had protections in place. If an employer were to elect to check all workers, they would have to notify the Secretary of Homeland Security that they plan to verify their existing workforce. The employer would then have 10 days to check all workers. This short time period would prevent employers from targeting certain workers by claiming that they are ''still working on'' verifying the remainder of their workforce. And, my amendment would have required the employer to check all individuals if they plan to check their existing workforce. If they check one, they check them all.

Employers want to abide by the law and hire people that are legally in this country. Right now, E-Verify only allows them to check prospective employees. But, we should be allowing employers to access this free, online database system to check all their workers.

Second, while I am grateful that the committee recognizes the need to keep E-Verify operational and that the bill includes a three year reauthorization of the program, I am disappointed that the conference committee stripped an amendment to permanently reauthorize E-Verify. The amendment authored by Senator SESSIONS was passed with bipartisan support. The administration and the majority leadership claim they fully back the E-Verify program, but their actions don't show it. Our businesses need to know that this program will be around for the long-term, and that they can rely on the Federal Government to make sure that the workers they hire are legally in this country.

The third amendment stripped by the conference committee would have increased our ability to secure the border by putting funds into fencing to reduce illegal pedestrian border crossings. The DeMint provision would have required 700 miles of reinforced pedestrian fencing to be built along the southern border by December 31, 2010.

Finally, an amendment to allow the Department of Homeland Security to go forward with the ''no match'' rule was stripped. This amendment by Senator VITTER would have blocked the Obama administration from gutting the ''no-match'' rule put in place in 2008 to notify employers when their employees are using a Social Security number that does not match their name. These ''no match'' letters help employers who want to follow the law and make sure they are employing legally authorized individuals.

I voted for this bill on the Senate floor because homeland security is not something we should play politics with. Defending our country is our No. 1 constitutional priority. Taxpayers expect us to get these bills passed and we have that responsibility. I voted for this bill today because it includes funding for essential border security and interior security efforts. However, there are a number of problems with this bill despite my vote for it. I am concerned that the House and Senate conference committee did a disservice to the American people by taking out language preventing illegal aliens from gaining work in this country. The conference committee, had they kept the provisions I talked about, would have helped many Americans who are looking for work and struggling to make ends meet. The provisions would have also held employers accountable for their hiring practices. It's my hope that this body will work harder to beef up our immigration enforcement efforts, and ensure that Americans are given a priority over illegal aliens during this time of high unemployment.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. 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.

NAKED SHORT SELLING

Mr. KAUFMAN. Mr. President, I rise to applaud the SEC's Enforcement Division for recently bringing two actions for insider trading against Wall Street actors. While our judicial system must run its course, I am nonetheless pleased that the investigators and prosecutors are working together to target Wall Street wrongdoing.

In white-collar crime, securities fraud, and insider trading, enforcement is critical to deterrence. In turn, deterrence is critical to maintaining the integrity of our capital markets.

The importance of these cases extends beyond deterring and punishing criminal conduct. By identifying, prosecuting, and punishing alleged criminals on Wall Street, we are restoring the public's faith in our financial markets and the rule of law.

So while the Enforcement Division is sending a strong signal about insider trading, it still has not brought any enforcement actions against naked short sellers. This is despite the fact that naked short selling is widely acknowledged by many on Wall Street to have helped manipulate downward the prices of Lehman Brothers and Bear Stearns in their final days. Their resulting failure served as a catalyst for the ensuing financial crisis that affected millions of Americans.

I am pleased the SEC has flashed a red light in front of insider trading. But until it brings a case or makes the naked short selling that took place last year an investigative priority, the Commission is leaving a green light in front of naked short sellers. When you have a red light on one road and a green light on another road, everyone knows where the cars are going to go.

This concern is not mine alone. In the words of the Dow Jones Market Watch, in a recent article entitled ''SEC Loses Taste for Short Selling Fight:''

> More than a year after short sellers allegedly sucked the broader market lower by concentrating negative bets in troubled financial firms, the Nation's securities regulators appear to be backing off curbing the practice.

In a piece on the naked short-selling debate, Forbes magazine noted:

> We have become a nation that ponders everything without resolution.

This is critical because the SEC's current rule against naked short selling—a reasonable belief standard that the underlying stock would be available if it is needed—is widely viewed as unenforceable. The market has recently been showing promise in moving upward, but if it goes south—and I am sorry to say eventually it will again—the bear raiders who destroyed our economy a year ago and made millions in the process will strike again.

If you know you can sell 5,000 umbrellas on a rainy day in New York, you are going to be out on the street with 5,000 umbrellas the next time it rains. The next time one of our TARP banks or other financial institutions look vulnerable, naked short sellers will seize the opportunity to profit again, and this time it could cost the taxpayers directly. The SEC will have no ability to stop them or punish them after the fact.

Given what is at stake, why have we not had action? Frankly, it is a story emblematic of problems on Wall Street. The story starts in July 2007, when the SEC decided to remove the uptick rule which forces short sellers to wait until a stock ticks up at least once before being allowed to sell without putting anything effective in its place.

When I was at Wharton back in the midsixties, the uptick rule was an article of faith. But a couple years ago, the 70-year-old uptick rule became another casualty of deregulation, an impediment to market liquidity, they said.

A little over a year later, two of the Nation's biggest banks—Bear Stearns and Lehman Brothers—had collapsed. Lehman's failure alone, with $613 billion in debt, was far and away the largest bankruptcy in U.S. history. Both banks were victims of their own risky behavior and their own poor judgment. Their thinking was clouded by an aura of invincibility—willingly taking highly leveraged positions in what turned out to be toxic assets.

But while Bear and Lehman certainly are responsible for their actions, naked short selling played a crucial role in accelerating their fate.

I wish to make an important distinction. Short selling is a well-established market practice. It can enhance market efficiency and price discovery. I, myself, have sold stock short on many occasions, but I always had to borrow the stock first before I could sell into the market.

Naked short selling is another matter altogether. It occurs when someone sells a stock they do not own and have not borrowed. Naked short selling creates two risks in the marketplace. The seller may not be able to deliver the necessary shares on delivery date and bad actors can manipulate stocks downward, repeatedly selling something they do not own.

Naked short selling, without first borrowing or obtaining a so-called hard locate of the shares, essentially increases the number of shares in the market, which tends to lower the value of the stock.

It is exactly as if I made three copies of my car's title and then sold the title to three different people. By the time I sold my third title, it would likely be impossible to deliver the car to the third buyer and its value would also have declined.

When Bear Stearns and Lehman started to crumble, many believed manipulative naked short sellers, using a series of large and frequent short sales known as bear raids, helped drive both firms into the ground. Bear Stearns' stock dropped from $57 to $3 in 3 days. Let me repeat. Bear Stearns' stock dropped from $57 to $3 in just 3 days.

When Lehman collapsed, an astonishing 32.8 million shares in the company had been sold short and not delivered on time.

The SEC has proven incapable of both preventing market manipulation from happening and punishing those responsible for it. We cannot allow this to continue.

Since March, a bipartisan group of Senators and I have been calling on the Commission to reinstate some form of the uptick rule and put a rule in place that the SEC Enforcement Division could use to stop naked short sellers dead in their tracks.

At a recent SEC roundtable, major problems with the current regulatory structure were exposed. Even panelists heavily stacked in favor of industry admitted that compliance with the requirement is widely ignored. Commissioner Elisse Walter acknowledged, prosecuting naked short sellers on the reasonable belief standard is a ''very difficult case to bring.''

Because the ''reasonable belief'' standard is unenforceable, abusive short sellers are essentially free to engage in criminal activities without fear of facing criminal prosecution.

The SEC's silence speaks volumes. They have given no indication that there will ever be action. Nothing—from the SEC's strategic plan to various speeches by SEC executives—acknowledges that this is a priority. The SEC has taken action on insider trading; it should devote the same intensity of purpose to stopping abusive naked short selling.

I suspect the problem is that our financial institutions, which can now trade stocks with previously unimaginable speed and frequency, simply are unwilling to support any regulation that will slow down their profit- maximizing programs. High-frequency traders balk at the suggestion that they wait in line and get their ticket punched—by first obtaining a ''hard locate'' of the stock—before selling short. If that is the case, then we are letting technological developments on Wall Street dictate our regulatory and enforcement destiny rather than vice versa. That philosophy is simply unacceptable.

Clearly, the cost of inaction in this area is too great to ignore. Accordingly, I urge my colleagues to join Senators ISAKSON, TESTER, SPECTER, CHAMBLISS, and me as cosponsors of S. 605, which requires the SEC to move quickly to address naked short selling by reinstating the substance of the prior uptick rule and requiring traders to obtain a contractual hard locate before selling short. We need to send a strong message to the SEC that the Congress will not tolerate inaction on this critical issue.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona, the Republican whip.

HEALTH CARE REFORM

Mr. KYL. Mr. President, the goal shared by all of us in the Senate is to make health care more affordable for Americans. Some ask why there hasn't been more support for medical liability reform—a popular, cost-free measure that would unquestionably yield significant savings for patients and doctors. The most honest answer to that question came from former Vermont Governor and Democratic National Party Chairman Howard Dean, who said at an August townhall meeting in Virginia that medical liability reform has not been included in any of the Democrats' bills because they don't want to take on the trial lawyers.

Protecting trial lawyers should not be the goal of health care reform. Their multimillion-dollar ''jackpot justice'' lawsuits drive up the cost of health care for everyone and are a big reason America's health care premiums have soared. Why? To help guard themselves from ruinous lawsuits, physicians must purchase expensive medical liability insurance, often at a cost of $200,000 a year or more for some specialists such as obstetricians and anesthesiologists.

Because doctors pay for this insurance, patients do too. Hudson Institute economist Diana Furchtgott-Roth estimates that 10 cents of every dollar paid for health care goes toward the cost of doctors' medical liability insurance. Dr. Stuart Weinstein, the former president of the American Academy of Orthopedic Surgeons, has written about the extra cost of delivering a baby because of the high cost of these premiums. If a doctor delivers 100 babies a year and pays $200,000 for medical liability insurance, then ''$2,000 of the delivery cost for each baby goes to pay the cost of the medical liability premium,'' Dr. Weinstein wrote. So the costs of this insurance, passed on to patients, are real.

An even bigger cost related to the threat of lawsuits is doctors' use of defensive medicine. The looming specter of lawsuits makes most doctors feel they have no choice but to take extra or defensive precaution when treating patients. A 2005 survey published in the Journal of the American Medical Association found that 92 percent of doctors said they had made unnecessary referrals or ordered unnecessary tests and procedures solely to shield themselves from medical liability litigation.

To say the costs of defensive medicine are high is an understatement. Sally Pipes, president of the Pacific Research Institute, has found that defensive medicine costs $214 billion per year. A new study by PricewaterhouseCoopers reveals similar findings, pegging the annual cost at $239 billion. So you have the approximate amount here—$214 billion and $239 billion. In any event, defensive medicine imposes a huge cost on the American public.

Medical liability reform would work to bring down health care costs for patients and doctors. Among the ways to do it are capping noneconomic damage awards and attorney's fees and implementation of stricter criteria for expert witnesses who are testifying in these medical liability lawsuits. Trial lawyers frequently use their own experts to criticize the defendant doctor's practice. Well, the experts should have no relationship with or financial gain from the plaintiff's lawyer, and they should have real expertise in the area of medicine at issue.

Some States, including my home State of Arizona, have already implemented medical liability reform measures with positive results.

Dr. James Carland, who is president and CEO of MICA, which is Arizona's largest medical liability insurer, wrote a letter to me recently to describe some of the results he has seen from medical liability laws implemented in Arizona, specifically from two statutes—one that reformed expert witness standards and another that imposed a requirement to inform the defendant, before trial, of expert witness testimony and to preview the substance of that testimony. Dr. Carland wrote that the enactment of these two statutes has ''reduced meritless medical malpractice suits'' in Arizona. Indeed, after their enactment, medical liability suits dropped by about 30 percent. That drop has been accompanied by a drop in medical liability premiums. Since 2006, MICA has reduced premiums and returned about $90 million to its members in the form of policyholder dividends.

Another State that has had success with medical liability reform is Texas, which passed a series of measures in 2003, including limits on noneconomic damages and a higher burden-of-proof requirement for emergency room negligence. The number of doctors practicing in Texas has now skyrocketed, while costs have plummeted. It has been widely reported that since those reforms were implemented, medical licenses in Texas have increased by 18 percent and 7,000 new doctors have moved into the State.

To reduce costs for both physicians and patients, Senator CORNYN and I have introduced legislation that would achieve medical liability reform by combining what has worked best in our two States, Texas and Arizona. We have taken the Texas stacked cap model for noneconomic damages and coupled it with expert witness statutes proven to limit the filing of meritless lawsuits.

Republicans offered these kinds of liability reform amendments during the Finance Committee markup, but all of them were ruled out of order by the chairman of the committee. One of these amendments, recently scored by the Congressional Budget Office, would have saved the Federal Government $54 billion in health care costs over the next 10 years. My colleague from Nevada, Senator ENSIGN, asked the Director of the CBO if we could expect a similar approximate reduction in cost in the private sector, since about half of all medical costs are paid for by government and the other half in the private sector. Dr. Elmendorf, the Director of the CBO, agreed that we could expect approximately the same additional amount of savings in the private sector. That would be well over $100 billion.

Medical liability reform enjoys heavy support among our bosses—the American people. According to a new Manhattan Institute paper, 83 percent of Americans want to see it in any health care bill passed by the Congress. Despite this support and the concrete evidence that it would lower health care costs for doctors, patients, and the government, none of the health care bills being written by congressional Democrats tackle medical liability reform. It makes no sense that in debates about bringing down cost, this commonsense measure is ignored by the majority party. If we are serious about making health care more affordable, we must have medical liability reform. We will work for the American people, not the trial lawyers.

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

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

The Senator from Maryland is recognized.

Mr. CARDIN. I thank the Chair.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1816 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FISCAL POLICY

Mr. DORGAN. Mr. President, in recent weeks, and especially in more recent days, we have had a lot of discussions on the floor of the Senate by Members about the Federal budget deficit and about fiscal policy. It is a serious issue in my judgment, one to which we have to pay a lot of attention. But some of the discussion on the floor of the Senate has been wrapped in partisan wrapping. The suggestion is the fingers are all pointing to the new President—new because he has been in office only 10 months. Somehow this very deep fiscal policy hole, these very large and growing Federal budget deficits, should be laid at his feet.

The fact is, in my judgment, there is plenty of responsibility to go around on all parts. I am going to talk a little about that. This administration knows it. They have some responsibility. This Congress certainly has major responsibility. The past administration has significant responsibility.

The American people are a lot less interested in who wants to own up to that responsibility than they are about who is going to try to do something to fix our deficit problems. We cannot have deficits that are growing far out into the future. We cannot continue to deliver a level of government the American people are unable or unwilling to pay for without very serious consequences to the American way of life. I want to talk just a bit about that.

First and foremost, the deficits are growing and have been very serious. It is not unusual that in the middle of the deepest recession since the Great Depression we would have growing Federal budget deficits. Why? Because more people are unemployed, out of work. More people need the kind of social services and the stabilizing payments that we do. When people are in trouble and we are in a recession, that increases the spending.

It is also the case that the amount of revenue we expected this year is down about $400 billion because people are making less money, corporations are making less money, less is coming in in tax revenue. So it is not unusual, in the middle of the most significant economic trouble since the 1930s that we have higher spending, less revenue, and therefore deficits that are ratcheting up.

Deficits just by themselves would not necessarily be something that we would object to if the deficits purchase something of great value that was necessary at this moment. Ask this question and I expect the answer is self-evident. What if someone said: You need to spend $1 trillion that you do not have, $1 trillion of deficits right now, but if you do that, if you spend that $1 trillion, you will cure cancer. Do you think anyone would say: No, that is not a smart thing to do. Of course we would do that, because it would promote dramatic dividends for a long time.

But regrettably that is not what this deficit is about. This is not about having done something of significant merit. This is largely a structural deficit in which we have an expenditure base that is growing, and a revenue base that has not kept up, and now it has been aggravated, especially in a very deep recession. When I see the folks on the other side of this aisle come to the Senate to talk about generational theft, and to point fingers at the administration, let me be quick to point out, there is a long history to how we got to where we are, a very long history that does not start at 1600 Pennsylvania Avenue in January of this year. Let me revisit a little bit of that history, if I might. I am not doing it to suggest that one side is all right and the other side is all wrong. I am doing it because there are people who come to the floor of the Senate seeming to act as if they were exploring the surface of Mars while all of this was going on. In fact, they were not. Many of them were here in this Chamber.

When President Clinton left office in the year 2000, we had a $236 billion budget surplus. That was called the ''unified surplus.'' The actual ''on-budget surplus'' which does not count

the Social Security revenues—and I do not think you should count Social Security revenues—was $86 billion. So when President Clinton left office that year, for the first time in decades we had a real budget surplus, and the expectation was that the on-budget surplus was going to grow to more than $3 trillion in the coming 10 years. That was the expectation. And as all of us know, President Bush came to town. And George W. Bush said: My first priority is to do very large tax cuts for the American people.

I stood here on the floor of this Senate and said: You know what. Let's be a little conservative about this. What if something should happen and we do not have these surpluses? These are only estimates. They are not in our hands. They are only estimates. Why don't we be a bit careful?

The President said: No, we are not going to do that. And most of my colleagues—by the way, the majority of my colleagues—said: No, we are not going to do that. We are going to enact a piece of legislation that will substantially cut taxes, the majority of which went to upper income people in this country.

The benefits to the upper income people in this country—somewhere around 5 percent of the taxpayers—will total almost $1 trillion over the 10 years. The households in the top 1 percent, with incomes over $450,000 in 2008, will on average get a $489,000 tax break over ten years. Think of that. You say: Those of you who are fortunate to earn nearly half a million dollars in this 10-year period, we are going to give you close to $500,000, half a million dollars in tax breaks.

Should that have been a priority? I don't think so. I did not support that. But it was for the President and the majority of the Congress. So the Congress cut the revenue very substantially to benefit the highest income Americans. Then what happened? Well, what happened was we discovered very quickly we were in a recession. In 2001, when President George W. Bush took over, at the end of March, we discovered we had a struggling economy. Then on 9/11 of that year we were attacked by terrorists, and very quickly we were in a war in Afghanistan, and soon thereafter in a war in Iraq.

The President said: Despite the fact that we now are in recession, and had a terrorist attack, and two wars, we are not going to pay for the cost of these wars. We are going to send emergency supplemental requests that are not paid for, and we expect you to support our soldiers in the field.

So nearly $1 trillion was spent on the two wars in the last 9 years. And not a penny of it was paid for. Right onto the debt. Then in the year 2008, our economy fell off a cliff in October. And not surprisingly, having built up a substantial amount of deficits over this period of time fighting two wars, having had a recession, without paying for any of it, having built up these unbelievable deficits, when we fell off the cliff last October into a very significant recession, very deep hole, the Federal budget deficit skyrocketed.

Let me put up a chart of Federal budget deficits. I do this because we are on an unsustainable path. The President knows that. In fact, today the Wall Street Journal talks about the President's plan to tackle the Federal budget deficit. The President understands and I understand, in the middle of a deep recession, as we have got our foot on the accelerator to try to get this economy moving again, you cannot decide to take a lot of money out of the economy. So you could not at this moment decide: You know what. We are just going to collapse all of this red ink immediately. It would be devastating and throw this country into a deep economic tailspin. I understand that.

But here is what we face. We face growing deficits fighting wars. When the President took over, had he done nothing in fiscal year 2009, we would have had a budget deficit, it is estimated, of about $1.3 trillion.

Last fall it was the Troubled Asset Relief Fund, $700 billion. Then when he took over, this President wanted an economic recovery fund. I supported that because I believed it was better to pump some money into the economy rather than risk the economy going into a much deeper economic hole.

But all of that, in my judgment, has put us on an unsustainable path. You see, out in 10 years, this is not sustainable. The President knows that. I have talked to the President personally about it. As I indicated, a story today talks about the President's determination, as the economy strengthens in the coming months, next year to turn to this issue and deal with it and solve it. We do not have a choice.

But what brings me to the floor is this discussion by some of our colleagues to say: Aha. Now we have got these big budget deficits. That belongs to the person in the White House. That is President Obama's fiscal policy. It is not. It just is not. This has a long history. It started when this country fought a war without paying for a penny of it, while at the same time enacting massive tax breaks primarily for the richest Americans.

By the way, it is the first time, I believe, in the history of this country that that has happened. And then steering this country into a circumstance where the previous administration hired regulators who were content to be willfully blind and say: You know what. I would like a job. I would like a salary. But count on me to be willfully blind. I will not regulate a thing.

As a result, we had unbelievable things happening in this country. Greed. Unbelievable things. I have given speech after speech about what happened with the subprime mortgage scandal, the Wall Street credit default swaps, CDOs, you name it.

The result was this economy was taken right into the ditch by a bunch of shysters who were making a lot of money. A lot of them left their firms with a lot of money and stuck this country with a big bill, and now we see today they are the ones getting the big bonuses.

By the way, the investment banks that are supposed to be lending money are not lending money. They are trading in securities, making money for themselves. Meanwhile, we have got a lot of small and medium businesses out there that are in desperate need of credit. It still has not all stopped. But the point is, to suggest somehow that this has all happened on the watch of a new President in his first 10 months is ridiculous. We all have a stake in this, and we all have responsibility for it. We are all going to have to start working on it together.

This morning in a meeting I quoted Ogden Nash, who had a little four-line poem about a guy who drinks and his wife who nagged him about it: She scolds because he drinks, she thinks. He drinks because she scolds, he thinks. Neither will admit what is really true, he is a drunk and she is a shrew.

Responsibility on both sides. Responsibility on both sides here for fiscal policy. We all have a stake in this. We all have a responsibility. The question is not having people come to the floor and point fingers at a new President who has been in office for just 10 months. The question is, who is going to come to the floor of the Senate and decide together—together—to try to pull this economy up and out of this desperate condition?

I think we are finally starting to see some improvement here. I understand that we do need to steer toward a fiscal policy that reconciles our revenues and expenditures. Yes, to do that we are going to have to cut some spending. We are. I understand that. I am prepared to do that. However, I do not think we have to do it right this moment while we are still trying to crawl out of an economic hole. But we need to do that.

We also need some additional revenue. I would say to some of my friends here in the Senate who continue to vote against commonsense proposals to get the revenue we need: Help us. When we see U.S. companies that want all the benefits America has to offer them so they can run their income through the Cayman Islands and avoid paying taxes to this government, help us recover those funds.

I have shown the photograph on the floor of the Senate about the Ugland House. I am guessing I have shown it at least a dozen times. When I first showed the picture of this white house in the Grand Cayman Islands on Church Street, a four-story little house, I said it is home to 12,748 corporations. Oh, they are not all there. It is just a lawyer who created a legal address for them at the Ugland House so they can avoid paying taxes.

When I first talked about that, it was 12,748 corporations. I am told now there are 18,857 entities that call that white stucco house in the Grand Cayman Islands home. Many of these companies have set up mailboxes in a tax haven country to avoid paying their fair share of taxes.

What about a bank such as Wachovia Bank that buys a sewer system in Germany from a German city? Is it because a bank in America should own a sewer system that they could pick up and bring back home? It is a complex sale-leaseback transaction in which an American bank buys a German city's sewer system, leases it back, and then they get to depreciate it on their American income taxes and save a couple of hundred million dollars in U.S. income taxes. The Wachovia Bank did that.

I have spoken of other corporations that have done exactly the same thing. We are going to have to cut spending, but we are going to have to increase some revenue. How about some help from all of our colleagues who say that sort of thing should stop. If you want everything that America has to offer you, how about paying your fair share of taxes? Most people do. They do not have a choice. They get a W–2, a W–4 form, get a wage, work hard and are exhausted at the end of the day. They have got a job. By the way, in April of each year, they understand they owe something. Yes, to build roads, to build schools, provide for defense, to make sure there are police on the beat, firefighters spending the night in a fire house. They owe something because the cost of government requires all of us to pay something. But some are paying nothing and some of them are the largest enterprises in the country, finding ways to slip through the cracks.

So we need to do a lot of things to fix these Federal budget deficits, a lot of things. It is going to require some courage and we need to start relatively soon.

I wanted to quote Franklin Delano Roosevelt in one of his fireside chats, because there is such a description sometimes of selfishness in our country today, only by some, not the majority. But here is what Franklin Delano Roosevelt said about our country during war:

He said:

> Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the oil fields or mines, producing weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman, and child—is in action. . . . That front is here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [or women], but to keep the economic structure of our country fortified and secure . . .

He is talking about common purpose, the need for our country to come together, to work together. Our history is a long history of supporting the men and women who wear a military uniform. When the Civil War erupted, Congress passed the Revenue Act of 1861 to try to raise money for soldiers. The War Revenue Act of 1899 raised funds to pay for the Spanish-American War. The entry into World War I increased the need for revenue, and Congress responded by raising the funds for that war. Even before the United States entered the Second World War, defense spending and the need for money to support the allies led to passage of two tax laws in 1940. In the Vietnam war, there was a surcharge to help pay for it.

I don't come suggesting there is a great appetite to raise revenues. I understand that. I am saying those who come and talk about fiscal policy being a very serious problem are absolutely right. It is one of the most significant problems we face. We are on an unsustainable course. The President knows that. So does the Congress. The President has told me, as he said today in the Wall Street Journal, that he takes this seriously, and it will be at the top of his agenda as we turn this calendar year. I take him at his word. I believe he means that and knows that because we have talked about it. We are going to need help to try to fix this fiscal policy. We cannot continue to see increasing deficits far out into the future. It will weaken the country. Ultimately, it will cause a run on the dollar, with unbelievable consequences for the economy.

This is not rocket science. We understand the consequences of these issues. You go to war and you provide tax cuts for the wealthiest citizens? I don't think so. That doesn't make any sense. Ultimately, you will pay for that with consequences, and we have begun to see it. What I want for our country is to address these issues.

A couple issues that are significant are Social Security and Medicare. We can deal with those issues. We can deal with success. Why does Social Security and Medicare cost us more? It is called success. People are living longer and better lives so it costs us more in Social Security and Medicare. But a country that can't handle success is a country that can't handle difficult problems, let alone the easy ones. I believe we can do that. I believe we can address the big issues of Social Security and Medicare in a thoughtful way. Then we can also decide that budget deficits such as these are unsustainable and have to be dealt with. This is the President's priority. It is our priority. It ought to be a Republican priority and a Democratic priority. Instead of pointing fingers at each other, let's decide to link arms and see if we can find a way to bring fiscal policy under some control.

First and foremost, let's lift the economy out of this hole. I believe we are beginning to see progress there. This was not some natural disaster. This was not a hurricane or tornado or flood that visited America. This was a very serious problem at a time in which regulators did not regulate. They decided not to watch. This country was stolen blind by a bunch of folks who made a lot of money doing it. Now we have to begin to repair and pick up the pieces. That requires financial reform in order to restore confidence in the economy going forward. It also requires, in this Chamber, a fiscal policy that relates to fiscal discipline, to say: We understand we have to deal with spending, and there are some areas where spending is out of control. We have to deal with revenues. There are some areas where additional revenues are needed and some areas where most of the American people pay up while others get by time after time, deciding to have all the benefits America is willing to offer but to pay none of the requirements to be an American citizen. Part of those requirements is for that which we do together to build a great country.

We had a discussion with Warren Buffett some while ago. I have known Warren Buffett for a long while. He is a very wealthy man. I have great admiration for him. He is the first or second most richest man in the world. He has no pretenses at all. He doesn't look like it. One of the most interesting things he did was take a survey in his office with 40 employees. Voluntarily, his employees described for him what they paid in income taxes and payroll taxes. The combined tax burden of all the employees in the office showed he actually paid the lowest percentage. The world's richest man paid the lowest percentage. His income all came from capital gains, which pays the lowest rate of 15 percent. I believe he said his receptionist pays a higher rate than he does. He said to us: That is wrong. You all ought to fix it.

Good for him. He is a role model in many ways for being able to speak up on these issues. But one of the things he was asked was: What do you think will happen to the economy in the next 6 months? His response was interesting. He said: I don't have the foggiest idea. I don't know what is going to happen in the next 6 months. I don't know what is going to happen in the next 16 months. But I know what is going to happen 6 years from now. Within the next 6 years, you will have an America that is growing and vibrant and healthy, expanding jobs, lifting the middle class. Why do I know that? Because that is what America does. It has always done that. It has created incentives for the hard-working nature of the American people.

Yes, we go through difficult times and troughs and trouble, but this country always picks itself up. I am convinced, while I don't know what is going to go on 6 months from now, I am absolutely convinced that 6 years from now this country will be right back on track and doing just fine, probably well before that.

I have his same faith in the future. I am convinced there isn't anything we can't do. In terms of inventing, we don't have to invent something to find a way to fix what I have described, a fiscal policy that needs fixing. We can do that. That only requires common sense.

The next time one of my colleagues comes out and says: We are in a deep economic hole, and we have all these deficit issues, we would like to point to a President who has been in office less than 10 months as the root cause of the problem, the fact is, this President knows there is a fiscal policy problem. But this problem has been building for a long time. The bubbling up of this fiscal policy dilemma has been with us a long time, and some of the same people who come to point their fingers have a significant hand in creating it.

I will talk about Afghanistan in the next day or two. But those who come to the floor and say: Let's send 40,000 more troops to Afghanistan, set aside for a moment the merits of that. I am not talking about the merits. But let me say, we are told that sending 1,000 troops abroad for a year costs $1 billion. So the proposition is, if you are coming to say that, you are saying: Let's spend another $40 billion in the coming year. I ask those who do that to tell us how we will spend the $40 billion and how they propose we raise the funding. Because I think it is time, long past time that we decide to fund some of these things. Sending soldiers into the winds of war and deciding we are going to put whatever it costs on top of the deficit is hardly a courageous act.

This country deserves better from all of us, from me, from the President, from both sides in this Congress. All of us have to work together to put this back on track. I am convinced we will. I am convinced we will, in part, with the leadership of this President and, in part, because there are a lot of people of good will in this Congress who understand that this is a serious problem and we need to fix it.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The majority whip.

UNEMPLOYMENT BENEFITS EXTENSION

Mr. DURBIN. Mr. President, another day has passed in the Senate and another opportunity has been wasted to extend unemployment insurance benefits across America. Let's make the record clear. The Democrats have asked the Republicans to move to this item of business and to pass the extension of unemployment insurance benefits to the hundreds of thousands of Americans out of work. They have refused time and time again. They have had a long series of reasons, none of them valid from my point of view. Many of them think they want to argue a lot of other issues. They want to argue the issue of immigration. They want to argue issues totally unrelated to unemployment. They don't seem to understand there are real people out there calling my office every day—and most Senators—explaining they are out of work and desperate.

Let me read an e-mail I received recently from one of my constituents in Gurnee, IL:

Dear Sir: I have worked my entire life from the age of 12 to 56 years old. I have never seen it this bad. Even during the Reagan recession, you could find something. All the emergency unemployment has expired. All everyone can talk about is health care. I realize it's important but I refuse to believe no one notices when we run out of help. When AIG and the banks needed money, the Congress was pretty quick to respond, and generous. So much so that the TARP fund still has more than enough money to do the job. But when it comes to the common man, we get help one piece at a time. Unemployment compensation is not welfare. We are working people. We are not invisible. But by the attention we get, that's how I feel. I know you're a busy man, but if you can, please say something about helping the unemployed. Emergency funding expired 2 weeks ago. We need help yesterday.

A lot of letters come into our office this way, e-mails. People are desperate. Last Friday, when I was in Chicago, I sat down with a group of about 20 unemployed people and let them tell their stories—invited the press in to let them hear the stories. Many people have a mistaken notion of who the unemployed are. Some Republicans argue they are folks who are not trying hard enough to find a job. Some argue that life on unemployment is so nice they don't even try to find other work. I wish a few of those Republican Senators would go home to their States and meet with the unemployed people whose benefits they are denying with this procedural obstacle. They could sit down and learn, as I did, that some of these folks have been working for more than a year to find a job. Republicans might acknowledge there are six people looking for every job out there. They might acknowledge that many of these people have lost their health care and health protection insurance during the period of their unemployment. They might hear some stories of families struggling to get by who have very little money and are exhausting what little savings they have left.

That is the reality of unemployment. Yet when we turn to the Republicans and say: Can we do the ordinary thing we do around here on a bipartisan basis and extend unemployment benefits in what is the worst recession we have faced since America's Great Depression, they say no. No, we don't want to get to that now. Maybe later. We have some other ideas.

For the people who are suffering under unemployment, that is not good enough. Republicans are ignoring the obvious. There are people all across America who are struggling to find work without success.

For example, 400,000 American families have run out of their unemployment insurance benefits already, including 20,000 in my State who lost benefits at the end of September. Another 200,000 families across the country could lose their lifeline to unemployment benefits this month if Republicans continue to stall and stop us from extending unemployment insurance.

What are the Republicans waiting for? Mr. President, 1.3 million Americans will lose this temporary assistance by the end of the year if Congress does not pass this simple extension of benefits, and 50,000 of those families are in my home State. The unemployment check certainly doesn't replace the wages people have lost, but it may give them enough to get by.

According to the Center on Budget and Policy Priorities, the Recovery Act's unemployment insurance provisions have kept 800,000 Americans out of poverty so far this year. So if Republicans want to see unemployed people fall into the ranks of poverty, I can tell you what it means. It means that what is available to them is even less. What they will lose will be disastrous for them and their families. They will be the people you will find at the food banks, the soup lines. They will be similar to the one in my hometown heading out for township assistance which is, I am afraid, the bottom of the barrel for most people when you have run out of ideas on how to put some food on the table. That is what is going to happen if we don't extend unemployment insurance benefits.

Never in the history of the Nation's unemployment insurance program have more workers been unemployed for such a long period. Half of all jobless workers can't find a job within 6 months after they started receiving unemployment benefits. That is the highest percentage of prolonged unemployment in the history of the unemployment program. When we come to the floor and ask Republicans to join us in a bipartisan way to extend the safety net to unemployed people and they say no, they have to understand they are causing hardship and suffering for some of the people who are the least fortunate around us today.

The Democratic bill Republicans continue to block, even today, for unemployment insurance benefit extension would extend insurance for an additional 14 weeks for jobless workers in all 50 States, red States, blue States, purple States, Democratic States, Republican States, North, South, East and West, without any preference. If there are unemployed people, they would get the benefit. There is an additional 6 weeks of insurance for jobless workers in States with unemployment above 8.5 percent, which, unfortunately, today includes my State.

It is time to act. Are we going to finish this week with the Republicans stopping us from extending unemployment benefits? And if we do, how would we explain this to this man who wrote me and asked me about whether I know that unemployment compensation is

not welfare, it is a fund that workers pay into while they are working. As he said:

We are working people. We are not invisible, but by the attention we get that is how I feel.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, that is the reality of the Republican approach to the issues we face. But it is not the only issue. There are other issues that relate to health care where the Republican position is impossible for me to defend or even understand.

Let me give you one specific example of a family in Joliet, IL. I will use their names because they have given me permission. Their story is so compelling, I want the CONGRESSIONAL RECORD to reflect it, and those who follow this debate to hear it.

A few weeks ago, a small business owner from Joliet, IL, called my office to say:

Please keep fighting for affordable health care and a public option. Don't back down.

That was the message.

The man's name is Dave Poll. He and his wife Claire own the Sir Speedy Printing business in Joliet. The Polls opened their business in 1980, in the middle of a bitter recession—almost 30 years ago. For years, they bought health insurance for their employees and themselves under a small group policy, but they had to drop that coverage 4 years ago after their premiums nearly doubled over just 3 or 4 years.

Then the recession hit, and they had to let their employees go. Now it is just Dave and Claire running their little printing business. Dave is 59 years old. His wife Claire, who works there with him, is 57. They have two grown sons and a daughter in college.

The week before Dave Poll called my office, his wife Claire had blacked out for a few seconds while waiting on a customer. She had been diagnosed with high blood pressure before, so they did not want to take any chances and Dave insisted she call her doctor. The doctor said she had to go to the hospital.

After 2 hours in the emergency room, and less than 10 minutes with a doctor—less than 10 minutes—the Polls left the hospital with test results that did not show anything and about $2,000 in medical bills. Mr. President, 10 minutes, $2,000.

Dave said:

A lot of people have it a lot worse. Please keep fighting for all of us.

Two weeks later, Dave Poll called my office again. Claire had felt bone-tired at work one day, so she went back to the hospital. Tests showed this time that she had advanced cancer, and it has already spread throughout her body.

A few days after her diagnosis, Claire spent 3 days in the hospital to have a port implanted and to receive her first dose of chemo. Just for those 3 days in the hospital—3 days now—her bill was $84,000—$84,000. Additional chemo treatments are going to cost her $25,000 a month.

Remember, the Polls—these small business owners—have no health insurance. They have no idea how they are going to pay these bills. In the first 6 months of this year, the Polls took out of their business a combined salary—in 6 months—of $15,000.

That is how quickly families can be on the verge of bankruptcy in America, because of our broken health insurance system. One week you are getting by, hoping the medicines you need are on Wal-Mart's list of $4-a-month prescriptions, and praying that you do not have a serious illness or accident. Two weeks later, you can be diagnosed with an illness that will not only cost you your health but everything you have ever accumulated in your life.

Could Claire Poll's cancer have been found sooner if they had not had to drop their health insurance? We will never know the answer to that. But we know this: 45,000 Americans each year—122 people every single day—die prematurely because they are uninsured. More Americans die every month because they do not have insurance than we lost in the tragedy of 9/11.

We know health care costs are a major factor in two-thirds of all bankruptcies in America today. And of those people filing for bankruptcy because of medical bills, three-fourths of them had health insurance, but it was not any good. It did not help them when they needed it or it was rescinded at the last minute when the health insurance company saw you were sick and dropped the coverage. It happens too often in this country today.

We know we cannot afford not to make this change. Health care spending in America doubles every 10 years. We are spending $2.7 trillion a year on health care now. In 10 years, if we stay on this same path, America will be spending $5.4 trillion on health care, and the average premium for a family health insurance policy will be in the range of $25,000 to $30,000 a year.

Health care spending will crowd out investments in education, green energy, and many other national priorities, and it will ruin more and more families financially. According to a new study by the Kaiser Family Foundation, if premiums continue to rise as quickly as they have over the last 5 years, the cost of the average family health policy will increase from $13,375 a year today to over $24,000 10 years from now.

How many families can afford to take $24,000 out of their annual paycheck that they face now? How many families could even consider paying $25,000 a month for chemotherapy? Almost none of us.

When Dave Poll called my office the second time, he said:

Now we may become some of those people who lose their home and business because of health care costs.

Think about that. Dave and Claire: 29 years in their business, they gave their whole life to it, and now, because they did not have health insurance, they could lose everything—not just their business but their home as well—as Dave struggles to give Claire the care she needs to stay alive.

No family should have to go through what they have been through. No family should be forced into bankruptcy because of illness. Every other country in the world—every other advanced country in the world—provides basic health care for their citizens. These countries spend less than we do on health care and they ensure everybody. And on many important measures of health—from infant mortality to life expectancy at age 60—many of these countries, spending a lot less, get much better results.

Several years ago, the World Health Organization made the first major effort to rank the health systems of 191 countries in the world. France and Italy were the top two. The United States was not even in the top 10, not even in the top 20. We rank 37th in the world. We are No. 1 in health care spending, No. 37 in health care outcomes. That is what our current health care system gives us.

The health care and insurance companies spend millions of dollars to scare people into thinking that universal, affordable health coverage for all Americans will mean less coverage and less choice for Americans who already have health insurance. That is just a scare tactic. Look at all the other countries in the world that spend less than we do, cover everybody, and get better health results.

America—the wealthiest, most creative society on Earth—can solve this problem. It is not just a matter of science and economics, it is a test of our moral character, and it is a test of whether our democracy still works.

The profits of America's health insurance companies have increased 428 percent over the last 10 years. They do not need any more help from Congress. I wonder why my colleagues on the Republican side of the aisle have no alternative to this current system that has treated this poor family in Joliet, IL, so poorly. They do not have any proposal they bring before us which would address the issue of the cost, security, and stability of health insurance that every family and every business wants.

I have yet to hear the first Republican Senator come to the floor and call for health insurance reform saying that we have to end this practice of denying coverage for preexisting conditions or when families get sick or when kids reach the age of 23.

Don't they hear the same things we hear? Don't they receive the same kinds of e-mails and telephone calls we do? I am sure they do. But if they do, why aren't they joining us in this effort? Only one Republican Senator, OLYMPIA SNOWE of Maine, has had the political courage to step forward and join us in this effort—1 out of 40.

You would think there would be other Republican Senators open to this

idea, understanding the current system is indefensible. Some of them come to the floor and it sounds as if they are reading right from the playbook of the health insurance companies. Oh, they talk about all the problems if we had a so-called public option—a public option. And it is just that: an option.

Well, if you do the math—and this is rough math, but pretty close—we have about 300 million people in America. Currently, about 40 million of these people are under Medicaid, the health insurance for the poorest people and disabled people in our country. Another 45 million are under Medicare, the health insurance for people over the age of 65. We have another large group of those Americans who have served our country covered by the veterans' health care system—one of the best in our Nation. Eight million people—and I am one of them—are part of the Federal Employees Health Benefits Program. It is a program for Federal employees and Members of Congress and their staff. Then several million are under a plan of children's health insurance—a government-administered plan to provide that poor kids in families who are struggling have health insurance across America.

So more than one out of three Americans today has some form of government health insurance. The health insurance companies, the private companies, tell us this will ruin the system, if we had an option that was available such as Medicare for every family in America.

I think they are wrong. One of the most sensible things we could do would be to extend Medicare's reach. What if, in the next 5 years, we said we are going to start saying people at the age of 60 can start paying premiums to be part of Medicare—in a separate pool, but Medicare benefits—that they pay those premiums and they will have coverage. Well, it would mean some people would have a fighting chance then, as they reach the age of 60, to have basic health insurance coverage before Medicare. I would extend it even lower. I would extend it to the age of 50, and the Poll family would have been covered. They would have been able to buy basic Medicare protection for Dave and Claire that might have diagnosed this situation at an earlier point or reduced the cost. But it certainly would give them the peace of mind that they have access to the best care in America and will not lose their business and their home in the process.

I wait for the Republicans at some point in this debate to stop saying no and start stepping forward with some idea, some proposal, something that moves us on the path toward making this country an even healthier country, a country where the injustices of the current health care system are not part of our future and part of our country, but part of the past. That is the way it should be.

In the next couple weeks, we are going to start the debate on health care reform here in the Senate. It has been a long time coming. This idea first came up under President Teddy Roosevelt a century ago. President Harry Truman suggested universal health care 60 years ago. President Lyndon Johnson tried his best to move it forward 40 years ago. Fifteen years ago, President Clinton and Mrs. Clinton tried to move us in this direction. They never—none of them—reached the point we are going to reach now, where comprehensive health care reform will be on the floor of the Senate, to be actively and openly debated.

This is our chance. This is our historic opportunity. We cannot miss it. For the Poll family in Joliet, IL, we wish them the best and hope Claire gets well and feels well very soon. We hope they do not lose their family's savings, their home, and their business in the course of looking for the same basic treatment we would expect for anybody in this country.

This may be one of the few places on Earth—one of the few advanced countries on Earth—where you can literally be driven into poverty because of your illness. That is what has happened to this family, who paid their dues and kept their business open for 29 years. We could do better. I hope our Republican friends will stop saying no and join us in this opportune moment of making history for this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AFGHAN ELECTION RUNOFF

Mr. KAUFMAN. Mr. President, I rise to welcome today's announcement of a runoff election in Afghanistan, to be held on November 7. This second round is absolutely critical, and I commend the Electoral Complaints Commission for successfully investigating reports of fraud surrounding the August 20 vote. The ECC fulfilled its mandate, and I applaud the Afghan people for demonstrating patience and resilience throughout this very difficult process.

I also want to recognize the efforts of the chairman of our Senate Foreign Relations Committee, Senator JOHN KERRY, and Ambassador Eikenberry in Afghanistan to secure greater transparency and encourage a second round.

When I was in Afghanistan in April, there was great promise that the election would usher in a new era of hope for the Afghan people. But when I returned to the region in September, it was clear this hope had been dashed by allegations of election fraud. Each story of corruption further undermines the confidence of the Afghan people in their government, which has hemorrhaged endlessly since the August vote. Today's news of a runoff gives hope to the Afghan people that their voices and political aspirations will finally be heard.

On October 8, I gave a statement on the eighth anniversary of the war. In it, I highlighted governance as an essential component of our counterinsurgency strategy, particularly because our goal is to build support for the Afghan Government among the Afghan people. This battle for the hearts and minds is not between the Afghans and Americans; it is between the Afghan Government and the Taliban, a Taliban which has been bolstered by the allegations of fraud from the August vote.

Counterinsurgency cannot succeed in Afghanistan without a credible government. It is my hope that a credible Afghan partner can emerge from a second round of elections. Whether the winner is President Karzai or Dr. Abdullah, it is critical that the next Afghan Government take steps to root out corruption, improve security, and provide essential services to the Afghan people.

Just as the United States supports a transparent, fair election, we also support a transparent and effective Afghan Government that serves the interests of its people. It will be necessary to ensure that the mistakes made in August are not repeated in a second round. This is why the role of monitors should be strengthened to protect the integrity of the vote.

Afghan and international forces should also be present in sufficiently strong numbers to provide security and ensure that Afghan citizens can safely cast their votes. It is my hope that this second round will provide an opportunity to rectify problems encountered in August and, most importantly, help to build faith in government among the Afghan people.

As President Obama takes the time he needs to thoroughly consider all of our options in Afghanistan, issues of governance will inform this process because our policy is more than just about combat troop levels; it must include the promotion of effective governance, training of Afghan security forces, and economic development.

The Afghan people deserve a better and brighter future, and I hope this runoff election will bring them one step closer to their goal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

STREAMLINE ALTERNATIVE FUEL VEHICLE CONVERSIONS ACT

Mr. INHOFE. Mr. President, last summer in my hometown of Tulsa, OK, when gasoline prices were near $4 a gallon, a person driving a compressed natural gas-powered car was able to fuel up for just 90 cents a gallon. This was when gasoline was at $4 a gallon. That was a savings of $3 a gallon. Consequently, I was the first in Congress to introduce a comprehensive bill to

promote the use of natural gas as a realistic alternative for the many Americans who were looking for price relief, which is about everybody. The bill I introduced was called the Drive America on Natural Gas Act.

A year later, I am encouraged to see that several Members on Capitol Hill have introduced similar bills promoting the use of natural gas and propane as transportation fuel. Last summer, I joined with Senator PRYOR to once again introduce a comprehensive bill to promote these fuels for America's drivers. Additionally, majority leader HARRY REID recently announced his firm support for natural gas vehicles and hopes to bring a standalone bill to the floor in the near future. I welcome the majority leader's support and encourage him to make this a priority for floor consideration.

One of the major components of my Drive America on Natural Gas Act addressed a desperate need to overhaul the EPA emissions certification process which effectively prohibits the ability of nearly all car owners the option to legally convert cars to bifuel operation. Bifuel is a car that can run on natural gas and via the flip of a switch go to gasoline. Now, why? With certification and emissions testing expenses ranging between $50,000 and $150,000 per conversion system type, the costs are prohibitive for the aftermarket conversion system manufacturers to produce these systems for more than just a handful of different vehicle models each year. These heavy costs are ultimately borne by the consumer. Due to the rigidity and the cost constraints of these regulations, the EPA has issued less than 300 certificates over the past 8 years—that is 300 certificates over the past 8 years.

This is a solution to the high price and the fluctuating price of automobile gas. Now, oftentimes the vehicle models eligible for conversion are only sold for a short period of time since the certification lasts less than a year before a conversion system manufacturer must decide it will rectify that particular system.

Today, I am pleased to join Senator WICKER, Congressman DAN BOREN from my State of Oklahoma, and Congressman HEATH SHULER to introduce bipartisan, bicameral legislation to simplify and streamline the EPA emission certification process for aftermarket conversion systems.

The Streamline Alternative Fuel Vehicle Conversions Act makes critical changes in five key ways so that vehicle conversions can become a commonplace option for all Americans:

First, our bill eliminates the need for subsequent yearly recertification systems that have already been certified. I might add that the EPA is a friend in this effort. They want these changes to take place as much as we do, but they are not able to do this right now. Under the current law, you have to get recertified, so we eliminate that problem.

Secondly, the legislation directs the EPA to establish criteria that would cover several different yet similar makes and models under a single certification conformity.

Here is the problem. We have an organization in Tulsa that has a conversion system where they can actually change the fuel and refuel and they can change conversions into automobiles. The problem is, the way the law is today you have to get paid for this conversion each time. It might be the same engine that has already been converted before, but if it is in a different model, you have to convert it again. This is something we are going to be changing.

The third thing we change is to instruct the EPA to allow the submissions of previously tested data if a vehicle or the conversion system has not changed in a way which would affect compliance—very similar to the last problem, but nonetheless it is in the current law.

The fourth thing we would do is direct the EPA to promulgate regulations to help conversion system manufacturers comply with potentially different onboard diagnostics—which is called OBD—requirements and compatibility. Since 1996, these onboard diagnostics systems have been required in all light-duty cars and trucks to monitor engine and emission components.

Finally, we clarify the treatment of vehicles which are beyond their useful life as defined by the EPA. These older vehicles, typically those that are at least 10 years old and have at least 125,000 miles, are by default regulated under the Clean Air Act's tampering provision, causing regulatory uncertainty. Our legislation would allow the conversion of these vehicles as long as the conversion system manufacturer for the converter is able to demonstrate that the emissions would not degrade due to conversion.

Over the past several months, this legislation has been through numerous drafting reiterations with the assistance of the Natural Gas Vehicles of America, the National Propane Gas Association, and the Environmental Protection Agency. As I said before, they have been very helpful to us. I especially thank the EPA for their input and assistance in helping us craft a bill which will aid the agency in their efforts to streamline their compliance. They actually want to streamline. This is not normally the case.

I am also encouraged by EPA's internal efforts to reform the process, and I am pleased that our bill will complement and enhance their actions.

By simplifying this compliance process, the Streamline Alternative Fuel Vehicle Conversion Act will not only incentivize conversion system manufacturers to offer more systems for additional vehicle makes and models but will eventually reduce the cost of these conversion systems for interested car owners, perhaps by hundreds or even thousands of dollars.

Ultimately, the legislation will allow Americans to choose whether propane- or natural-gas powered vehicles are right for their own individual and business needs while simultaneously preserving the country's stringent emission standards.

The promise of natural gas and propane as mainstream transportation fuels is achievable today—not 20 years from now or 25 years from now but today. It is something no one should be against. Stop and think about it. I know the price of gas is down to $3. In my State of Oklahoma, it is down to around $2 a gallon. But today's price for natural gas, a comparable gallon would be 90 cents, and that is one that would be stabilized. When we stop and think about the reserves that are out there in natural gas, what we can do and what is available for us today, it can only get better.

Hopefully, this bill will pass. I am very proud of the bipartisan support, the bicameral support. I encourage our colleagues to get involved in this very logical response to the high price of motor fuel.

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. REID. 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.

Mr. REID. Mr. President, are we now in a period of morning business?

The ACTING PRESIDENT pro tempore. Yes, we are.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 2647, the Department of Defense Authorization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647), to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of October 7, 2009.)

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been

presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Conference Report to accompany H.R. 2647, the Department of Defense Authorization Act for Fiscal Year 2010.

Harry Reid, Ben Nelson, Benjamin L. Cardin, Byron L. Dorgan, Robert Menendez, Richard J. Durbin, Charles E. Schumer, Tom Harkin, Evan Bayh, Patrick J. Leahy, Jack Reed, Robert P. Casey, Jr., Roland W. Burris, Edward E. Kaufman, Paul G. Kirk, Jr., Barbara Boxer, Sheldon Whitehouse, Carl Levin.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, with respect to the conference report accompanying H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the joint statement of managers accompanying the conference report and that the required information has been available on a publicly accessible congressional Web site for more than 48 hours.

EXECUTIVE SESSION

NOMINATION OF WILLIAM K. SESSIONS III TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION

Mr. REID. I now ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 132, the nomination of William Sessions, to be chairman of the United States Sentencing Commission.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

Nomination of William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission.

CLOTURE MOTION

Mr. REID. I now send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of William K. Sessions, III, of Vermont, to be Chair of the United States Sentencing Commission.

Patrick J. Leahy, Thomas R. Carper, Byron L. Dorgan, Tom Udall, Benjamin L. Cardin, Roland W. Burris, Al Franken, Tom Harkin, Jon Tester, Charles E. Schumer, Mark Begich, Frank R. Lautenberg, Daniel K. Akaka, Sherrod Brown, Bernard Sanders, Richard J. Durbin, Jack Reed.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived and the Senate now resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the vote on the conference report to accompany Homeland Security Appropriations Act, 2010, H.R. 2892. If I were able to attend today's session, I would have voted yes on the conference report.●

THE RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

Mr. ENZI. Mr. President, I rise today to express my great appreciation to Senators HARKIN, DODD, and COBURN for working in a bipartisan manner to reauthorize the Ryan White HIV/AIDS program. I am also thankful to all of the members on the HELP Committee for their efforts to ensure that we passed this bill in a timely manner so that individuals receiving care under the Ryan White program would not see an interruption in their services.

This bill continues policies that seek to accomplish the goal of ensuring that Ryan White funding follows the patient. The bill, which will pass by unanimous consent, updates funding formulas and requires more accurate and reliable data reporting from the States, which will ensure that funds are allocated to the areas with the greatest need. It encourages aggressive testing strategies and establishes a national HIV/AIDS testing goal of 5 million tests per year. The bill also provides more flexibility to allow grantees to spend funds effectively.

Over the years we have seen a dramatic change in the geographic location of the HIV/AIDS epidemic from northern, metropolitan areas, to southern—and in many instances—rural areas. Today, more persons living with AIDS reside in the South than in any other area of the country. Of the 26,347 new HIV cases, 51.2 percent were diagnosed in the 17 Southern States and of the top 20 metropolitan areas with the highest AIDS case rates, 14 were in the South. Thanks to the bipartisan efforts of the HELP Committee this reauthorization will ensure that funding is distributed in an equitable manner, reaching individuals with the greatest need.

The Ryan White program provides care for millions of Americans in need of medical care. Unfortunately we have also seen abuses, where these funds are misspent and patients do not receive the care they need. As the ranking member of the HELP Committee, I will continue to work to prevent these abuses and guarantee that funding is distributed to legitimate organizations that provide real services. It is a travesty that so many millions of dollars have been wasted due to poor oversight and corruption.

As Congress continues to authorize and provide funding for services under the Ryan White program, we must also commit to conduct proper oversight, so that these dollars actually reach the patients who need assistance, rather than being pocketed by criminals.

I close by again expressing my great appreciation to my colleagues for their hours of hard work and dedication to extend the Ryan White HIV/AIDS program. I also thank the HIV/AIDS community for their tireless efforts to provide care to individuals with HIV/AIDS. Many Americans with HIV/AIDS will continue to receive access to vital care because of the compassion and dedication of HIV/AIDS organizations receiving Ryan White dollars. Finally, I also thank my staff members Greg Dean, Chuck Clapton and Hayden Rhudy, as well as the staff members of Senator HARKIN's office, Connie Gardner and Jenelle Krishnamoorthy, for their hard work on this important bill.

ADDITIONAL STATEMENTS

REMEMBERING CAROL TOMLINSON-KEASEY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Dr. Carol Tomlinson-Keasey, a committed educator and administrator and the founding chancellor of University of California, Merced. Dr. Tomlinson-Keasey passed away on October 10th from complications related to breast cancer. She was 66 years old.

Dr. Carol Tomlinson-Keasey was born in Washington, DC, on October 15, 1942. The daughter of an Army officer, she moved around frequently before graduating from a high school in France. Dr. Tomlinson-Keasey received a bachelor's degree in political science from Penn State University, a master's in psychology from Iowa State University, and a Ph.D. in developmental psychology from University of California, Berkeley.

In 1977, Dr. Tomlinson-Keasey became an associate professor of psychology at the University of California, Riverside. During her 15-year tenure at UC Riverside, she earned faculty and

administrative appointments. In 1992, Dr. Tomlinson was named vice provost and professor at University of California, Davis. She was appointed dean of UC Davis College of Letters and Science in 1994 and vice provost for academic planning and personnel in 1995 before lending her considerable talents to the University of California Office of the President in 1997.

Beginning in 1998, Dr. Tomlinson-Keasey assumed a leadership role in the planning and building of University of California, Merced, the first new University of California campus in 40 years. A gifted administrator, Dr. Tomlinson-Keasey fully immersed herself in every aspect of the enormous task of starting a major public university. Whether it was selecting the eventual site of the campus, the recruitment of administrators and faculty members or even choosing the school mascot, Dr. Tomlinson-Keasey worked tirelessly to see that the dream of a University of California campus in the San Joaquin Valley became a reality. In 1999, Dr. Tomlinson-Keasey became the first female founding chancellor of a University of California campus.

UC Merced has been a model of growth and progress since its inception in 2005. Today, the burgeoning campus is a living testament to Dr. Tomlinson-Keasey's hard work, vision, and dedication. Dr. Tomlinson-Keasey has left behind a legacy that has resulted in greater opportunities for future generations of California students, especially those students who are the first in their families to attend college and come from underrepresented ethnic or racial minority groups in the Central Valley. Her family and friends should take great pride and comfort in knowing Dr. Tomlinson-Keasey's accomplishments will continue to positively impact many people in the future.

Dr. Tomlinson-Keasey is survived by her husband Blake Keasey; children, Amber and Kai; three brothers, Alen, Gene and John Tomlinson; and four grandchildren.●

RECOGNIZING THE SERVICE CORPS OF RETIRED EXECUTIVES

● Mr. CORNYN. Mr. President, today I recognize a dedicated group of volunteers for their service to small business owners in Texas. The Service Corps of Retired Executives, also known simply as SCORE, is a nonprofit organization that connects new entrepreneurs with seasoned business executives for expert advice and consultation.

Creating a new business enterprise can be challenging, and perhaps the most advantageous way for new entrepreneurs to seek advice is asking successful executives who have firsthand experience. SCORE provides a forum for entrepreneurs to engage experienced leaders in both one-on-one settings and group environments. SCORE offers complementary counseling services covering important topics such as business management, financing, marketing, and taxes, among many others.

SCORE was created on October 5, 1964, as a mission of the Small Business Administration, SBA. Since that time, the organization has evolved into a stand-alone nonprofit group, steadily increased its volunteer base, and embraced the Internet as a tool for outreach. SCORE is approaching a significant milestone this year—45 years of service to small business owners. It is worth noting that SCORE recently documented another achievement by providing services to its 8 millionth client.

Today SCORE offices can be found in 48 States and the District of Columbia. In 2008, 11,200 SCORE volunteers provided approximately 1.3 million hours of service saving business owners an estimated $167 million. In Texas, 378 SCORE volunteers provided over 63,000 hours of complimentary counseling. SCORE's remarkable success continues to be recognized by the Federal Government, and today the SBA maintains a partnership with SCORE to help entrepreneurs turn their visions into reality.

I commend SCORE volunteers in Texas for sharing their time and expertise with the next generation of business owners. In so doing, SCORE volunteers are helping a new generation build their own American dream.●

REMEMBERING JEANNETTE GRUBB

● Mr. LUGAR. Mr. President, I was deeply saddened to learn that my dear friend and mentor for the past 63 years, Jeannette Grubb, passed away on Friday, October 9, 2009, at the age of 106 years old.

I last saw Jean on September 12, 2009, at the rededication ceremony at Shortridge High School, and I, as well as many others, enjoyed a wonderful visit with her. As always, Jean, herself a 1920 Shortridge High School graduate, was ever enthusiastic about Shortridge and recalled memories of her time as a Shortridge student, teacher and advisor. She was a special person, a woman of faith, whose concern for others was apparent.

Jean was well-educated and prepared for the important responsibilities of teaching. As a graduate of Indiana University, she earned her bachelor of arts, and later her master's in journalism from the Medill School of Journalism at Northwestern University. I am grateful that in 1944, Jean was asked to give up teaching mathematics to become the director of publications for Shortridge, a post she held until her retirement in 1970. Jean inspired us to be better students, and focused on creative and excellent writing skills.

Jean is one of the most memorable teachers in my life. When I was a Thursday columnist for the Shortridge High School Daily Echo, she served as the faculty adviser of the publication that she also served on as a Shortridge student.

As a high school student, the opportunity to publish a column, and to know that at least a few of my classmates read what I had written, provided an unparalleled privilege. On one occasion, an unflattering column which I authored about the unhealthy habits of the basketball team was read by the Indianapolis School Board—whose members only received copies of the Thursday edition of the school paper. This incident caused a temporary shutdown of the Echo's headquarters and a sudden trip for me to the principal's office to hear the consequences that unbridled journalism could have on the school, Jean, and me.

During this traumatic experience, Jean was my heroine, and the freedom of the press prevailed.

Furthermore, Jean has always been an active member of the Shortridge High School alumni community. As publications adviser, she organized the 50th anniversary celebration of the Echo. She also has worked to gather names and contact information for the Shortridge High School Alumni Association so that each of us can stay closely in touch with our friends and classmates. Following her retirement, Jean worked with the Indiana Historical Society to compile a complete history of our alma mater.

In 2005, Jean deservedly received the Lifetime Achievement Award from the Indiana High School Press Association for her tireless commitment to journalistic excellence among young people, and her unwavering support of the alumni and history of Shortridge High School. On this occasion, I included remarks about Jean in the CONGRESSIONAL RECORD to honor her achievement.

Throughout my pubic service, I have enjoyed frequent communications with Jean. She was always optimistic and supportive.

She was loved and appreciated. Her friendship and compassion will be greatly missed by her many students and friends whose lives she influenced through her exemplary dedication to teaching.●

TRIBUTE TO RAJIV KUMAR

● Mr. WHITEHOUSE. Mr. President, today I congratulate Rajiv Kumar, a medical student at the Warren Alpert Medical School of Brown University, for receiving the Community Health Leaders Award from the Robert Wood Johnson Foundation. Mr. Kumar received this prestigious award for his efforts to reduce obesity among Rhode Island residents. In 2005, he established Shape Up RI—a statewide exercise and weight loss challenge. Since then, over 35,000 Rhode Islanders have participated in the program including my staff and me, and I can personally attest to its fun and effectiveness. I had the pleasure of meeting with Mr. Kumar earlier this month to discuss the great work he has done to encourage personal responsibility in an engaging and innovative new format, and I look forward to the continued growth and success of Shape Up RI.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13413 WITH RESPECT TO BLOCKING THE PROPERTY OF PERSONS CONTRIBUTING TO THE CONFLICT TAKING PLACE IN THE DEMOCRATIC REPUBLIC OF THE CONGO—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in that country, are to continue in effect beyond October 27, 2009.

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency to deal with that threat and the related measures blocking the property of certain persons contributing to the conflict in that country.

BARACK OBAMA.

THE WHITE HOUSE, *October 20, 2009.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:13 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

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. BROWN:

S. 1800. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide compensation for certain persons injured in the course of employment at the Feed Materials Production Center (commonly referred to as ''Fernald'') or the Piqua Organic Moderated Reactor in Ohio; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself and Mr. KAUFMAN):

S. 1801. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURRIS:

S. 1802. A bill to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself and Mr. CORKER):

S. 1803. A bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of emergency credit facilities established by the Board of Governors of the Federal Reserve System or any Federal Reserve bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 1804. A bill to extend the temporary suspension of duty on pyridaben technical; to the Committee on Finance.

By Mr. KYL:

S. 1805. A bill to suspend temporarily the duty on fenarimol technical; to the Committee on Finance.

By Mr. KYL:

S. 1806. A bill to suspend temporarily the duty on Phosmet Technical; to the Committee on Finance.

By Mr. KYL:

S. 1807. A bill to extend the temporary suspension of duty on hexythiazox technical; to the Committee on Finance.

By Mr. FEINGOLD:

S. 1808. A bill to control Federal spending now; to the Committee on Finance.

By Mr. WICKER (for himself and Mr. INHOFE):

S. 1809. A bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. BROWNBACK, and Mr. UDALL of Colorado):

S. 1810. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 1811. A bill to suspend temporarily the duty on certain chime rod assemblies; to the Committee on Finance.

By Mr. LEVIN:

S. 1812. A bill to suspend temporarily the duty on DMDPA; to the Committee on Finance.

By Mr. LEVIN:

S. 1813. A bill to extend the temporary suspension of duty on DPA; to the Committee on Finance.

By Mr. LEVIN:

S. 1814. A bill to suspend temporarily the duty on urea, polymer with formaldehyde and 2-methylpropanal; to the Committee on Finance.

By Mr. LEVIN:

S. 1815. A bill to suspend temporarily the duty on certain clock movements; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CARPER, and Mr. KAUFMAN):

S. 1816. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 1817. A bill to temporarily raise the limits on certain loans under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BINGAMAN (for himself and Mr. MCCAIN):

S. 1818. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; considered and passed.

ADDITIONAL COSPONSORS

S. 250

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) 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 Texas (Mrs. HUTCHISON) 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. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1153

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1155

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1155, a bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1343

At the request of Mr. BROWN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1343, a bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes.

S. 1360

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. RES. 312

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

AMENDMENT NO. 2669

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 2669 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2693

At the request of Mrs. LINCOLN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2693 intended to be proposed to S. 1776, a bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Mr. KAUFMAN):

S. 1801. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARPER. Mr. President, I am delighted to be joined this afternoon by my colleague, Senator KAUFMAN, from Delaware. Today, he and I are going to do something I don't think has ever been done in the Senate in the 200 years since this institution has been together. We will be introducing legislation which will establish the First State National Historic Park within the State of Delaware.

There are, as we all know, 50 States, and 49 States have national parks. In all, there are 58 national parks. There are something like more than 300 units of national parks. The first State to ratify the Constitution—that would be Delaware—was the entire United States of America for 1 week beginning December 7, 1787, and it still has no national park—not that we don't have historical and cultural heritage that is noteworthy in Delaware.

Think back roughly 400 years ago when the first settlements in this country from Europe were that of the Dutch in what is now Lewes, DE. And 372 years ago, the Swedes and Finns sailed across the Atlantic Ocean up the Delaware Bay and the Delaware River, took a left turn on the river they decided to name after the child queen of Sweden, Christina, and established the colony of New Sweden and what is now known as Wilmington, DE.

To the south in Dover, DE, at the Golden Fleece Tavern for roughly 3 days in December 1787, 25 or so men holed up in the Golden Fleece Tavern drinking what I describe as hot chocolate in order to decide whether the State of Delaware was going to be the first State to ratify the Constitution.

A few miles south of there is the childhood home of John Dickinson,

who worked with folks in Connecticut at the Constitutional Convention to come up with a grand compromise which says every State will have two U.S. Senators and we will apportion the seats in the House of Representatives in accordance with the population of the States.

From one end of the State of Delaware to the other, there are any number of things that are important to our Nation's heritage and I think certainly to the people of Delaware. Yet we have no national park commemorating any of that at all. Roughly 8 years ago, shortly after I came to the Senate, we went to work to see whether we could change that situation. A lot of good people in my State submitted ideas, from one end of the State to the other, what they thought might be reasonable, acceptable, appropriate items or places to designate as our national park. We created a wonderful citizens group about 3 or 4 years ago. They went the length and breadth of the State, led by professor emeritus Jim Solis of the University of Delaware. They came back with a wonderful group of ideas they collected from people from all over the State.

They said: This is what we think the national park should be—a unique concept. If you can imagine four bicycle wheels, each has a hub, and from the hubs emanate the spokes. The vision of our working group was to have four hubs—one in northern Delaware, Wilmington; one maybe in Delaware City; another in Kent County, the central part of our State; and another in Lewes, DE, the southern part of our State. From each of those hubs—think of the spokes emanating—is a variety of attractions to which people could come. Each hub would be a hub established with some presence by the National Park Service.

These were the ideas we submitted to the National Park Service roughly 3 years ago. The National Park Service went to work on it. To their credit, they came to our State. They covered our State and met with all kinds of people from one end of Delaware to the other and came up with another idea. They said: We like what you came up with, but here is what the National Park Service would like you to do. It is this: Create a national park that focuses on Delaware from the early settlement of the Dutch, the Swedes and the Finns and the English—a national park theme to run from that period of time until first statehood, December 7, 1787, roughly 130, 140 years.

The idea is to place in old New Castle, colonial New Castle, about 10 miles south of Wilmington, DE, on the Delaware River, a national park site that would be colocated and located in an existing structure that is suitable for that purpose. That spot will be populated by park rangers, who will be there to serve as interpreters and help welcome people to the site and help inform them, share with them other ideas and places to visit.

We are excited about what the National Park Service has decided. Is it everything we had hoped for? No, it is not. Is it a whole lot better than being the only State in the country without a national park? It sure is a lot better than that.

I express great thanks to all the men and women in my State who for almost 8 years worked on this concept, created and gathered good ideas and suggested those to the Park Service. I thank the Delaware Division of Parks and Recreation, the Delaware Division of Historical and Cultural Affairs, the National Park Service, former Secretary of the Interior Dirk Kempthorne; and certainly our current Secretary of the Interior, Ken Salazar, for their steadfast support for this initiative.

About half a dozen or so years ago, my family and I—my boys are now 19 and 21, but when they were younger, we liked to travel in the summers and visit national parks. We visited national parks from Pennsylvania, the second State in the Union, to Illinois, the Lincoln sites. We went to Alaska, to Denali, the great one, a huge national park that is two to three times the size of Delaware. We loved to visit national parks. This summer, our boys took a cross-country tour to the west coast for a summer job for one of our boys. They drove all the way across the northern part of our country and got to spend time in the Badlands, Mount Rushmore and Yellowstone and other sites along the way.

National parks were described as—I think it was Wallace Stegner who said our national parks are America's best ideas. Ken Burns, the documentary filmmaker whose series on national parks was on National Public Television—beautifully done, beautifully videographed, and the story told of our national parks and how the first national park began about 140 years ago. Here we are 140 years later. They are a national treasure. People come from all over the world.

When we went on the national park Web site 6 years ago to look for a place to go as a family, do you know what we ended up with? Nothing. There was a lot of stuff to visit from Alabama to Wyoming, A to W, but when we got to Delaware, nothing.

We have a lot in our State of which we are proud. We have a lot in our State of which our country can be proud. We want not only people in Delaware to know but people throughout the country and the world. When they are looking for a good place to visit for some culture and history and, frankly, for a good time, we want them to know that Delaware—little Delaware—is on the map. We are ready. The doors are open. The ''welcome'' mat is out. We are ready to receive them.

I want to say a big thanks to everyone who got us to this point. We are delighted to introduce the legislation that will designate and establish the first national park in the State of Delaware. Fortunately, I am not introducing the bill by myself. I am joined by my colleague, Senator KAUFMAN, and in the House by Congressman MIKE CASTLE. This will be a bipartisan, bicameral initiative.

I yield to Senator KAUFMAN.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, this has been a great journey for me, before I came to the Senate, watching my present senior Senator, TOM CARPER, then junior Senator—I am proud to say one of my greatest accomplishments as a Senator was to promote TOM CARPER from junior Senator to senior Senator—to watch him work on this bill for a national park for Delaware for 8 years.

I think if you were trying to do a case study on what it takes to make an accomplishment in the Senate, his efforts would be an excellent case study. He has been working for 8 years to bring a national park to Delaware. It is the only State in the Nation that does not have a national park, and yet it has so many wonderful things to see. I think people who visit Delaware will know that.

I am proud to be a cosponsor of a bill that really my senior Senator has worked so hard on. He already explained much of the history of how we came to this point, so I want to simply say again that I appreciate how he has worked with the National Park Service to design a national historical park for Delaware.

Earlier this year, when we were discussing the Travel Promotion Act, I discussed many of Delaware's attractions, from the colonial history dating back to before it became the first State to ratify the Constitution, to the beautiful beaches. We have a wealth of opportunities for tourism. However, until this bill is signed into law, we will not have a national park.

No one needs to be told about the value of national parks, the way they offer recreational opportunities, support local businesses, and protect natural and cultural heritage. What is perhaps most important about them, however, is the way they define and preserve our relationship with possibility. They speak of a quintessential American world view that everyone has a right to share in what is greatest and magnificent in our world, in this case our national parks.

Since the creation of Yellowstone and Yosemite over a century ago, millions of Americans have had their eyes opened by breathtaking vistas and the rich history of our wonderful country. The park in Delaware will play an important role in preserving our colonial history. Remember, Delaware was a crossroads for early Dutch, English, and Swedish settlers. Our State has a rich endowment of colonial landmarks.

Bringing these together the way Senator CARPER has proposed in a national historical park, this bill will allow all Americans to appreciate our history leading up to the signing of the Constitution. That is why I am glad to join

with my senior Senator, TOM CARPER, in cosponsoring this bill. It is high time Delaware has a national park, and I believe this bill will create one that preserves Delaware's rich pre-Constitution history for generations to come.

I thank my senior Senator for what he is doing, not just for me, not just for the people of Delaware, but for the country. This will be a great place for people to come from all over the country and all over the world to see the glorious history that is in Delaware.

Mr. CARPER. Mr. President, in conclusion, I say a special thanks to Senator KAUFMAN. I thank members of our staff who worked on this bill—not just us—literally for years in Delaware and here as well.

I want to thank my colleagues who earlier voted with us to authorize a study, and to the National Park Service to fund that study, which came back to us with the recommendations of the National Park Service literally earlier this year.

I also want to say that in this proposal we give a nod to the fact that these are trying fiscal times in which we live, and we don't have the ability to spend boatloads of money for a national park anywhere, including the First State. The proposal that we have before us is one that recognizes that and is, I think, responsible, and fiscally responsible, too.

So with all that having been said, we are delighted to say that while this is not the end, this may be the beginning of the end, we hope, of the journey that will lead us to a national park, and we are delighted to stand here together to get us on the last part of that journey.

By Mr. MERKLEY (for himself and Mr. CORKER):

S. 1803. A bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of emergency credit facilities established by the Board of Governors of the Federal Reserve System or any Federal Reserve bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, today Senator BOB CORKER of Tennessee and I come together to introduce the Federal Reserve Accountability Act. Over the course of the financial crisis, the Federal Reserve has taken extraordinary actions to stabilize our financial system. In doing so, it has departed significantly from its traditional relationship with markets. It is essential, therefore, that we bring greater openness and transparency to the Federal Reserve.

We are introducing the Federal Reserve Accountability Act because we believe that it strikes the right balance in making the Federal Reserve's new emergency lending activities subject to a robust financial audit by the Government Accountability Office, GAO, without disturbing the Federal Reserve's monetary policy independence or its role as emergency lender of last resort. The Federal Reserve Accountability Act would require the GAO to audit the accounting, financial reporting, and internal controls of all Federal Reserve emergency credit programs that are not already subject to audit. To protect against the risk that disclosure of the participation of particular institutions could disrupt markets, the GAO would be required to redact the names of specific institutions. Names would, however, be made available 1 year after each emergency program is no longer used. For additional transparency and public accessibility, the legislation would also require that the Federal Reserve place these GAO audits along with additional audit materials under a new ''Audit'' section on its website.

The many emergency lending programs created over the past year have certainly helped bring the financial markets back from the brink of collapse. But it is now time to set up a process for each lending facility to be fully audited by the GAO and reaffirm our commitment to openness and transparency whenever taxpayer dollars are used.

I am hopeful that we can move quickly to enact this important legislation, and I urge my colleagues to join us in this effort.

By Mr. FEINGOLD:

S. 1808. A bill to control Federal spending now; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, fiscal responsibility is a Wisconsin tradition and it has been a major priority of mine throughout my years in the Senate. In 1992 when I first ran for the job I hold now, I put together an 82-point plan to save hundreds of billions of dollars in wasteful, inefficient or unneeded government spending. Back then, the country was facing huge budget deficits and Americans were understandably concerned about the debt we were piling up. Fortunately, we took some strong steps in the 1990s to clean up that fiscal mess—including passing some of the reforms I championed in my 82-point plan—and we were able to get the country back on the right track.

Unfortunately, we face a similar crisis today. In fact, in many ways it is worse because the deficits are even bigger while the economy is in such bad shape. The reckless fiscal policies of the past eight years, combined with the current recession those policies helped create, have dug a deep hole, and we need to start filling it in. Some may argue that we can't cut government spending now because that would make the recession we are in even worse. I don't agree—while we shouldn't be slashing, say, unemployment insurance or education funding, we should absolutely be targeting the waste and fat in the federal budget. That's the message I am consistently hearing as I travel around Wisconsin. My constituents are rightly concerned about the burden that their children and grandchildren will be forced to shoulder.

That is why I am introducing the Control Spending Now Act. This bill consists of dozens of different initiatives that would collectively reduce the deficit by over $1½ trillion over 10 years. It includes procedural reforms that would make it easier to eliminate funding for pet projects slipped into larger spending bills, as well as cuts to spending that isn't working or needed, from $4 billion for C–17 aircraft the Department of Defense didn't ask for and doesn't want to $30 million for a program that sends a radio and TV signal to Cuba that nobody gets. The bill also would save $244 billion by rescinding unobligated TARP payments and returning them to the Treasury—I opposed the Wall Street bail-out from the start, and it's high time we brought it to an end.

The ideas I am proposing are not all new—for example, I have been fighting to end earmark abuses and give the president a line-item veto for some time. And not all the ideas were thought up by me—there are a lot of good proposals out there, and I have tried to bring them together in one comprehensive bill. I have included legislation drafted by Senators BYRON DORGAN and JEFF BINGAMAN that would save the Federal Government and consumers money by bringing down prescription drug prices, as well as biennial budgeting reforms that former Senator Pete Domenici championed, and that Senator JOHNNY ISAKSON is now seeking to advance. I also included provisions crafted by Senators KIT BOND, JAY ROCKEFELLER and DIANNE FEINSTEIN and included in the Senate-passed intelligence authorization bill for fiscal year 2010 that would help eliminate wasteful spending in the intelligence budget. I am grateful to my colleagues for the work they are doing to return the country to the path of fiscal responsibility.

Not everyone will agree with every one of my proposals—in fact, for every proposal, there is probably one or more entrenched group committed to preserving the status quo. But the status quo isn't good enough—we need to make tough spending choices, which is why I am proposing this legislation, and why I will continue working to control spending now.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CARPER, and Mr. KAUFMAN):

S. 1816. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am introducing the Chesapeake Clean Water and Ecosystem Restoration Act. I am joined in this effort by original cosponsors, Ms. MIKULSKI, Mr. CARPER, and Mr. KAUFMAN. Together we are committed to giving our states and

municipalities the tools they need to finally restore water quality in the Chesapeake Watershed and return this national treasure to its rightful position as one of the world's most important ecological regions.

Yesterday morning I stood on the shores of the Chesapeake Bay, near Annapolis, Maryland, to outline the provisions of this legislation. I was joined by Martin O'Malley, Governor of Maryland and a tireless champion of the bay. Standing with him was Preston Bryant, Virginia's Secretary of Natural Resources, representing Governor Tim Kaine. Both states, which embrace the entirety of the Chesapeake Bay, were there to lend their support to this legislative effort. Two of my colleagues from the other body, Congressman ELIJAH CUMMINGS and Congressman CHRIS VAN HOLLEN, also joined us, noting that they intend to introduce a companion bill in the House of Representatives today. A powerful coalition of more than 100 local watershed organizations was there, too, to lend its support. And finally, we were joined by Mr. Luke Brubaker, a dairy and poultry farmer from Pennsylvania who is already demonstrating how local actions can result in real water quality benefits.

Today we take a major step forward in writing the next chapter in the history of one of America's most cherished and celebrated bodies of water—the Chesapeake Bay. The original English colony in Jamestown was settled on its shores. George Washington built his home overlooking one its great rivers. The War of 1812 was fought on its waters, and generations of Americans came to live off its bounty of oysters and blue crabs and rockfish. Harriet Tubman led a life of slavery and heroic freedom among its vast marshes, and James Michener wrote a saga celebrating its majesty.

Today, 17 million people live in its watershed. Its tributaries are home to three state capitals as well as America's center of government. The bay has been called a ''National Treasure'' by American Presidents ranging from Ronald Reagan to Barack Obama. The United Nation's Ramsar Convention recognizes the bay as an ecological region of global significance. In Maryland it is the economic, environmental, cultural and historic heart of the state.

But, the bay and its watershed are in trouble.

By every scientific measure, the ecological health of the Chesapeake Bay is poor. The Chesapeake Bay and its tributaries are unhealthy primarily because of excess nitrogen, phosphorus and sediment entering the water.

These pollutants threaten not just the legacy we have inherited but also our future. The multi-million seafood industry is suffering from chronically small harvests. That is not all. Recreational fishermen, duck hunters, sail boat and power boat operators, bird watchers and others bring tens of millions of dollars into our economies annually. Business leaders and realtors tell us that healthy rivers and a healthy bay add immeasurably to their ability to attract a quality workforce and add value to homes.

At least one estimate suggests that the Bay's economic value to the region tops $1 trillion. The challenge before us is great, but so is the opportunity.

The Chesapeake Clean Water and Ecosystem Restoration Act gives the states strong new tools to restore the Bay and for the first time sets a firm deadline of 2025 for all restoration efforts to be in place.

The internal and final deadlines for action coincide with the Chesapeake Executive Council's timeline for Chesapeake restoration. Unlike earlier, missed deadlines, this one will become a legally binding part of the Clean Water Act.

The bill also significantly expands federal grants. The Chesapeake Restoration bill authorizes a new $1.5 billion grants program to control urban/suburban polluted stormwater, the only pollution sector that is still growing. Grants to the states, small watershed organizations, and for comprehensive monitoring programs are all newly created or expanded in the legislation. At least 10 percent of State implementation grants are set aside for Delaware, New York, and West Virginia. These headwater States have never been guaranteed any access to these funds in the past.

At least 20 percent of the implementation grants will go for technical assistance to farmers and foresters to help them access Farm Bill funds and implement conservation practices. The bill also requires the Environmental Protection Agency to build on the positive experiences of Virginia and Pennsylvania by establishing the framework for an innovative interstate trading program. As Mr. Brubaker recounted for us yesterday, farmers can partner with those who need to reduce the amount of nitrogen and phosphorus that they are releasing into the Bay. These groups can meet their legal obligation to reduce pollution by giving farmers the extra financial support they need to implement additional conservation practices on their agricultural lands. It is a classic win-win situation, and by 2012 it will be available throughout the six state watershed.

The bill codifies President Obama's Chesapeake Bay Executive Order, which requires annual Federal Action Plans across all federal departments to restore the Bay.

The basics of this bill are very simple, as most good ideas are. Scientists are telling us what the maximum amounts of pollution that the Bay can withstand and still be healthy. The Chesapeake Clean Water and Ecosystem Restoration Act sets a hard cap on pollution, and then we give the states until 2025 to reduce their proportional share of the pollution load. The states have maximum flexibility to reach these goals, but it still won't be easy. In the 25 years since the Chesapeake Bay program started, the number of people living in the watershed has exploded.

The population of the Chesapeake Bay Watershed has grown from 12 million when the Program started to over 17 million residents today. That is a 40 percent increase. And it is not just more people producing more pollution. The amounts of impervious surfaces, the hardened landscapes that funnel polluted water into our streams and rivers and eventually the Bay, have increased by about 100 percent over the same time frame. We are losing an astounding 100 acres of forest lands every day in the Bay watershed. Simply put, there are millions more of us, and the size of our impact on the Bay watershed has grown twice as fast as our population rate. Without the Bay Program, the health of the Chesapeake would undoubtedly be worse than it is.

As I have said before, barely holding our own is not good enough. So merely fine tuning the Bay Program will not be good enough either. Fortunately, Federal, State and local governments, in cooperation with community organizations are standing up around our region to help renew the region's precious water resources.

We are focused on three major sources of water pollution: runoff from agricultural lands, effluent from wastewater treatment plants, and polluted stormwater runoff from the developed lands in our cities, towns and suburbs.

Last year we passed a Farm Bill that today is providing Chesapeake farmers with unprecedented financial support in putting conservation programs into practice. Two years ago we provided our farmers with about $8 million in conservation funding. In the past year, that figure went up to $23 million. This year it is growing to $43 million and next year it reaches $72 million—nearly a ten-fold increase in just 3 years.

Eight years of chronic under-funding for wastewater treatment plants changed dramatically in January. President Obama and the new Congress have teamed up to provide a 350 percent increase in Federal funding this year to up-grade and repair sewage treatment plants. The EPA funding bill that is now nearing final action will sustain that record investment into 2010. We need to make a major investment in our cities and towns, too, to combat the growing problem we have with polluted stormwater. That is why this bill authorizes $1.5 billion to provide the federal funds needed to really attack this problem.

All of us, States and cities, farmers and foresters, sewage treatment plant operators and new home builders, ardent environmentalists and average residents, want to do our part to have clean water flowing through our streams and rivers. All of us want a healthy Bay.

The Chesapeake Clean Water and Ecosystem Restoration Act gives all of the Bay States a clear and fully enforceable goal to clean up our waters

and restore our Bay by 2025. The bill also gives us the resources to get the job done and the tools to do so in a way that is flexible and cost effective.

The Chesapeake Bay is the heart of our region. It is where we work, play, farm, and enjoy the beauty and abundance of the natural resources that surround us. But as anyone who has experienced the shortage of blue crabs and oysters or read about ''dead zones'' in the water knows, the Bay continues to be in trouble. We've made great strides in the last few decades through the EPA's Chesapeake Bay Program. But we remain far from attaining the goals necessary to restore the Bay to a healthy state, one that can sustain native fish and wildlife and maintain the viability of our farmland and regional economy for the near- and long-term future.

Accomplishing these goals starts with the local implementation of the most innovative, sustainable, and cost-effective strategies for restoring and protecting water quality and vital habitats within the Chesapeake Bay watershed. Everywhere I go there is a strong desire to see local streams returned to good health and the Chesapeake Bay restored to its former glory. People are ready to take action to control pollution, restore water quality and see the living resources of the Bay return in abundance.

The Chesapeake is a region steeped in history. Today, we add our own contribution to that storied past. With the Chesapeake Clean Water and Ecosystem Restoration Act, we are proposing the most sweeping legislative effort in the history of the Clean Water Act. With the firm commitments and cooperation from the communities across the 64,000 square mile watershed, we will restore the health, productivity and beauty of the Chesapeake Bay for generations to come.

Today marks the beginning of that legislative effort. It will not be easy, and we will need all of our best efforts if we are to be successful. But we cannot and will not come up short.

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. 1816

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 ''Chesapeake Clean Water and Ecosystem Restoration Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Chesapeake Bay and the tributary waters of the Chesapeake Bay are natural resources of outstanding ecological, economic, and cultural importance to the United States;

(2) for more than 20 years, the Federal Government and the States of the Chesapeake Bay Watershed, the Chesapeake Bay Commission, and various local government, scientific, and citizen advisory boards have worked through the Chesapeake Bay Program of the Environmental Protection Agency to develop an unparalleled body of scientific information and cooperative partnerships to advance the Chesapeake Bay restoration effort;

(3) despite significant efforts by Federal, State, and local governments and other interested parties, water pollution in the Chesapeake Bay prevents the attainment of existing State water quality standards and the ecological goals of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(4) the Chesapeake Bay Program partnership has developed a rich body of environmental data based on an extensive network of monitors, which provide a critical measure of success in attainment of the goals of the restoration effort;

(5) the Chesapeake Bay Program partnership has also developed some of the world's foremost water quality and ecosystem computer models, which are invaluable planning tools for resource managers;

(6) the major pollutants affecting the water quality of the Chesapeake Bay and related tidal waters are nitrogen, phosphorus, and sediment;

(7) the largest developed land use in the Chesapeake Bay watershed, and the largest single-sector source of nitrogen, phosphorus, and sediment pollution, is agriculture;

(8) conservation practices have resulted in significant reductions in pollution loads from the agricultural sector;

(9) to speed continued progress in the agricultural sector, the Federal Government and State governments have initiated a number of agricultural conservation programs, including the Chesapeake Bay watershed initiative under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4);

(10) atmospheric deposition of nitrogen oxides and ammonia on the Chesapeake Bay watershed contributes as much as ⅓ of the nitrogen pollution in the Chesapeake Bay;

(11) for years, a steady stream of technology development and increasingly stringent permit requirements have resulted in a steady decline in the nitrogen and phosphorus pollution derived from wastewater treatment plants in the Chesapeake Bay watershed;

(12) suburban and urban development is the fastest growing land use sector in the Chesapeake Bay watershed, and stormwater runoff from that sector is the only major source of pollution in the watershed that is increasing;

(13) during the period beginning in 1990 and ending in 2000, impervious cover, the hardened surfaces through which water cannot penetrate, increased by nearly 250,000 acres, about 41 percent, or the size of 5 Districts of Columba;

(14) during that period, the watershed population of the Chesapeake Bay grew by just 8 percent;

(15) the population of the watershed is estimated to be growing by about 157,000 people per year;

(16) continuing at that rate, the population will increase to nearly 20,000,000 by 2030;

(17) about 58 percent of the watershed of the Chesapeake Bay is undeveloped and mostly forested, but as many as 100 hundred acres of forest are lost to development each day;

(18) States, local governments, developers, and nonprofit organizations have developed numerous low-impact development techniques since the late 1990s, which use natural area protection, infiltration, and pervious surfaces to reduce stormwater runoff and associated sediment and nutrient pollution;

(19) many of those techniques are less expensive than traditional pollution stormwater control management techniques;

(20) the decline of key aquatic habitats and species has resulted in a loss of the important water quality benefits that the habitats and species traditionally provided;

(21) native oysters, the numbers of which have declined precipitously in the Chesapeake Bay in significant part because of diseases brought into the watershed by nonnative oysters, are natural filters that once effectively filtered a volume of water equivalent to that of the entire Chesapeake Bay in a matter of days;

(22) although less well-understood, menhaden, a species of fish found in the Chesapeake Bay, also provide important filtering capacity as well as a number of other key ecosystem functions;

(23) wetlands are a vital part of any major ecosystem;

(24) studies have demonstrated that nontidal wetland near the Chesapeake Bay removed as much as 89 percent of the nitrogen and 80 percent of the phosphorus that entered the wetland through upland runoff, groundwater, and precipitation;

(25) riparian forests remove as much as 90 percent of nitrogen and phosphorus that would otherwise enter the water;

(26) the loss of forests and wetlands in the Chesapeake Bay has resulted in diminished water quality, among other effects;

(27) in certain locations in the Chesapeake Bay, nutria, a nonnative species, has caused extensive destruction of key wetlands; and

(28) in spite of the achievements of the Chesapeake Bay Program partnership and increasing knowledge about ecosystem functions, the restoration of the Chesapeake Bay will require significantly stronger tools to manage pollution levels and other impediments to water quality.

SEC. 3. CHESAPEAKE BAY PROGRAM.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

''SEC. 117. CHESAPEAKE BAY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) ASIAN OYSTER.—The term 'Asian oyster' means the species *Crassostrea ariakensis*.

''(3) BASELINE.—The term 'baseline' means the basic standard or level used for measuring (as applicable)—

''(A) the nutrient control requirements credit sellers must achieve before becoming eligible to generate saleable nutrient credits; or

''(B) the nutrient load reductions required of individual sources to meet water quality standards or goals under a TMDL or watershed implementation plan.

''(4) BASIN COMMISSIONS.—The term 'basin commissions' means—

''(A) the Interstate Commission on the Potomac River Basin established under the interstate compact consented to and approved by Congress under the Joint Resolution of July 11, 1940 (54 Stat. 748, chapter 579) and Public Law 91–407 (84 Stat. 856); and

''(B) the Susquehanna River Basin Commission established under the interstate compact consented to and approved by Congress under Public Law 91–575 (84 Stat. 1509) and Public Law 99–468 (100 Stat. 1193).

''(5) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(6) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay watershed.

''(7) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(8) CHESAPEAKE BAY STATE.—The term 'Chesapeake Bay State' means any of—

''(A) the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; or

''(B) the District of Columbia.

''(9) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' means the Chesapeake Bay and the area consisting of 19 tributary basins within the Chesapeake Bay States through which precipitation drains into the Chesapeake Bay.

''(10) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(11) CLEANING AGENT.—The term 'cleaning agent' means a laundry detergent, dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purposes.

''(12) DIRECTOR.—The term 'director' means the Director of the Chesapeake Bay Program Office of the Environmental Protection Agency.

''(13) LOCAL GOVERNMENT.—The term 'local government' means any county, city, or other general purpose political subdivision of a State with jurisdiction over land use.

''(14) MENHADEN.—The term 'menhaden' means members of stocks or populations of the species *Brevoortia tyrannus*.

''(15) NUTRIA.—The term 'nutria' means the species *Myocaster coypus*.

''(16) POINT-OF-REGULATION.—The term 'point-of-regulation' means any entity that—

''(A) is subject to a limitation on pollution or other regulation under this Act; and

''(B) has sufficient technical capacity and legal authority to meet the obligations of the entity under this Act.

''(17) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(18) TMDL.—

''(A) IN GENERAL.—The term 'TMDL' means the total maximum daily load that the Administrator establishes or approves for nitrogen, phosphorus, and sediment loading to the waters in the Chesapeake Bay mainstem and tidal tributaries identified on the list of a Chesapeake Bay State under section 303(d).

''(B) INCLUSIONS.—The term 'TMDL' may include nitrogen, phosphorus, and sediment allocations in temporal units of greater than daily duration if applicable allocations—

''(i) are demonstrated to achieve water quality standards; and

''(ii) do not lead to exceedances of other applicable water quality standards for local receiving waters.

''(19) TRIBUTARY BASIN.—The term 'tributary basin' means an area of land or body of water that—

''(A) drains into any of the 19 Chesapeake Bay tributaries or tributary segments; and

''(B) is managed through watershed implementation plans under this Act.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) CHESAPEAKE BAY STEWARDSHIP GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (h)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—On the request of the chief executive of the Chesapeake Bay State, the Administrator—

''(A) shall make an implementation grant to the Chesapeake Bay State, or a designee of a Chesapeake Bay State (such as a soil conservation district, nonprofit organization, local government, college, university, interstate basin commission, or interstate agency), for the purpose of implementing the TMDL plans of the Chesapeake Bay State and achieving the goals established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers to be appropriate; and

''(B) may make a monitoring grant to—

''(i) a Chesapeake Bay State, or a designee of a Chesapeake Bay State (such as a soil conservation district, nonprofit organization, local government, college, university, interstate basin commission, or interstate agency), for the purpose of monitoring the ecosystem of freshwater tributaries to the Chesapeake Bay; or

''(ii) the States of Delaware, Maryland, or Virginia, the District of Columbia, or a designee (such as a nonprofit organization, local government, college, university, or interstate agency) for the purpose of monitoring the Chesapeake Bay, including the tidal waters of the Chesapeake Bay.

''(2) ADMINISTRATION.—In making implementation grants to each of the Chesapeake Bay States for a fiscal year under this subsection, the Administrator shall ensure that not less than—

''(A) 10 percent of the funds available to make such grants are made to the States of Delaware, New York, and West Virginia; and

''(B) 20 percent of the funds available to make such grants are made to States for the sole purpose of providing technical assistance to agricultural producers and foresters to access conservation programs and other resources devoted to improvements in water quality in the Chesapeake Bay and the tributaries of the Chesapeake Bay.

''(3) PROPOSALS.—

''(A) IMPLEMENTATION GRANTS.—

''(i) IN GENERAL.—A Chesapeake Bay State described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement programs and achieve the goals established under the Chesapeake Bay Agreement.

''(ii) IMPLEMENTATION GRANT CONTENTS.—A proposal under clause (i) shall include—

''(I) a description of proposed actions that the Chesapeake Bay State commits to take within a specified time period that are designed—

''(aa) to achieve and maintain all applicable water quality standards, including standards necessary to support the aquatic living resources of the Chesapeake Bay and related tributaries and to protect human health;

''(bb) to restore, enhance, and protect the finfish, shellfish, waterfowl, and other living resources, habitats of those species and resources, and ecological relationships to sustain all fisheries and provide for a balanced ecosystem;

''(cc) to preserve, protect, and restore those habitats and natural areas that are vital to the survival and diversity of the living resources of the Chesapeake Bay and associated rivers;

''(dd) to develop, promote, and achieve sound land use practices that protect and restore watershed resources and water quality, reduce or maintain reduced pollutant loadings for the Chesapeake Bay and related tributaries, and restore and preserve aquatic living resources;

''(ee) to promote individual stewardship and assist individuals, community-based organizations, businesses, local governments, and schools to undertake initiatives to achieve the goals and commitments of the Chesapeake Bay Agreement; or

''(ff) to provide technical assistance to agricultural producers, foresters, and other eligible entities, through technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses;

''(II) a commitment to dedicate not less than 20 percent of the grant of the Chesapeake Bay under this subsection to support technical assistance for agricultural and forestry land or nutrient management practices that protect and restore watershed resources and water quality, reduce or maintain reduced pollutant loadings for the Chesapeake Bay and related tributaries, and restore and preserve aquatic living resources; and

''(III) the estimated cost of the actions proposed to be taken during the fiscal year.

''(B) MONITORING GRANTS.—

''(i) IN GENERAL.—A Chesapeake Bay State described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to monitor freshwater or estuarine ecosystems, including water quality.

''(ii) MONITORING GRANT CONTENTS.—A proposal under this subparagraph shall include—

''(I) a description of the proposed monitoring system;

''(II) certification by the Chesapeake Bay Program Director that such a monitoring system includes such parameters as the Chesapeake Bay Program Director determines to be necessary to assess progress toward achieving the goals of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009; and

''(III) the estimated cost of the monitoring proposed to be conducted during the fiscal year.

''(iii) CONCURRENCES.—The Administrator shall—

''(I) obtain the concurrence of the Director of the United States Geological Survey regarding the design and implementation of the freshwater monitoring systems established under this subsection; and

''(II) obtain the concurrence of the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration regarding the design and implementation of the estuarine monitoring systems established under this subsection.

''(iv) CONSULTATION.—The Administrator shall—

''(I) consult with the Interstate Commission on the Potomac River Basin, the Susquehanna River Basin Commission, and the Chesapeake Bay States regarding the design and implementation of the freshwater monitoring systems established under this subsection, giving particular attention to the measurement of the water quality effectiveness of agricultural conservation program implementation (including geospatial agricultural conservation program data), including the Chesapeake Bay Watershed Initiative under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4);

''(II) consult with Old Dominion University, the Virginia Institute of Marine Science, the University of Maryland Center for Environmental Science, and the Chesapeake Bay States regarding the estuarine monitoring systems established under this subsection;

''(III) consult with the Chesapeake Bay Program Scientific and Technical Advisory Committee regarding independent review of monitoring designs giving particular attention to integrated freshwater and estuarine monitoring strategies; and

''(IV) consult with Federal departments and agencies regarding cooperation in implementing monitoring programs.

''(f) FEDERAL FACILITIES COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENTS AND PLANS.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with—

''(A) the Chesapeake Bay Agreement;

''(B) the Federal Agencies Chesapeake Ecosystem Unified Plan;

''(C) the Chesapeake Bay action plan developed in accordance with subparagraph (g)(1)(A); and

''(D) any subsequent agreements and plans.

''(g) FEDERAL ANNUAL ACTION PLAN AND PROGRESS REPORT.—The Administrator, in accordance with Executive Order 13508 entitled 'Chesapeake Bay Protection and Restoration' and signed on May 12, 2009 (74 Fed. Reg. 23099), shall—

''(1) make available to the public, not later than March 31 of each year—

''(A) a Chesapeake Bay action plan describing, in the greatest practicable degree of detail, how Federal funding proposed in the annual budget of the United States submitted by the President to Congress will be used to protect and restore the Chesapeake Bay during the upcoming fiscal year; and

''(B) an annual progress report that—

''(i) assesses the key ecological attributes that reflect the health of the Chesapeake Bay ecosystem;

''(ii) reviews indicators of environmental conditions in the Chesapeake Bay;

''(iii) distinguishes between the health of the Chesapeake Bay ecosystem and the results of management measures;

''(iv) assesses implementation of the action plan during the preceding fiscal year;

''(v) recommends steps to improve progress in restoring and protecting the Chesapeake Bay; and

''(vi) describes how Federal funding and actions will be coordinated with the actions of States, basin commissions, and others;

''(2) create and maintain, with the concurrence of the Secretary of Agriculture, a Chesapeake Bay-wide database containing comprehensive data on implementation of conservation management practices in the Chesapeake Bay watershed that —

''(A) includes baseline conservation management practice implementation data as of the effective date of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009;

''(B) includes data on subsequent conservation management practice implementation projects funded by or reported to the Agency or the Department;

''(C) presents the required data in statistical or aggregate form without identifying any—

''(i) individual owner, operator, or producer; or

''(ii) specific data gathering site; and

''(D) is made available to the public not later than December 31, 2010.

''(h) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implemented by Chesapeake Bay States to achieve and maintain—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and the watershed of the Chesapeake Bay;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetland, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) CHESAPEAKE BAY STEWARDSHIP GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a Chesapeake Bay Stewardship Grants Program; and

''(B) in carrying out that program—

''(i) offer technical assistance and assistance grants under subsection (d) to local governments, soil conservation districts, academic institutions, and nonprofit organizations in the Chesapeake Bay region to implement—

''(I) cooperative watershed strategies that address the water quality, habitat, and living resource needs in the Chesapeake Bay ecosystem;

''(II) locally based protection and restoration programs or projects within a watershed that complement the State watershed implementation plans, including the creation, restoration, or enhancement of habitat associated with the Chesapeake Bay ecosystem; and

''(III) innovative nitrogen, phosphorus, or sediment reduction efforts; and

''(ii) give preference to cooperative projects that involve local governments.

''(i) TOTAL MAXIMUM DAILY LOAD.—

''(1) TMDL.—

''(A) ESTABLISHMENT.—Not later than December 31, 2010, the Administrator shall establish a Chesapeake Bay-wide TMDL.

''(B) REQUIREMENTS.—The Administrator shall not establish or approve a TMDL described in subparagraph (A) unless the TMDL includes—

''(i) wasteload allocations for nitrogen, phosphorus, and sediment necessary to implement the applicable water quality standards in the Chesapeake Bay watershed and achieve those standards in the Chesapeake Bay and the tidal tributaries of the Chesapeake Bay;

''(ii) enforceable or otherwise binding load allocations for all nonpoint sources, including atmospheric deposition, agricultural runoff, and stormwater sources for which a permit under section 402 is not required;

''(iii) a margin of safety so as to ensure that the TMDL does not exceed any applicable water quality standard; and

''(iv) a requirement for no net increase of nitrogen, phosphorus, and sediment loads above the pollution limitations necessary to meet water quality standards for the Chesapeake Bay, including no net projected increased pollutant loads from—

''(I) new or increased impervious surfaces;

''(II) concentrated animal feeding operations;

''(III) transportation systems; and

''(IV) septic systems.

''(2) PERMITS.—

''(A) IN GENERAL.—Effective beginning on January 1, 2011, a new or reissued permit issued by the Administrator under section 402(a) or a State authorized to administer a permit program under section 402(b) shall include limits consistent with all applicable wasteload allocations in the Chesapeake Bay TMDL.

''(B) PERMITS.—

''(i) IN GENERAL.—Effective beginning on January 1, 2011, each Chesapeake Bay State shall submit to the Administrator copies of any permit for discharges of nitrogen, phosphorus, or sediment into the Chesapeake Bay watershed that is allowed to continue beyond 5 years pursuant to a State law analogous to section 558(c) of title 5, United States Code, not later than 60 days after the expiration date of the permit.

''(ii) REVIEW.—The Administrator shall have the opportunity to review and object to the continuance of the permit in accordance with the process described in section 402(d) for permits proposed to be issued by a State.

''(j) ACTIONS BY STATES.—

''(1) WATERSHED IMPLEMENTATION PLANS.—

''(A) PLANS.—

''(i) IN GENERAL.—Not later than May 12, 2011, each Chesapeake Bay State shall, after providing for reasonable notice and 1 or more public hearings, adopt and submit to the Administrator for approval a watershed implementation plan for the portion of each of the 92 tidal water segments that is subject to the jurisdiction of the Chesapeake Bay State that together comprise the Chesapeake Bay.

''(ii) TARGETS.—The watershed implementation plan shall establish reduction targets, key actions, and schedules for reducing, to levels that will attain water quality standards, the loads, of nitrogen, phosphorus, and sediment, including pollution from—

''(I) agricultural runoff;

''(II) point sources, including point source stormwater discharges;

''(III) nonpoint source stormwater runoff; and

''(IV) septic systems and other onsite sewage disposal systems.

''(iii) POLLUTION LIMITATIONS.—

''(I) IN GENERAL.—The tributary pollution limitations shall be the nitrogen, phosphorous, and sediment cap loads identified in the tributary cap load agreement numbered EPA 903–R–03–007, date December 2003, and entitled 'Setting and Allocating the Chesapeake Bay Basin Nutrient and Sediment Loads: The Collaborative Process, Technical Tools and Innovative Approaches,' or a Chesapeake Bay TMDL established by the Administrator.

''(II) STRINGENCY.—A watershed implementation plan shall be designed to attain, at a minimum, the pollution limitations described in subclause (I).

''(iv) PLAN REQUIREMENTS.—Each watershed implementation plan shall—

''(I) include State-adopted management measures, including rules or regulations, permits, consent decrees, and other enforceable or otherwise binding measures, to require and achieve reductions from pollution sources;

''(II) include programs to achieve voluntary reductions from pollution sources, including funding commitments necessary to implement those programs;

''(III) include any additional requirements or actions that the Chesapeake Bay State determines to be necessary to attain the pollution limitations by the deadline established in this paragraph;

''(IV) provide for enforcement mechanisms, including a penalty structure for failures, such as fees or forfeiture of State funds, including Federal funds distributed or otherwise awarded by the State to the extent the State is authorized to exercise independent discretion in amounts of such distributions or awards, for use in case a permittee, local jurisdictions, or any other party fails to adhere to assigned pollutant limitations, implementation schedules, or permit terms;

''(V) include a schedule for implementation divided into 2-year periods, along with computer modeling to demonstrate the projected reductions in nitrogen, phosphorus, and sediment loads associated with each 2-year period;

''(VI) include the stipulation of alternate actions as contingencies;

''(VII) account for how the Chesapeake Bay State will address additional loadings from growth through offsets or other actions; and

''(VIII) provide assurances that—

''(aa) if compared to an estimated 2008 baseline based on modeled loads, the initial plan shall be designed to achieve, not later than May 31, 2017, at least 60 percent of the nutrient and sediment limitations described in clause (iii)(I);

''(bb) the management measures required to achieve a 50-percent reduction of nutrient and sediment limitations shall be in effect upon submission of the plan;

''(cc) the Chesapeake Bay State will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out the implementation plan, and is not prohibited by any provision of Federal or State law from carrying out the implementation plan; and

''(dd) in a case in which a Chesapeake Bay State has relied on a local government for the implementation of any plan provision, the Chesapeake Bay State has the responsibility for ensuring adequate implementation of the provision.

''(B) IMPLEMENTATION.—

''(i) IN GENERAL.—In implementing a watershed implementation plan, each Chesapeake Bay State shall follow a strategy developed by the Administrator for the implementation of adaptive management principles to ensure full implementation of all plan elements by not later than May 12, 2025, including —

''(I) biennial evaluations of State actions;

''(II) progress made toward implementation;

''(III) determinations of necessary modifications to future actions in order to achieve objectives; and

''(IV) appropriate provisions to adapt to climate changes.

''(ii) DEADLINE.—Not later than May 12, 2025, each Chesapeake Bay State shall—

''(I) fully implement the watershed implementation plan of the State; and

''(II) have in place all the mechanisms outlined in the plan that are necessary to attain the applicable pollutant limitations for nitrogen, phosphorus, and sediments.

''(C) PROGRESS REPORTS.—Not later than May 12, 2014, and biennially thereafter, each Chesapeake Bay State shall submit to the Administrator a progress report that, with respect to the 2-year period covered by the report—

''(i) includes a listing of all management measures that were to be implemented in accordance with the approved watershed implementation plan of the Chesapeake Bay State, including a description of the extent to which those measures have been fully implemented;

''(ii) includes a listing of all the management measures described in clause (i) that the Chesapeake Bay State has failed to fully implement in accordance with the approved watershed implementation plan of the Chesapeake Bay State;

''(iii) includes monitored and collected water quality data;

''(iv) includes Chesapeake Bay Program computer modeling data that detail the nitrogen, phosphorus, and sediment load reductions projected to be achieved as a result of the implementation of the management measures and mechanisms carried out by the Chesapeake Bay State;

''(v) includes, for the subsequent 2-year period, implementation goals and Chesapeake Bay Program computer modeling data detailing the projected pollution reductions to be achieved if the Chesapeake Bay State fully implements the subsequent round of management measures;

''(vi) identifies compliance information, including violations, actions taken by the Chesapeake Bay State to address the violations, and dates, if any, on which compliance was achieved; and

''(vii) specifies any revisions to the watershed implementation plan submitted under this paragraph that the Chesapeake Bay State determines are necessary to attain the applicable pollutant limitations for nitrogen, phosphorus, and sediments.

''(2) ISSUANCE OF PERMITS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act (including any exclusion or exception contained in a definition under section 502), for the purpose of achieving the nitrogen, phosphorus, and sediment reductions required under a watershed implementation plan, a Chesapeake Bay State may issue a permit in accordance with section 402 for any pollution source the Chesapeake Bay State determines to be necessary.

''(B) ENFORCEMENT.—The Administrator shall enforce any permits issued in accordance with the watershed implementation plan in the same manner as other permits issued under section 402 are enforced.

''(3) STORMWATER PERMITS.—

''(A) IN GENERAL.—Effective beginning January 1, 2013, the Chesapeake Bay State shall provide assurances to the Administrator that—

''(i) the owner or operator of any development or redevelopment project possessing an impervious footprint that exceeds a threshold to be determined by the Administrator through rulemaking, will use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow; and

''(ii) as a further condition of permitting such a development or redevelopment, the owner or operator of any development or redevelopment project possessing an impervious footprint that exceeds a threshold to be determined by the Administrator through rulemaking will compensate for any unavoidable impacts to the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow, such that—

''(I) the compensation within the jurisdictional boundaries of the local government shall provide in-kind mitigation of function at a ratio to be determined by the Administrator through rulemaking; and

''(II) the compensation outside the jurisdictional boundaries of the local government shall provide in-kind mitigation, at a ratio to be determined by the Administrator through rulemaking , within the tributary watershed in which the project is located.

''(B) ADMINISTRATION.—Not later than December 31, 2012, the Administrator shall promulgate regulations that—

''(i) define the term 'predevelopment hydrology' in subparagraph (A);

''(ii) establish the thresholds under subparagraph (A); and

''(iii) establish the compensation ratios under subparagraph (A)(ii).

''(4) PHOSPHATE BAN.—

''(A) PHOSPHORUS IN CLEANING AGENTS.—Each Chesapeake Bay State shall provide to the Administrator, not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, assurances that within the

jurisdiction, except as provided in subparagraph (B), a person may not use, sell, manufacture, or distribute for use or sale any cleaning agent that contains more than 0.0 percent phosphorus by weight, expressed as elemental phosphorus, except for a quantity not exceeding 0.5 percent phosphorus that is incidental to the manufacture of the cleaning agent.

''(B) PROHIBITED QUANTITIES OF PHOSPHORUS.—Each Chesapeake Bay State shall provide to the Administrator, not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, assurances that, within the jurisdiction, a person may use, sell, manufacture, or distribute for use or sale a cleaning agent that contains greater than 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by weight, if the cleaning agent is a substance that the Administrator, by regulation, excludes from the limitation under subparagraph (A), based on a finding that compliance with that subparagraph would—

''(i) create a significant hardship on the users of the cleaning agent; or

''(ii) be unreasonable because of the lack of an adequate substitute cleaning agent.

''(k) ACTION BY ADMINISTRATOR.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, the Administrator shall establish minimum criteria that any proposed watershed implementation plan must meet before the Administrator may approve such a plan.

''(2) COMPLETENESS FINDING.—

''(A) IN GENERAL.—Not later than 60 days after the date on which the Administrator receives a new or revised proposed watershed implementation plan from a Chesapeake Bay State, the Administrator shall determine whether the minimum criteria for the plan established under paragraph (1) have been met.

''(B) EFFECT OF FINDING OF INCOMPLETENESS.—If the Administrator determines under subparagraph (A) that all or any portion of a submitted watershed implementation plan does not meet the minimum criteria established under paragraph (1), the Chesapeake Bay State submitting the plan shall be treated as not having made the submission.

''(3) APPROVAL AND DISAPPROVAL.—

''(A) DEADLINE.—Not later than 90 days after determining that a watershed implementation plan meets minimum criteria in accordance with paragraph (2)(A), the Administrator shall approve or disapprove the plan.

''(B) FULL AND PARTIAL APPROVAL AND DISAPPROVAL.—In carrying out this paragraph, the Administrator—

''(i) shall approve a watershed implementation plan if the plan meets all applicable requirements under this section; and

''(ii) may approve the plan in part and disapprove the plan in part if only a portion of the plan meets those requirements.

''(C) CONDITIONAL APPROVAL.—The Administrator—

''(i) may conditionally approve a revised watershed implementation plan based on a commitment of the Chesapeake Bay State submitting the plan to adopt specific enforceable management measures by not later than 1 year after the date of approval of the plan revision; but

''(ii) shall treat a conditional approval as a disapproval under this paragraph if the Chesapeake Bay State fails to comply with the commitment of the Chesapeake Bay State.

''(D) FULL APPROVAL REQUIRED.—A new or revised watershed implementation plan shall not be treated as meeting the requirements of this section until the Administrator approves the entire new or revised plan.

''(E) CORRECTIONS.—In any case in which the Administrator determines that the action of the Administrator approving, disapproving, conditionally approving, or promulgating any new or revised watershed implementation plan was in error, the Administrator—

''(i) may, in the same manner as the approval, disapproval, conditional approval, or promulgation, revise the action of the Administrator, as appropriate, without requiring any further submission from the Chesapeake Bay State; and

''(ii) shall make the determination of the Administrator, and the basis for that determination, available to the public.

''(F) EFFECTIVE DATE.—The provisions of a State watershed implementation plan shall take effect upon the date of approval of the plan.

''(4) CALLS FOR PLAN REVISION.—In any case in which the Administrator determines that watershed implementation plan for any area is inadequate to attain or maintain applicable pollution limitations, the Administrator—

''(A) shall notify the Chesapeake Bay State of, and require the Chesapeake Bay State to revise the plan to correct, the inadequacies;

''(B) may establish reasonable deadlines (not to exceed 180 days after the date on which the Administrator provides the notification) for the submission of a revised watershed implementation plan;

''(C) make the findings of the Administrator under paragraph (3) and notice provided under subparagraph (A) public; and

''(D) require the Chesapeake Bay State to comply with the requirements applicable under the initial watershed implementation plan, except that the Administrator may adjust any dates (other than attainment dates) applicable under those requirements, as appropriate.

''(5) FEDERAL IMPLEMENTATION.—If a Chesapeake Bay State fails to submit a watershed implementation plan, to submit a biennial report, or to correct a previously missed 2-year commitment made in a watershed implementation plan, the Administrator shall, after issuing a notice to the State and providing a 90-day period in which the failure may be corrected—

''(A) withhold all funds otherwise available to the Chesapeake Bay State under this Act;

''(B) develop and administer a watershed implementation plan for that Chesapeake Bay State until such time as the Chesapeake Bay State has remedied the plan, reports, or achievements to the satisfaction of the Administrator;

''(C) require that all permits issued under section 402 for new or expanding discharges of nitrogen, phosphorus, or sediments acquire offsets that exceed by 100 percent an amount that would otherwise be required, taking into account attenuation, equivalency, and uncertainty; and

''(D) for the purposes of developing and implementing a watershed implementation plan under subparagraph (B)—

''(i) notwithstanding any other provision of this Act (including any exclusion or exception contained in a definition under section 502), promulgate such regulations or issue such permits as the Administrator determines to be necessary to control pollution sufficient to meet the water quality goals defined in the watershed implementation plan; and

''(ii) enforce any permits issued in accordance with the watershed implementation plan in the same manner as other permits issued under section 402 are enforced.

''(6) NITROGEN AND PHOSPHORUS TRADING PROGRAM.—

''(A) ESTABLISHMENT.—Not later than May 12, 2012, the Administrator, in cooperation with each Chesapeake Bay State, shall establish an interstate nitrogen and phosphorus trading program for the Chesapeake Bay for the generation, trading, and use of nitrogen and phosphorus credits to facilitate the attainment and maintenance of the Chesapeake Bay-wide TMDL for nitrogen and phosphorus.

''(B) TRADING SYSTEM.—The trading program established under this subsection shall, at a minimum—

''(i) define and standardize nitrogen and phosphorus credits and establish procedures or standards for ensuring equivalent water quality benefits for all credits;

''(ii) establish procedures or standards for certifying and verifying nitrogen and phosphorus credits to ensure that credit-generating practices from both point sources and nonpoint sources are achieving actual reductions in nitrogen and phosphorus;

''(iii) establish procedures or standards for generating, quantifying, trading, and applying credits to meet regulatory requirements and allow for trading to occur between and across point source or nonpoint sources;

''(iv) establish baseline requirements that a credit seller must meet before becoming eligible to generate saleable credits;

''(v) establish points-of-regulation at the sub-State level to facilitate trading and promote water quality goals under which—

''(I) States may designate point sources as points-of-regulation;

''(II) States may aggregate multiple sources to serve as points-of-regulation; and

''(III) the Administrator shall establish guidelines or standards to ensure that points-of-regulation shall be generally consistent across States;

''(vi) ensure that credits are used in accordance with permit requirements under the national pollutant discharge elimination system established under section 402 and trade requirements have been adequately incorporated into the permits;

''(vii) ensure that private contracts between credit buyers and credit sellers contain adequate provisions to ensure enforceability under applicable law;

''(viii) establish procedures or standards for providing public transparency on nutrient trading activity;

''(ix) ensure that, if the local receiving water is impaired for the nutrient being traded but a TMDL has not yet been implemented for the impairment—

''(I) trades are required to result in progress toward or the attainment of water quality standards in the local receiving water; and

''(II) sources in the watershed may not rely on credits produced outside of the watershed;

''(x) require that the application of credits to meet regulatory requirements under this section not cause or contribute to exceedances of water quality standards, total maximum daily loads, or wasteload or load allocations for affected receiving waters, including avoidance of localized impacts;

''(xi) except as part of a consent agreement, prohibit the purchase of credits from any entity that is in significant noncompliance with an enforceable permit issued under section 402;

''(xii) consider and incorporate, to the maximum extent practicable, elements of State trading programs in existence as of the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009; and

''(xiii) allow for, as appropriate, the aggregation and banking of credits by third parties.

''(C) FACILITATION OF TRADING.—In order to attract market participants and facilitate the cost-effective achievement of water-quality goals, the Administrator shall ensure that the trading program established under this paragraph—

''(i) includes measures to mitigate credit buyer risk;

''(ii) makes use of the best available science in order to minimize uncertainty and related transaction costs to traders, including the Administrator, in consultation with the Secretary of Agriculture, supporting research and other activities that increase the scientific understanding of nonpoint nutrient pollutant loading and the ability of various structural and nonstructural alternatives to reduce the loads;

''(iii) eliminates unnecessary or duplicative administrative processes; and

''(iv) incorporates a permitting approach under the national pollutant discharge elimination system established under section 402 that allows trading to occur without requiring the reopening or reissuance of permits to incorporate individual trades.

''(7) AUTHORITY RELATING TO DEVELOPMENT.—The Administrator shall—

''(A) establish, for projects resulting in impervious development, guidance relating to site planning, design, construction, and maintenance strategies to ensure that the land maintains predevelopment hydrology with regard to the temperature, rate, volume, and duration of flow;

''(B) establish model ordinances and guidelines with respect to the construction of low-impact development infrastructure and nonstructural low-impact development techniques for use by States, local governments, and private entities; and

''(C) not later than 180 days after promulgation of the regulations under subsection (j)(3)(B), issue such guidance, model ordinances, and guidelines as are necessary to carry out this paragraph.

''(8) ASSISTANCE WITH RESPECT TO STORMWATER DISCHARGES.—

''(A) GRANT PROGRAM.—The Administrator may provide grants to any local government within the Chesapeake Bay watershed that adopts the guidance, ordinances, and guidelines issued under paragraph (7).

''(B) USE OF FUNDS.—A grant provided under subparagraph (A) may be used by a local government to pay costs associated with—

''(i) developing, implementing, and enforcing the guidance, ordinances, and guidelines issued under paragraph (7); and

''(ii) implementing projects designed to reduce stormwater discharges.

''(9) CONSUMER AND COMMERCIAL PRODUCT REPORT.—Not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, the Administrator, in consultation with the Chesapeake Executive Council, shall—

''(A) review consumer and commercial products, the use of which may affect the water quality of the Chesapeake Bay watershed or associated tributaries, to determine whether further product nutrient content restrictions are necessary to restore or maintain water quality in the Chesapeake Bay watershed and those tributaries; and

''(B) submit to the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives a product nutrient report detailing the findings of the review under subparagraph (A).

''(l) PROHIBITION ON INTRODUCTION OF ASIAN OYSTERS.—Not later than 2 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, the Administrator shall promulgate regulations—

''(1) to designate the Asian oyster as a 'biological pollutant' in the Chesapeake Bay and tidal waters pursuant to section 502;

''(2) to prohibit the issuance of permits under sections 402 and 404 for the discharge of the Asian oyster into the Chesapeake Bay and tidal waters; and

''(3) to specify conditions under which scientific research on Asian oysters may be conducted within the Chesapeake Bay and tidal waters.

''(m) CHESAPEAKE NUTRIA ERADICATION PROGRAM.—

''(1) GRANT AUTHORITY.—Subject to the availability of appropriations, the Secretary of the Interior (referred to in this subsection as the 'Secretary'), may provide financial assistance to the States of Delaware, Maryland, and Virginia to carry out a program to implement measures—

''(A) to eradicate or control nutria; and

''(B) to restore marshland damaged by nutria.

''(2) GOALS.—The continuing goals of the program shall be—

''(A) to eradicate nutria in the Chesapeake Bay ecosystem; and

''(B) to restore marshland damaged by nutria.

''(3) ACTIVITIES.—In the States of Delaware, Maryland, and Virginia, the Secretary shall require that the program under this subsection consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds', dated March 2002, or any updates to the document.

''(n) STUDY ON THE IMPACTS OF THE COMMERCIAL HARVESTING OF MENHADEN ON THE WATER QUALITY OF THE CHESAPEAKE BAY.—

''(1) DEFINITIONS.—In this subsection:

''(A) FISHERIES COMMISSION.—The term 'Fisheries Commission' means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by pursuant to the Act of May 4, 1942 (56 Stat. 267, chapter 283) and the Act of May 19, 1949 (63 Stat. 70, chapter 238).

''(B) FISHING.—Except as otherwise provided, the term 'fishing'—

''(i) means—

''(I) the commercial catching, taking, or harvesting of menhaden, except when incidental to harvesting that occurs in the course of commercial or recreational fish-catching activities directed at a species other than menhaden;

''(II) the attempted commercial catching, taking, or harvesting of menhaden; or

''(III) any operation at sea in support of, or in preparation for, any activity described in subclause (I) or (II); and

''(ii) does not include any scientific research authorized by the Federal Government or by any State Government.

''(2) STUDY.—Not later than 5 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, building on the research underway or conducted under the oversight of the National Oceanic and Atmospheric Administration, the Administrator, in cooperation and consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Fisheries Commission, shall conduct and submit to Congress a study for the purposes of determining—

''(A) progress toward understanding the structure of the menhaden population of the Atlantic Coast of the United States and of the Chesapeake Bay;

''(B) the role of the population as filter feeders, including the role of the population with respect to impacting water clarity, dissolved oxygen levels, and other ecosystem functions;

''(C) the role of the population as prey species for predatory fish in the Chesapeake Bay and in coastal ecosystems;

''(D) the impact on the Atlantic coastal and Chesapeake Bay ecosystems of fishing for menhaden;

''(E) the impact on attainment of the water quality goals of this Act of commercial fishing for menhaden; and

''(F) the recommendations of the Administrator, if any, for future sustainable management of such fishing and additional research needed to fully address the progress, roles, and impacts described in this paragraph.

''(o) EFFECT ON OTHER REQUIREMENTS.—

''(1) IN GENERAL.—Nothing in this section removes or otherwise affects any other obligation for a point source to comply with other applicable requirements under this Act.

''(2) VIOLATIONS BY STATES.—The failure of a State to submit a watershed implementation plan or biennial report, or to correct a previously missed 2-year commitment made in a watershed implementation plan, by the applicable deadline established under this section shall—

''(A) constitute a violation of this Act; and

''(B) subject the State to—

''(i) enforcement action by the Administrator; and

''(ii) civil actions commenced pursuant to section 505.

''(3) FAILURE OF ADMINISTRATOR TO ACT.—The failure of the Administrator to act under this section shall subject the Administrator to civil actions commenced pursuant to section 505.

''(p) EVALUATION BY THE INSPECTOR GENERAL.—The Inspector General of the Environmental Protection Agency shall evaluate the implementation of this section on a periodic basis of not less than once every 3 years.

''(q) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IMPLEMENTATION AND MONITORING GRANTS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated or otherwise made available to carry out this section, there are authorized to be appropriated to the Administrator—

''(i) to provide implementation grants under subsection (e)(3)(A), $80,000,000 for each of fiscal years 2010 through 2015, to remain available until expended;

''(ii) to carry out a freshwater monitoring program under subsection (e)(3)(B), $5,000,000 for each of fiscal years 2010 through 2015; and

''(iii) to carry out a Chesapeake Bay and tidal water monitoring program under subsection (e)(3)(B), $5,000,000 for each of fiscal years 2010 through 2015.

''(B) COST SHARING.—The Federal share of the cost of a program carried out using funds from a grant provided—

''(i) under subparagraph (A)(i) shall not exceed 50 percent; and

''(ii) under clause (ii) or (iii) of subparagraph (A) shall not exceed 80 percent.

''(2) CHESAPEAKE STEWARDSHIP GRANTS.—There is authorized to be appropriated to carry out subsection (h)(2) $15,000,000 for each of fiscal years 2010 through 2014.

''(3) STORM WATER POLLUTION PLANNING AND IMPLEMENTATION GRANTS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized or otherwise made available to carry out this section, there are authorized to be appropriated to the Administrator—

''(i) to carry out subsection (k)(8)(B)(i), $10,000,000; and

''(ii) to carry out subsection (k)(8)(B)(ii), $1,500,000,000.

''(B) COST-SHARING.—A grant provided for a project under—

''(i) subsection (k)(8)(B)(i) may not be used to cover more than 80 percent of the cost of the project; and

''(ii) subsection (k)(8)(B)(ii) may not be used to cover more than 75 percent of the cost of the project.

''(4) NUTRIA ERADICATION GRANTS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary of the Interior to provide financial assistance in the Chesapeake Bay watershed under subsection (m) $4,000,000 for each of fiscal years 2010 through 2015.

''(B) COST-SHARING.—

''(i) FEDERAL SHARE.—The Federal share of the cost of carrying out the program under subsection (m) may not exceed 75 percent of the total costs of the program.

''(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of carrying out the program under subsection (m) may be provided in the form of in-kind contributions of materials or services.

''(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the annual amount of any grant provided by the Administrator or Secretary under any program described in paragraph (1), (2), (3), or (4) may be used for administrative expenses.

''(6) AVAILABILITY.—Amounts authorized to be appropriated under this subsection shall remain available until expended.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2694. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table.

SA 2695. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2694. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—MEDICAL CARE ACCESS PROTECTION

SEC. _1. SHORT TITLE.

This title may be cited as the ''Medical Care Access Protection Act of 2009'' or the ''MCAP Act''.

SEC. _2. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(8) HEALTH CARE INSTITUTION.—The term ''health care institution'' means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) HEALTH CARE PROVIDER.—

(A) IN GENERAL.—The term ''health care provider'' means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.—For purposes of this title, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider or health care

institution. Punitive damages are neither economic nor noneconomic damages.

(16) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. _3. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

(a) IN GENERAL.—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) GENERAL EXCEPTION.—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) MINORS.—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) RULE 11 SANCTIONS.—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability action to which this title applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys' fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

SEC. _4. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—

(1) HEALTH CARE PROVIDERS.—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) HEALTH CARE INSTITUTIONS.—

(A) SINGLE INSTITUTION.—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) MULTIPLE INSTITUTIONS.—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed $500,000.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. _5. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—

(1) IN GENERAL.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) CONTINGENCY FEES.—

(A) IN GENERAL.—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) LIMITATION.—The total of all contingent fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) 40 percent of the first $50,000 recovered by the claimant(s).

(ii) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(iii) 25 percent of the next $500,000 recovered by the claimant(s).

(iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—

(1) IN GENERAL.—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) MINORS.—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) EXPERT WITNESSES.—

(1) REQUIREMENT.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) PHYSICIAN REVIEW.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) SPECIALTIES AND SUBSPECIALTIES.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) LIMITATION.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. _6. ADDITIONAL HEALTH BENEFITS.

(a) IN GENERAL.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) PRESERVATION OF CURRENT LAW.—Where a payor of collateral source benefits has a right of recovery by reimbursement or

subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. __7. PUNITIVE DAMAGES.

(a) PUNITIVE DAMAGES PERMITTED.—

(1) IN GENERAL.—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) FILING OF LAWSUIT.—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) SEPARATE PROCEEDING.—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or $250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) LIABILITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) MEDICAL PRODUCT.—The term ''medical product'' means a drug or device intended for humans. The terms ''drug'' and ''device'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

SEC. __8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. __9. EFFECT ON OTHER LAWS.

(a) GENERAL VACCINE INJURY.—

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) SMALLPOX VACCINE INJURY.—

(1) IN GENERAL.—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such part C shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(c) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. __10. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) PREEMPTION OF CERTAIN STATE LAWS.—No provision of this title shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this title) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section ___5(a).

(c) PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.—

(1) IN GENERAL.—Any issue that is not governed by a provision of law established by or under this title (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this title;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this title;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

SEC. __11. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SA 2695. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 9, insert the following:

TITLE II—EMPLOYMENT ELIGIBILITY VERIFICATION

SEC. 201. REPEAL OF TERMINATION OF THE E-VERIFY PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''Unless'' and all that follows.

SEC. 202. DESIGNATION OF THE E-VERIFY PROGRAM.

(a) DESIGNATION.—Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking ''basic pilot program'' each place that term appears and inserting ''E-Verify Program''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) in the heading of section 403(a) by striking ''BASIC PILOT'' and inserting ''E-VERIFY''; and

(2) in section 404(h)(1) by striking ''under a pilot program'' and inserting ''under this subtitle''.

SEC. 203. REQUIREMENT FOR RECIPIENTS OF UNEMPLOYMENT COMPENSATION BENEFITS TO PARTICIPATE IN THE E-VERIFY PROGRAM.

(a) IN GENERAL.—No individual may receive unemployment compensation benefits under any State or Federal law until after the date that the individual's identity and employment eligibility are verified through E-Verify Program (as designated by section 202) under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(b) EFFECTIVE DATE.—The requirements of subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 204. REQUIREMENT FOR CONTRACTORS TO PARTICIPATE IN THE E-VERIFY PROGRAM.

The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the E-Verify Program (as designated by section 202) under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–209; 8 U.S.C. 1324a note) to verify the identity and employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States the under such contract.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 22, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting pending committee issues, to be followed immediately by an oversight hearing on Indian Energy and Energy Efficiency.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 20, 2009, at 9:30 a.m. to conduct a hearing entitled ''The State of the Nation's Housing Market.''

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

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 20, 2009, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''S. 1631, the Customs Facilitation and Trade Enforcement Act of 2009.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 20, 2009, at 2:30 p.m.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on October 20, 2009, at 10:30 a.m. to conduct a hearing entitled ''Reform Done Right: Sensible Health Care Solutions for America's Small Businesses.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 20, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on October 20, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Medical Debt: Can Bankruptcy Reform Facilitate a Fresh Start?'' The witness list is attached.

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

PRIVILEGES OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Arex Avanni, a detailee to the Committee on Appropriations, be given full privileges during debate on H.R. 2892 today.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I now ask unanimous consent that on Wednesday morning, October 21, following the period of morning business, the Senate proceed to executive session to consider Calendar No. 469, the nomination of Roberto Lange to be U.S. District Judge for the District of South Dakota; that debate on the nomination be limited to 2 hours equally divided and controlled between Senators LEAHY and SESSIONS or their designees, with the vote on confirmation occurring at 2 p.m.; that upon confirmation, the motion to reconsider be considered made and laid on the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1818.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1818) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1818) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1818

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 ''Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009''.

SEC. 2. SHORT TITLE.

Section 1 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 note; Public Law 102–259) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Morris K. Udall and Stewart L. Udall Foundation Act'.''.

SEC. 3. FINDINGS.

Section 3 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the Foundation—

''(A) since 1995, has operated exceptional scholarship, internship, and fellowship programs for areas of study related to the environment and Native American tribal policy and health care;

''(B) since 1999, has provided valuable environmental conflict resolution services and leadership through the United States Institute for Environmental Conflict Resolution; and

''(C) is committed to continue making a substantial contribution toward public policy in the future by—

''(i) playing a significant role in developing the next generation of environmental and Native American leaders; and

''(ii) working with current leaders to improve decisionmaking on—

''(I) challenging environmental, energy, and related economic problems; and

''(II) tribal governance and economic issues;

''(6) Stewart L. Udall, as a member of Congress, Secretary of the Interior, environmental lawyer, and author, has provided distinguished national leadership in environmental and Native American policy for more than 50 years;

''(7) as Secretary of the Interior from 1961 to 1969, Stewart L. Udall oversaw the creation of 4 national parks, 6 national monuments, 8 national seashores and lakeshores, 9 recreation areas, 20 historic sites, and 56 wildlife refuges; and

''(8) it is fitting that the leadership and vision of Stewart L. Udall in the areas of environmental and Native American policy be jointly honored with that of Morris K. Udall through the foundation bearing the Udall name.''.

SEC. 4. DEFINITIONS.

Section 4 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5602) is amended—

(1) in paragraph (1), by striking ''Morris K. Udall Scholarship and Excellence in National Environmental Policy'';

(2) in paragraph (5), by striking ''Scholarship and Excellence in National Environmental Policy'' and inserting ''and Stewart L. Udall''; and

(3) in paragraph (9), by striking ''Scholarship and Excellence in National Environmental Policy'' and inserting ''and Stewart L. Udall''.

SEC. 5. ESTABLISHMENT OF FOUNDATION.

Section 5 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5603) is amended—

(1) in the section heading, by striking ''**SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY**'' and inserting ''**AND STEWART L. UDALL**'';

(2) in subsection (a), by striking ''Scholarship and Excellence in National Environmental Policy'' and inserting ''and Stewart L. Udall''; and

(3) in subsection (f)(2), by striking ''the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5, United States Code'' and inserting ''a rate determined by the Board in accordance with section 5383 of title 5, United States Code''.

SEC. 6. AUTHORITY OF FOUNDATION.

Section 7 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) to conduct training, research, and other activities under section 6(7).''; and

(2) by striking subsection (b) and inserting the following:

''(b) UDALL SCHOLARS.—Recipients of scholarships, fellowships, and internships under this Act shall be known as 'Udall Scholars', 'Udall Fellows', and 'Udall Interns', respectively.''.

SEC. 7. ESTABLISHMENT OF TRUST FUND.

Section 8 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5606) is amended—

(1) in the section heading, by striking ''**SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY**'' and inserting ''**AND STEWART L. UDALL**''; and

(2) in subsection (a), by striking ''Scholarship and Excellence in National Environmental Policy'' and inserting ''and Stewart L. Udall''.

SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.

Section 9(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607(a)) is amended by inserting before the period at the end the following: '', including a reasonable amount for official reception and representation expenses, as determined by the Board, not to exceed $5,000 for a fiscal year''.

SEC. 9. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER ENTITY.

Section 11 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607b) is amended by adding at the end the following:

''(f) AGENCY MANAGEMENT OR CONTROL.—Use of the Foundation or Institute to provide independent and impartial assessment, mediation, or other dispute or conflict resolution under this section shall not be considered to be the establishment or use of an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 10. ADMINISTRATIVE PROVISIONS.

Section 12(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5608(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) appoint such personnel as may be necessary to carry out the provisions of this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

''(B) fix the compensation of the personnel appointed under subparagraph (A) at a rate not to exceed the maximum rate for employees in grade GS–15 of the General Schedule under section 5332 of title 5, United States Code, except that up to 4 employees (in addition to the Executive Director under section 5(f)(2)) may be paid at a rate determined by the Board in accordance with section 5383 of that title.'';

(2) in paragraph (6), by striking ''and'' at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

''(7) to rent office space in the District of Columbia or its environs; and''.

APPOINTMENTS

The ACTING PRESIDENT pro tempore. The Chair announces, on behalf of the President pro tempore, pursuant to P.L. 110–315, the appointment of the following to be members of the National Advisory Committee on Institutional Quality and Integrity: Daniel Klaich of Nevada, Cameron Staples of Connecticut, and Larry Vanderhoef of California.

ORDERS FOR WEDNESDAY, OCTOBER 21, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, October 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 2 hours, with Senators permitted to speak for up to 10 minutes each, with the time divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session as provided for under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should expect two rollcall votes tomorrow at around 2 p.m. The first vote will be on the confirmation of Roberto Lange to be a U.S. district judge for the District of South Dakota. We anticipate setting up a second vote which would be on the motion to invoke cloture on the motion to proceed to S. 1776, the Medicare Physicians Fairness Act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. 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 7:38 p.m., adjourned until Wednesday, October 21, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. KEITH B. ALEXANDER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN T. BLAKE

EXTENSIONS OF REMARKS

HONORING THE 56TH BRIGADE COMBAT TEAM OF THE PENNSYLVANIA ARMY NATIONAL GUARD

SPEECH OF

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. GERLACH. Mr. Speaker, I rise today in support of H. Res. 754, a resolution honoring the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq.

The 56th Stryker Brigade is composed of approximately 4,000 citizen-soldiers from throughout the Commonwealth of Pennsylvania. These servicemembers come from various communities, including several communities in the 6th Congressional District.

The Brigade has previously served our country honorably, mobilizing and deploying to Kosovo in 2003. On September 19, 2008 the 56th Stryker Brigade was mobilized a second time, deploying to Iraq on January 15, 2009. The Brigade arrived in Iraq in late January 2009 and accepted responsibility of a roughly 800-square-mile area north of Baghdad from the 2nd Stryker Brigade Combat Team, 25th Infantry Division.

During their deployment in Iraq, the 56th Striker Brigade played a critical role in support of military operations in Iraq. Brigade Soldiers performed over 800 combined operations with Iraqi security forces, capturing seven brigade level high value targets and 80 additional targets, including the capture of more than 80 enemy weapon caches.

The Soldiers of the Independence Brigade served side by side with Iraqi soldiers to ensure security. The 56th Stryker Brigade is credited with making $22 million worth of reconstruction improvements in coordination with an embedded U.S. provincial reconstruction team. Following their one year of exceptional service, the Brigade returned to the United States and demobilized in September 2009.

Mr. Speaker, I ask that my colleagues join me today in honoring the brave men and women of the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard. May their service be an inspiration to us all.

A PROCLAMATION HONORING THE TUSCARAWAS COUNTY COUNCIL FOR CHURCH AND COMMUNITY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SPACE. Madam Speaker:

Whereas, Tuscarawas County Council for Church and Community has been faithfully serving the community of Tuscarawas County since 1966; and

Whereas, the Tuscarawas County Council for Church and Community has participated in ''Character Counts! Week,'' a character building program meant to instill essential character values in children from October 18–24, 2009; and

Whereas, the ''Character Counts!'' program promotes trustworthiness, respect, responsibility, fairness, caring, and citizenship in young people; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Tuscarawas County Council for Church and Community on their commitment to citizenship and respect for themselves and one another. I also commend those involved in the program for their dedication to the youth of our community and preparing them for lives of thoughtfulness, respect, and civic responsibility.

THE PINEY WOODS SCHOOL CENTENNIAL CELEBRATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. HARPER. Madam Speaker, one hundred years ago deep in the Mississippi woods, Dr. Laurence Jones agreed to teach a half-grown, barefoot boy to read. The next day, the young boy not only arrived eagerly for his second lesson, but was accompanied by two of his friends. Dr. Jones welcomed the newcomers and began the lesson by singing the well known doxology, Praise God, from Whom All Blessings Flow. Thus, The Piney Woods School legacy was born.

Dr. Laurence Jones did not stop simply with teaching a few boys while using a fallen log for a desk, but he also eventually built a modest facility in rural Rankin County, Mississippi to provide underprivileged black students with a ''head, heart and hands'' education.

News of the developing black school angered many local Ku Klux Klan members. After capturing Dr. Jones and forcing him to give a final speech, the members of the Klan released ''The Little Professor'' after he expressively compelled them by stating, ''There is not a man standing here who wants to go to his God with the blood of an innocent man on his hands.''

Founded in 1909 in a corn shed and, today The Piney Woods School is a nondenominational, Christian-oriented school that has grown into what U.S. News & World Report has named one of the finest boarding schools in the country. As the flagship of the four remaining historically African-American boarding schools in the United States, The Piney Woods School provides an academic core of mathematics, history, science, English and social studies to black high school students on a campus covering 2,000 acres. The beautiful Rankin County campus is comprised of lakes, farmland and towering pine trees, which creates an educational experience far beyond the classroom.

Comprised of nearly 230 students in grades 9 through 12 from over 20 states, Mexico, the Caribbean and several African nations, all of the students attend on a scholarship, and at all times at least 60% of the student body come from a low socio-economic background. Additionally, to help defray the cost of tuition, each student is responsible for working 10 hours a week.

The Piney Woods School has continued to rely on individual, foundation and corporate support for funding in addition to assistance from religious institutions. Building on the basis of this support, the school has established a goal of at least 1,000 churches, synagogues and other religious institutions contributing $1,000 a year. Among prominent figures that have advocated for the school over the years, are actor Morgan Freeman, television personality Oprah Winfrey, author Bebe Moore Campbell and famed American cartoonist, the late Charles Schultz.

On behalf of this body, I would like to congratulate The Piney Woods School as they celebrate one hundred years of ''changing America, and the world, one student at a time.'' Britton Smith, a young African American intern who serves today in my Washington office and who is a graduate of Piney Woods, is a genuine example that the legacy of Dr. Jones and his wife, Grace, still pulsates through the campus, attracting Christian students eager for an opportunity to grow and to be successful.

CONGRATULATING RICHARD L. BOALS FOR RECEIVING THE ANTI-DEFAMATION LEAGUE'S TORCH OF LIBERTY AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Mr. Richard L. Boals, who has been selected to receive the Anti-Defamation League's Jerry J. Wisotsky Torch of Liberty Award. The ADL is a national nonprofit organization committed to combating all forms of prejudice and discrimination, as well as defending democratic ideals and protecting civil liberties for all. The Jerry J. Wisotsky Torch of Liberty Award recognizes outstanding leaders who have demonstrated a serious commitment to the social, economic, cultural, and environmental well-being of their communities.

Mr. Boals is an exceptional community leader who epitomizes the ideals of the Torch of Liberty Award. As president and chief executive officer of Blue Cross Blue Shield of Arizona, Mr. Boals is in charge of the state's leading health insurer. His long history of service to his community includes serving on the

board of directors for Greater Phoenix Leadership, the Translational Genomics Research Institute, the Arthritis Foundation Greater Southwest Chapter, the Arizona State University (ASU) W.P. Carey School of Business Center for Services Leadership, the ASU President's Club, and the ASU Dean's Council of 100. Mr. Boals is also co-chair of the Phoenix Police Reserve Foundation board of directors and is currently working with the Salvation Army as their Capital Campaign Committee Chairman. In addition, Mr. Boals has served in the past as chairman of the Greater Phoenix Chamber of Commerce, the Arthritis Foundation Greater Southwest Chapter, the Arizona Quality Alliance, the Arizona Affordable Health Care Foundation, and Teach for America.

Through his contributions to his community, Mr. Boals also serves as a great role model to all of us. Again, I congratulate Richard Boals on this award, and I thank him for everything he has done for his fellow community members.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following earmark disclosure information regarding project funding I had requested and which was not originally included in the House reported version, but which was included within the Conference Report to accompany H.R. 2892. To the best of my knowledge, funding for this project: (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds. I further certify that neither my spouse, nor I, have any personal financial interests in this request.

Project Title: Distributed Environment for Critical Infrastructure Decision-making Exercises (DECIDE)

Amount: $3 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2892

Account: DHS Science & Technology –

Address of Requesting Entity: Utah State University

Location: Old Main Hill, Logan, Utah 84322–1400.

Matching Funds: Not applicable

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding is needed to continue efforts begun last year to develop digital and informational technology tools to help private financial institutions and other private sector institutions vital to the U.S. economy to coordinate defenses against increasingly sophisticated and growing cyber attack threats that, if not defended against, could have devastating implications for our economy as well as homeland security interests. Utah State University is a participant in a consortium of higher educational research institutions called the ''Cyber Conflict Research Consortium (CCRC) which also includes Miami University (Ohio); Norwich University Applied Research Institutes; Potomac Institute for Policy Studies; and the University of Nevada Reno.

HONORING THE MEMORY OF FALLEN U.S. MILITARY HEROES, THE SACRIFICE OF THEIR FAMILIES, AND THE WORK OF THE SNOWBALL EXPRESS ORGANIZATION

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. HENSARLING. Madam Speaker, today I honor the memory of our fallen military heroes, recognize the sacrifice of their families and laud the excellent work of the Snowball Express Organization and its many partners, sponsors and volunteers.

Freedom is not free—it comes at an incredible cost. Throughout our nation's history, whenever our country is attacked or when the enemies of freedom threaten peace in our world, American men and women in uniform, from all backgrounds and all walks of life, have answered the call to defend our nation. From the American Revolution to Operation Iraqi Freedom, many of America's best and brightest have paid the price of our freedom with their lives.

The families of these brave men and women also make tremendous sacrifices. Military families play a vital support role to our troops in harm's way and are left to carry on life without their wife, husband, mother, father, brother or sister. As much as we remember the men and women who lay down their life to protect us, we should also remember and support their families and the incredible sacrifice they make on a daily basis, as they seek to continue on with their life, remembering and honoring their departed loved one. My son and daughter live in a better, more free and more secure America because of the sacrifices of these families and their heroes.

Snowball Express was founded with the goal of providing ''hope and new memories to the children of our fallen military heroes who died while on active duty since September 11, 2001.'' I can only imagine how hard it must be to carry on with holidays, birthdays and normal life with your loved one missing. The outstanding staff, partners, sponsors and volunteers at Snowball Express are committed to providing rays of sunshine for children whose worlds have been rocked by incredible loss and they are to be commended.

As Ronald Reagan said, ''We will always remember. We will always be proud. We will always be prepared, so we may always be free.'' Madam Speaker, on behalf of the Fifth District of Texas, I am humbled and honored to recognize our nation's heroes, their families and Snowball Express.

A TRIBUTE TO THE REVEREND DR. CHERYL G. ANTHONY

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of The Reverend Doctor Cheryl G. Anthony, a visionary leader and inspiration to all.

Reverend Doctor Anthony is an anointed Woman of God. She holds a Master's degree in Theology and Religious Education, as well as a Doctoral degree in Sacred Theology. She is an alumnus of Harvard University Divinity School Leadership Institute. She is also a graduate of Cornell University's Family Development Institute, and a certified trainer providing specialized services to underserved populations throughout New York City. The Doctor Anthony realizes that all of her accomplishments have been made possible by the Almighty Father.

Not only an artisan and visionary, Dr. Anthony is the Founder, CEO and Pastor of the renowned and awarded JUDAH International Christian Center, Inc. (JUDAH), in Brooklyn, New York. A twenty-five year veteran committed to community and human development, Dr. Anthony and JUDAH have been recognized nationally by former President Bill Clinton as well as former President George W. Bush as a progressive and cutting-edge leader and outstanding organization in the faith-based community, addressing holistic faith-based development and empowerment.

Dr. Anthony's stellar leadership includes holding the exclusive distinction as the first and only woman elected as chairperson of the Board of the Central Brooklyn Churches, Inc. Her passion for addressing the needs of women and girls has led her to establish and organize the ''Women of Faith Advocating Change (WFAC)'' partnership comprised of clergy, elected officials and community leaders in Brooklyn. WFAC's mission is to provide clergy-led leadership in developing faith strategies to combat health disparities for African American women and girls. She is vice president of the Labor-Religion Coalition of New York State; past chair of the Bedford-Stuyvesant/Crown Heights HIV Care Network steering committee and member of the Board of Directors of the Fordham University Bertram M. Beck Institute on Religion and Poverty. She is the creative force behind the award winning ''Wholistic Approach to Community Wellness Program'' (WACW), a national faith-based best practice model, which assists religious leaders, government representatives and community stakeholders grappling with social challenges. Dr. Anthony possesses the unique ability to gracefully and skillfully blend professional ethics, business acumen, social and cultural activism in order to proclaim a living Gospel.

Madam Speaker, I urge my colleagues to join me in recognizing The Reverend Doctor Cheryl G. Anthony, a woman called into the Kingdom to serve her generation through the power of God.

CONFERENCE REPORT ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. LOEBSACK. Madam Speaker, in 2008, the State of Iowa experienced the worst natural disaster in our state's history which left 85

of 99 total counties presidentially declared disaster areas. This flooding particularly devastated the City of Cedar Rapids. In addition to having nearly all of their critical government and public facilities damaged, the flooding also severely damaged the city's main public library.

The Cedar Rapids Library was an 83,961 square foot facility, owned by the city which also housed city staff. The main Library contained 150,000 volumes in the Adult Collection and 100,000 volumes in the Children's Collections, all of which are currently displaced.

After two appeals from the city, FEMA continues to state that the city's library is not eligible for temporary relocation assistance despite the fact that the Stafford Act provides for ''provision of temporary facilities for schools and other essential community services.'' The Stafford Act also includes libraries in the definition of private nonprofit facilities and states that they provide essential services of a governmental nature to the general public.

As a former educator myself, I know the critical role libraries play in education. Since the floods of 2008, I have also seen the essential public services they provide to nearly all aspects of severely damaged communities.

In fact, FEMA itself directs disaster victims to their local library to use the internet to apply for federal disaster assistance. Public libraries also allow citizens to look for jobs, or seek other support services needed in the aftermath of disasters such as the flooding in Iowa. Libraries have certainly evolved to become more than collections of books and periodicals.

In modern-day communities, they are a vital communication hub, providing access to computers and the internet for individuals that may not be able to afford their own, and in a disaster, to those whose own property was damaged or destroyed. Further, the library is a partner with our school systems, providing research materials to students and supporting class instructional programs.

Many libraries also become a disaster recovery center for their community, and a point of distribution for meals and supplies needed during a disaster.

I urge FEMA to reconsider their internal policies and reexamine how libraries are defined in the Stafford Act in order to assist not only the Cedar Rapids Library, but other libraries that may be damaged and displaced by natural disasters in the future.

TRIBUTE TO DR. EUGENE C. GED

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of an outstanding American, Dr. Eugene C. Ged, who was recognized by the St. Joseph's Regional Medical Center Foundation with the 2009 William F. Johnson Award for his decades of service to his community.

Eugene was born in St. Joseph's Hospital, Paterson, and has spent the majority of his life in the city and its surrounding areas. He attended grammar school at St. George's, and went on to high school at St. John's. He received his undergraduate degree at the University of Pennsylvania and then earned his medical degree from Georgetown University School of Medicine. He served his internship and residency at St. Vincent's and a fellowship in cardiology at St. Michael's Medical Center. Soon, he was back to serve his hometown and the surrounding communities, joining St. Joseph's Hospital and Medical Center as an attending physician in cardiology. He also practiced at North Jersey Internal Medicine Associates.

Dr. Ged has worked hard to stay at the forefront of new practices in his field, and to help St. Joseph's to do the same. He performed the first-ever angiogram at St. Joseph's. He has served as a respected member, and later as vice president, of the medical board.

After his retirement from private practice, Dr. Ged sought to continue to give back to the Paterson community, his patients and his colleagues. Working with the late Don Alois, Dr. Ged spearheaded the creation of a non-profit entity for the hospital so that funds could be raised for crucial programs and facilities. In 1982, he worked with the other founding members to create the St. Joseph's Foundation, of which he would later serve as president. He was also the founder of the annual Charity Ball. Thirty-three years ago, the Charity Ball was held at Westmount Country Club and raised $50,000. Now, the Charity Ball is still the most important benefit for St. Joseph's and raises more than one million dollars annually.

After his retirement from practicing medicine, Dr. Ged joined his brother George at Travel Forum, Inc., a full service travel business located in Totowa, New Jersey. He has since retired from the company. He now resides in Wyckoff, New Jersey and Naples, Florida with his wife, Erika. They have seven children and nine grandchildren.

The job of a United States congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated community servants like Dr. Eugene Ged.

Madam Speaker, I ask that you join our colleagues, everyone involved in the St. Joseph's Foundation, Eugene's family and friends and me in recognizing Dr. Eugene C. Ged's outstanding service to his community.

THE FISA AMENDMENTS ACT OF 2009 SECTION-BY-SECTION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, the FISA Amendments Act of 2009 would amend FISA to protect the constitutional rights of Americans while ensuring that the government has the powers it needs to fight terrorism and collect intelligence.

SECTION 1—SHORT TITLE

This Act may be cited as the FISA Amendments Act of 2009.

SECTION 2—TELECOMMUNICATIONS IMMUNITY

The bill would repeal the retroactive immunity provision in the FISA Amendments Act, leaving it to the courts to determine whether any telephone companies that complied with the illegal warrantless wiretapping program acted properly under the laws in effect at the time and therefore deserve immunity. It would retain limitations on liability for acting in compliance with FISA, the criminal surveillance laws, the Protect America Act and the FISA Amendments Act.

SECTION 3—BULK COLLECTION

The bill retains the new authorities provided in the FISA Amendments Act but builds in additional safeguards to protect the rights of innocent Americans. The bill would prevent the government from using the warrantless collection authorities of the FISA Amendments Act to conduct ''bulk collection,'' which could include the collection of the contents of all communications between the United States and the rest of the world. It would do so by requiring that the government have some foreign intelligence interest in the overseas party to the communications it is collecting. Bulk collection raises serious constitutional questions, and it could permit data mining of massive quantities of communications of Americans.

SECTION 4—REVERSE TARGETING

The bill would place additional limits on the warrantless collection authorities of the FISA Amendments Act to ensure that they are not used as a pretext when the government's real goal is to target the Americans with whom the ostensible foreign target is communicating. It would require a FISA Court order if the government is wiretapping a person overseas but ''a significant purpose'' of the surveillance is to collect the communications of the person in the United States with whom the person overseas is communicating.

SECTION 5—USE OF UNLAWFULLY OBTAINED INFORMATION

The bill would limit the government's use of information about U.S. persons that is obtained under FISA Amendments Act procedures that the FISA Court later determines to be unlawful, while still giving the FISA Court flexibility to allow such information to be used in appropriate cases. This provides a basic incentive for the government to target foreign agents overseas rather than innocent Americans here in the United States. It is similar to the existing law that limits the use of information collected pursuant to FISA's emergency authority if the FISA Court determines after the fact that the FISA standard was not met.

SECTION 6—PROTECTIONS FOR INTERNATIONAL COMMUNICATIONS OF AMERICANS

The bill would permit unfettered acquisition of foreign-to-foreign communications and of communications of suspected terrorists into or out of the United States, while creating safeguards for communications not related to terrorism that the government knows have one end in the United States. Specifically:

When the government knows in advance that a foreign target is communicating with someone in the United States, it can acquire that communication if it involves terrorism, if someone's safety is at stake, or with a court order.

When the government does not know in advance with whom a foreign target is communicating, it can acquire all of that target's communications, without individualized court review. If the government later realizes that it has acquired a communication with one end in the U.S., it must segregate that communication in a separate database. It can then access, analyze and disseminate that communication if the communication involves terrorism, if someone's safety is at stake, or if the government has obtained a court order.

HONORING PAUL WILEY OF TAYLOR MILL, KENTUCKY

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor Mr. Paul Wiley of Taylor Mill, Kentucky. Mr. Wiley is a former U.S. Army aviator who now dedicates his time to organizing programs and events to benefit active-duty service members, veterans, and their families.

In 2007, Mr. Wiley joined forces with the Moose Riders Club of Moose Lodge #1469 in Covington to raise funds for the A/101 Aviation Association Memorial Scholarship Fund. With support from local military units and the Sikorsky Helicopter company, their first fundraiser raised more than $16,000 for the scholarship fund.

Mr. Wiley and the Moose Riders also sponsor the members of the 4th Battalion, 101st Aviation Regiment, 101st Airborne Division, a unit that deployed to Afghanistan in 2008. Over the summer, Mr. Wiley and his friends worked with residents and local businesses throughout Northern Kentucky and the Cincinnati area to help the soldiers have a little extra fun with their families while home on their 2-week furlough from Afghanistan. Through fundraisers and generous donations, Mr. Wiley's initiative ensured six soldiers and their families enjoyed a ''mini-vacation'' complete with donated hotel rooms, dinners, and tickets to amusement parks and museums.

Currently, Mr. Wiley is busy spearheading plans for a January welcome home celebration to mark the return of the unit from Afghanistan.

Madam Speaker, I ask my colleagues to join me in applauding Mr. Paul Wiley, the members of Moose Riders Club, and all the people in the Northern Kentucky region who have contributed to this local effort to support service members, veterans, and their families.

HONORING ROBERT ZWEIMAN, JEWISH WAR VETERAN

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. ADLER of New Jersey. Madam Speaker, I am pleased to have this opportunity to express my gratitude to Mr. Zweiman for his dedicated and tireless service to the Jewish War Veterans of the United States of America.

Mr. Zweiman selflessly and bravely served this country in the Philippines during World War II. Upon returning home, he took advantage of the Montgomery G.I. Bill and received a bachelor's degree and juris doctorate from New York University. With this educational foundation, Mr. Zweiman became an exceptional attorney-at-law, specializing in corporate and family law.

Even with his busy professional life, Mr. Zweiman always found the time to contribute his time and talents to the Jewish War Veterans of the United States of America (JWV). He began with the organization as editor of his local JWV Post Newsletter and currently serves as a member of the JWV Policy Committee as well as a member of the organization's Executive Committee. Mr. Zweiman has made numerous contributions throughout his prestigious 61-year career with the JWV, including developing the JWV's Allied Veterans Mission to Israel program, creating and developing a direct mail program to provide funding for JWV programs, and designing and coordinating renovations of the Jewish War Veterans Museum in Washington, D.C.

Mr. Zweiman's continued exemplary service to this nation is rightfully honored today. Thank you for all you have done and God bless the United States of America.

A TRIBUTE TO DEACON WILLIAM DEWALT

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Deacon William Dewalt.

Deacon William Dewalt was born in Galveston, Texas in 1930. He attended Dixon High School in Shepherd, Texas, where he played basketball. During his school days, he was voted ''All-Around Boy'' by his fellow basketball teammates. While in high school, he met Gloria Jean Mitchell, who later became his wife, and together they had seven children.

After school, William joined the United States Army and served for two years. He was stationed in Korea. William and Gloria settled in New York City in the mid 1950s. He secured employment with the United States Postal Service as a Letter Carrier. After thirty years of service, he retired in 1989.

In 1954, Deacon Dewalt joined the Union Baptist Church under the leadership of Rev. Dr. Aaron A. Wood and was ordained to the Deacon Ministry. He has served in this capacity for more than 50 years.

Deacon William Dewalt is a man of few words, however, when he gives his word one can truly count on him. One might say that he held on to his title given so many years ago by his teammates—''All-Around Boy'', and became an ''All-Around Man''. He believes in helping in anyway that he can and he helps without thinking twice.

Madam Speaker, I urge my colleagues to join me in recognizing Deacon William Dewalt, a faithful servant and ''All-Around Man''.

HONORING THE SERVICE OF THE GEM STATE YOUNG MARINES

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. MINNICK. Madam Speaker, I would like to recognize and honor an extraordinary youth education program that serves boys and girls in Idaho. The Gem State Young Marines is celebrating its 50th anniversary and Red Ribbon Week on October 17, 2009.

This program serves youths from the age of 8 through high school in the Treasure Valley. It encourages young people to find strength within themselves by learning life-changing skills. Important talents such as determination, discipline, strength and integrity are all taught through a variety of team building events and activities.

The Young Marines focus on community service, specifically reducing drug use in teens and young adults. The group strives to instill the core values of honor, courage and commitment, adopted by the Marine Corps, to each of their members. Each young marine is required to complete a minimum of 50 hours of community service each year to qualify for the Young Marine Community Service Ribbon. The Young Marines focus on character building through a combination of self-discipline, teamwork and leadership, as well as promoting a healthy, drug free lifestyle. Helping people in their formative years reduce the abuse of alcohol, tobacco, and drugs deserves our sincere admiration and respect.

It is important that we recognize the service of groups such as the Gem State Young Marines. The Gem State Young Marines should be extremely proud of all the work they have done for communities in Idaho. I applaud this group and their members for their efforts, their actions show that Americans of all ages can—and do—make a profound difference in communities across the country.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. MEEK of Florida. Madam Speaker, I rise today to recognize the month of October as National Domestic Violence Awareness Month. Domestic violence, a widespread tragedy that indiscriminately affects families of all races and classes, is a serious crime that has no social barriers. From our own family members to medical professionals to educators to law enforcement officers to community/clergy leaders—we must all work together to ensure that we are trained to recognize the signs and symptoms of domestic violence and, in turn, prevent the crime from continuing throughout our communities.

I have seen firsthand the impact this issue has on individuals in urban and rural areas alike. Domestic violence crosses economic lines, geographic lines and ethnic lines. In 2008, Miami-Dade and Broward County had a total of 18,312 reported domestic violence cases varying from offenses such as aggravated assault to stalking to forcible rape. With so many of these unsettling offenses taking place in my District, I will continue to ensure that significant progress is being made on this issue during my tenure in Congress. It is vital that we direct attention to domestic violence and assure that there are available resources to assist victims and families in recovering from these abuses. We must combat this continuous plague that wreaks havoc on our increasingly-stressed health care network, our over-flowing criminal justice system, and our day-to-day life within our communities.

Florida's county and jurisdictional domestic violence offenses in 2008 totaled an unfortunate 113,123 cases. National Domestic Violence Awareness Month should remind us to continue ensuring that Federal grants made

under the Violence Against Women Act go towards essential shelter operations and support services. Moreover, we must ensure that shelters and crisis centers receive sufficient funding to provide this safety net to some of our most vulnerable citizens.

Madam Speaker, I stand today before my colleagues to ask for continued support and assistance of domestic violence prevention programs. It is essential that we not only draw attention to domestic violence this month, but continue making progress on this devastating problem so that it will no longer affect our communities and families. As we remember the victims of domestic violence, we must learn from their courage and work to assure that our communities are safe places to live, work, and raise our families. In Florida and throughout our nation, education, enforcement and support are the keys to solving and breaking the cycle of domestic violence.

HONORING CAPTAIN WEI JIAFU FOR HIS LONGSTANDING COMMITMENT TO THE CITIZENS OF THE UNITED STATES OF AMERICA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. LYNCH. Madam Speaker, I am privileged today to honor a pioneer who has helped create a strong bridge of understanding and development between the people of his country and the people of the United States of America. For over a decade Captain Wei Jiafu has been the President of COSCO, the largest ocean shipping company in the People's Republic of China. During this time Captain Wei has worked hard to increase the level of understanding between U.S. and Chinese business leaders.

Captain Wei's relationship with the U.S. has been a long and honored one. In his early years as a sea captain, Captain Wei was given special recognition by the U.S. Coast Guard for his knowledge and skill in navigating U.S. waters. In addition to Captain Wei's technical knowledge of U.S. waters, he commands a mastery of the navigational practices that make both national and international waters safe. Under Captain Wei's leadership, COSCO was the first foreign shipping company to comply with newly-enacted Homeland Security regulations governing shipping containers. As astounding as all of these accomplishments may be, Captain Wei's dedication to the U.S. goes further.

Throughout his career, Captain Wei's commitment to the American workforce has been unwavering. As President of COSCO, Captain Wei oversees the largest Chinese employer of American citizens. Under Captain Wei's guidance, COSCO has been honored by the ports of Long Beach, Seattle, New York, and Boston, for his commitment to their employees. Must notably, has been his commitment to the workers of Massachusetts, where COSCO has contributed to the creation of thousands of maritime-related jobs by establishing shipping services between the Port of Boston and ports in China. Captain Wei has even dedicated a chair to Boston's prestigious Harvard University.

In addition, Captain Wei has been instrumental in protecting our oceans. He has generously donated to the cause of cleaner oceans and the protection of sea life in Alaska.

With that in mind, I would like to commend Captain Wei for his commitment to professionalism which has facilitated both a productive and personal relationship between the people of the United States of America and the People's Republic of China. Furthermore, I would like to recognize Captain Wei for his charitable contributions in support of higher learning in the United States and around the world. Captain Wei is truly a ''Peoples' Ambassador'' to the United States of America.

HONORING THE COMMUNITY OF WYNMOOR IN COCONUT CREEK, FLORIDA

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. WEXLER. Madam Speaker, I rise today to honor the Community of Wynmoor in Coconut Creek, Florida, which is celebrating its 35th Anniversary this week.

Wynmoor is an active senior community in South Florida with approximately 9,000 residents, many of whom regularly mentor in local schools, volunteer for city affairs, and greatly contribute to the vitality of the City of Coconut Creek and the surrounding communities. With a PGA-recognized country club golf course, serene lakes and sparkling fountains, Wynmoor is truly a beautiful place to live, and for many who live there, a wonderful place to retire and enjoy life.

Wynmoor residents find many ways to remain active and healthy with multiple tennis courts and health and fitness facilities available to them, as well as with a multitude of social activities planned throughout the year, including cultural and social clubs, several charitable organizations, live theater, dances, movies, classes and lectures. When I visit my constituents in Wynmoor, I am always thrilled to engage with them on the issues of importance to our community because they care deeply about the issues that affect South Florida.

Madam Speaker, I am deeply proud to represent the Community of Wynmoor and all of its residents in Congress, and I wish the entire community a happy and healthy 35 more years and an enjoyable anniversary celebration this week.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. GRANGER. Madam Speaker, on rollcall Nos. 772, 773, and 774, I was absent from the House.

Had I been present, I would have voted ''aye.''

THE DISCLOSURE OF PRESIDENTIAL DECLASSIFICATION OF INTELLIGENCE INFORMATION ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce the ''Disclosure of Presidential Declassification of Intelligence Information Act of 2009.''

This bill will help increase transparency by requiring the White House to release public notices when classified materials are declassified. Specifically, this legislation would require the President to inform the relevant congressional committees within 15 days whenever intelligence has been declassified. The bill also contains a sense of Congress that additional notice should be given to the Director of National Intelligence, the Archivist of the United States, and the heads of the applicable elements of the intelligence community.

In January of this year, I released a report documenting several abuses and excesses of the Bush Administration. The Report, titled ''Reining in the Imperial Presidency: Lessons and Recommendations Relating to the Presidency of George W. Bush,'' contained 50 separate recommendations designed to restore and support the traditional checks and balances of our constitutional system.

This bill carries out the recommendation that Congress consider legislation requiring the President to announce the declassification of classified materials.

As the report details, the Bush administration selectively leaked numerous items of classified information to strengthen the case for war in Iraq. For example, evidence suggests that President Bush secretly authorized the declassification of information without notice in an effort to neutralize Ambassador Joe Wilson's op-ed that raised questions about the case for war.

This bill will help to prevent similar future abuses and political manipulation of intelligence authority by alerting Congress when information is declassified. Such transparency in presidential delegations of declassified authority is a matter of good government regardless of who occupies the White House.

A TRIBUTE TO SHARONNIE M. PERRY

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Sharonnie M. Perry, a great community activist.

Sharonnie has lived her life by one of her favorite mottos, ''I Have Come To Serve And Not To Be Served.'' She has served for over 35 years as a community activist, beginning in her early days fighting against decentralization of public schools.

As founder of ''Parents on the Move'', a self-help organization for homeless parents and children, she advocated for affordable housing, education and employment for the

homeless population across New York City. In 1982, Sharonnie saw a need which became one of her greatest passions to date. She has traveled across the country conducting workshops and speaking out for quality health care and services for our brothers, sisters and children living with HIV/AIDS.

Sharonnie was born in the village of Bedford Stuyvesant. She is the mother of two sons, Da-Shawn and Jah-Son, and the proud grandmother to Jaylin and Jah-Son, Jr. She is a woman of faith and believes if you put God at the head and Jesus at the center of your life that you won't fail. Sharonnie attributes her victories and successes, first and foremost to the Creator, her parents, family, her mentors, spiritual advisors and friends.

Sharonnie has been recognized across the country for her activism on behalf of the underserved people in our communities. In summarizing her commitment to family, church and community, she always says, ''If I Can Help Somebody Along The Way, Then My Living Would Not Have Been In Vain''.

Madam Speaker, I urge my colleagues to join me in recognizing Sharonnie M. Perry.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. NEUGEBAUER. Madam Speaker, I was absent from votes on September 29 and 30, October 1 and October 6–8 for medical reasons. Had I been present, I would have voted as indicated for each rollcall listed. I ask that my statement be included in the CONGRESSIONAL RECORD.

Rollcall vote 740: ''nay''; rollcall vote 741: ''yea''; rollcall vote 742: ''yea''; rollcall vote 743: ''nay''; rollcall vote 744: ''nay''; rollcall vote 745: ''yea''; rollcall vote 746: ''yea''; rollcall vote 747: ''yea''; rollcall vote 748: ''yea''; and rollcall vote 749: ''nay''.

Rollcall vote 750: ''yea''; rollcall vote 751: ''yea''; rollcall vote 752: ''nay''; rollcall vote 753: ''yea''; rollcall vote 754: ''yea''; rollcall vote 755: ''yea''; rollcall vote 756: ''nay''; rollcall vote 757: ''nay''; rollcall vote 758: ''nay''; and rollcall vote 759: ''nay''.

Rollcall vote 760: ''nay''; rollcall vote 761: ''nay''; rollcall vote 762: ''nay''; rollcall vote 763: ''yea''; rollcall vote 764: ''nay''; rollcall vote 765: ''nay''; rollcall vote 766: ''yea''; rollcall vote 767: ''yea''; and rollcall vote 768: ''yea''.

HONORING JUDGE BRUCE W. KAUFFMAN FOR HIS MANY YEARS OF SERVICE TO THE LEGAL COMMUNITY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor the extraordinary contributions that Judge Bruce W. Kauffman has made to the legal community in his five decades of service.

A graduate of the University of Pennsylvania and Yale Law School, Judge Kauffman began his service to the legal community as a law clerk to the Honorable Vincent S. Haneman of the Superior Court of New Jersey, and thereafter joined the law firm of Dilworth Paxson, where he represented some of the nation's most high-profile clients and rose to become chairman of the firm.

In 1980, Judge Kauffman was appointed to the Pennsylvania Supreme Court, where he served with distinction for two years. In 1997, President Bill Clinton nominated Judge Kauffman to the United States District Court for the Eastern District of Pennsylvania. During his tenure, the Judge returned to his alma mater and served as an Adjunct Professor of Law at the University of Pennsylvania. Judge Kauffman served on the District Court until his retirement from the Federal bench in July of 2009.

Those who know the Judge know that his service is not finished, and that he is undertaking a new commitment to serve as Cochairman of the Executive Committee at Elliott Greenleaf, where he will be instrumental in providing counsel to clients and mentoring attorneys, as he has done for so many others throughout his career.

Madam Speaker, Judge Kauffman has been an excellent jurist, teacher, and mentor for five decades. On a more personal note, Judge Kauffman has been a mentor to me both professionally and personally, and was instrumental in introducing me to my wife, whom he mentored as well. Judge Kauffman has a proud record of service to our country and I am proud to call him my friend. I congratulate Judge Kauffman for all his accomplishments and wish him the best of luck in all of his future endeavors.

RECOGNIZING THE ATLANTIC INTRACOASTAL WATERWAY ASSOCIATION ON THE OCCASION OF ITS 10TH ANNIVERSARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate H. Res. 465, a resolution recognizing the Atlantic Intracoastal Waterway Association (AIWA) on the occasion of its 10th anniversary. As a proud co-sponsor of this legislation, I believe that AIWA's vital work has ensured open and safe for navigation for recreational and commercial users throughout the Atlantic Intracoastal Waterway (AIWW).

Since its completion in 1940, the Atlantic Intracoastal Waterway has provided a safe navigation channel for commercial shipping and support for and encouragement of interstate commerce. Unfortunately, the Waterway has suffered from a lack of maintenance, which has resulted in a reduction of depth that has hindered the Waterway's ability to provide a safe and efficient transportation route. Recognizing this problem, AIWA has become an unwavering advocate for appropriate dredging and adequate maintenance to promote safe, cost effective navigation, while balancing environmental needs.

I commend their tradition of excellence in service to Waterway users, many of them are my constituents in Florida. The Waterway plays an important role in my district and throughout the state of Florida. Many of my constituents come from communities around Indian River Lagoon, a portion of the AIWW, and are able to find employment opportunities in the industries that the Waterway provides. In such tough economic times, this is extremely important and should not be overlooked.

Madam Speaker, over the past ten years AIWA has made significant contributions to local communities. I urge them to continue their essential work and support for the Waterway.

JUDGE GEORGE D. CARROLL COURTHOUSE RENAMING CEREMONY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today and invite my colleagues to join me in honoring Judge George D. Carroll of Richmond, California, for his many years of service to the community. Judge Carroll has provided remarkable leadership to the citizens of Richmond and his legacy will be forever recognized as the Richmond Courthouse is renamed in his honor on October 16, 2009.

George Carroll was born on January 6, 1923 in Brooklyn, New York. He served in the United States Army during World War II and was stationed in Italy. Judge Carroll subsequently used his GI Benefits to attend college and law school, graduating from Brooklyn College in 1943 and Brooklyn Law School in 1950. Following his admittance to the New York Bar, he ran a private practice in New York from 1951–1952.

In 1953, Judge Carroll moved to Richmond, California and his trailblazing legacy began. The same year he moved to Richmond, he became the city's first African American lawyer to practice law; serving in private practice until 1965. Judge Carroll continued to break racial barriers in 1961 by becoming the first African American elected to the Richmond City Council. From 1964–1965 he served as Richmond's first African American Mayor, a position unprecedented in any large American city. And finally, Judge Carroll became the first African American County Supervisor for Contra Costa County, California. Governor Edmund G. (Pat) Brown appointed Judge Carroll to the Contra Costa Municipal Court in May 1965 making him the first African American Judge to be appointed in Contra Costa County, where he served until his retirement in 1985.

Judge Carroll is a founding member of the Judicial Council of the National Bar Association and a lifetime member of the NAACP as well as the Sigma Pi Phi and Omega Psi Phi Fraternities. He is a former member of the Charles Houston Bar Association, California Judges Association, American Bar Association, American Judicature Society, World Association of Judge of the World Peace Through Law Center, Board of Governors of the United Bay Area Crusade, Richmond Boys' Club and the Neighborhood House of North Richmond.

Madam Speaker, as a result of Judge Carroll's leadership, advocacy and promotion

of equal rights, we as a community have benefitted tremendously. I am delighted to have this opportunity to recognize Judge Carroll's tireless efforts and ask all Members of the House to join me in congratulating him as the Richmond Courthouse is officially renamed The George D. Carroll Courthouse.

SUPPORTING THE MISSION AND GOALS OF DOMESTIC VIOLENCE AWARENESS MONTH

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in support of the observance of Domestic Violence Awareness Month, 2009.

I urge all Americans during Domestic Violence Awareness Month to understand the different faces of domestic violence, as it is not defined only by battery against women and children, but also includes domestic sexual assault, teen dating violence, and non-physical emotional abuse, such as name calling and intimidation.

Domestic violence, regardless of type, disrupts the lives of men and women of all ages. Young children and adolescents are especially at risk for complications as exposure to violence can lead to behavioral and emotional problems.

The American Recovery and Reinvestment Act (Recovery Act), which I proudly co-sponsored, provides $225 million to the U.S. Department of Justice Office on Violence Against Women, targeted at developing and supporting the capacity of state, local, tribal, and non-profit entities involved in responding to violence against women and also in helping them find alternative housing. I am also pleased that the Violence Against Women Act (VAWA)—its passage in 1994 strongly by then Senator JOSEPH R. BIDEN Jr.—and the Victims of Crime Act (VOCA) also received Recovery Act funding to boost the federal VAWA and VOCA funds that are already allocated to state and local governments each year.

Furthermore, in my home state of New York, Governor David Paterson signed a bill into law last month that takes a stronger response against domestic violence offenders and expands protection orders for victims. With this advancement in New York's state law, New York is leading the nation in strengthening our judicial system to stamp out domestic violence and abuse.

Though we may be taking great strides at the federal and state levels in addressing domestic violence, we cannot ignore that the problem originates in the home. If you feel you are or someone you know is a victim of domestic violence, please call the National Domestic Violence Hotline at 1–800–799–SAFE. Working together, we can all play a vital role in creating awareness about domestic violence and working toward ending this intolerable behavior.

THE INSPECTOR GENERAL AUTHORITY IMPROVEMENT ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce the ''Inspector General Authority Improvement Act of 2009.''

This Act will provide the Inspector Generals of the various agencies the authority to issue subpoenas for the testimony of former employees or contractors as part of certain investigations of wrongdoing. Under current law, a critical witness can evade being interviewed by an Inspector General, and thus seriously impede an investigation, by simply resigning from the agency.

In January of this year, I released a report documenting several abuses and excesses of the Bush Administration. The Report, titled ''Reining in theImperial Presidency: Lessons and Recommendations Relating to the presidency of George W. Bush,'' contained 50 separate recommendations designed to restore and support the traditional checks and balances of our constitutional system. This bill responds to one of those recommendations.

As the Report details, that ability of Inspector Generals to investigate serious allegations of wrongdoing was significantly impeded during the prior Administration because critical witnesses could not be interviewed if they simply resigned during the investigation or had already left the agency. As a practical matter, the witnesses were beyond the reach of the Inspector General, and their knowledge of potential wrongdoing went with them.

For example, in the investigation of potential misconduct by Monica Goodling, the Department of Justice Inspector General was unable to obtain witness statements from those who had resigned and thus were no longer available. Similarly, the Department of Homeland Security Inspector General was limited in his ability to conduct a complete investigation into the circumstances surrounding the rendition of Canadian citizen Mohammed Arar to Syria. His Report stated bluntly: ''Many of the principal decision-makers involved in the Arar case have left government service and declined our requests for interviews. As they are no longer DHS employees, we cannot compel them to speak with us.''

It is important to note that this bill contains important limitations on the Inspector Generals' subpoena power in order to prevent abuse or damage to ongoing investigations. Most prominently, an Inspector General cannot issue a subpoena if the Department of Justice concludes in a particular case that the taking of a deposition would interfere with civil or criminal litigation.

I believe that with this limitation, this legislation strikes an appropriate balance between the need for an independent Inspector General to investigate administrative wrongdoing and the responsibility of the Attorney General to enforce our criminal laws and protect the civil interests of the United States Government.

This legislation will go a long way in fostering transparency in government by improving the Inspector Generals' tools and permit them to effectively carry out their mission. Such vigorous oversight is a matter of good government, regardless of whether we have a Democratic or Republican Administration.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mrs. MALONEY. Madam Speaker, due to the death of my husband, Clifton H.W. Maloney, I did not vote from September 29, 2009 through October 13, 2009. I missed rollcall votes numbered 740–771.

Had I been present, I would have voted ''yea'' on rollcall votes Nos.: 740, 741, 742, 743, 744, 745, 747, 748, 749, 750, 751, 752, 753, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 770, 771, 772, 773, and 774. I would have voted ''nay'' on rollcall votes Nos.: 746, 754, and 769.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to place in the record a listing of the congressionally directed project I requested in my home state of Idaho that is contained in the Conference Report accompanying H.R. 2892, the FY2010 Homeland Security Appropriations bill.

Project Name: Power and Cyber Systems Protection, Analysis, and Testing Program

Amount: $3,000,000

Account: NPPD Infrastructure Protection and Information Security

Recipient: Idaho National Laboratory

Recipient's Street Address: 2525 North Freemont St, Idaho Falls, Idaho 83415

Description: This funding will be used to conduct vulnerability analysis, testing, and protection of power and cyber connected systems for the Department of Homeland Security, utilizing the unique resources available at the Idaho National Laboratory, such as the electric grid, SCADA and control systems, cyber and communication test beds, and the explosives test range. The project entails collaboration with leading universities and other National Laboratories to leverage ongoing research at these institutions and advance the state of the art in building resilience into infrastructure systems. The funding will be used to obtain full-scale systems in sectors of interest to DHS for testing of vulnerabilities, identification of protection strategies, and evaluation of resilient designs; partner with universities and National Laboratories to develop resilient control systems; and establish a program that develops new protection schemes. The INL is uniquely placed to carry out this program, which leverages its ongoing work in this area sponsored by DOD, DHS, and Intelligence Agencies and its established relationships with industry, universities, and National Laboratories.

I appreciate the opportunity to provide a list of the Idaho project that has received funding

in the Conference Report for the FY2010 Homeland Security Appropriations bill and provide an explanation of my support for it.

TRIBUTE TO SISTER JACQUELINE BURNS, S.C.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Sister Jacqueline Burns, who was recognized by the St. Joseph's Regional Medical Center Foundation with the 2009 William F. Johnson Award for her many years of dedicated service to the people of her community.

It is only fitting that she be honored in this, the permanent record of the greatest democracy ever known, for she has been a true public servant and someone whose spiritual commitment has helped to enhance countless lives.

Sr. Jacqueline has been an integral part of advancement towards improving healthcare. As the founding chair of St. Joseph's Healthcare System, she spearheaded the integration of St. Joseph's Regional Medical Center, St. Joseph's Wayne Hospital, St. Joseph's Children's Hospital, St. Vincent's Nursing Home, and Visiting Health Services of New Jersey. Sr. Jacqueline truly revitalized the mission, vision and values of St. Joseph's, and under her leadership, it became the region's leading healthcare system.

Though she is clearly dedicated to healthcare, Sr. Jacqueline's passion for education has always been evident. She began her career teaching elementary and secondary school where she helped students on the path to learning for almost 15 years. She went on to earn multiple graduate degrees including a doctorate from Catholic University. Sr. Jacqueline soon returned to her alma mater, The College of St. Elizabeth, where she would go on to serve for more than thirty years. She was academic dean for ten years and President for sixteen. Throughout her time at the college, she sat on many state and national organizations' Boards of Trustees, often rising to leadership positions. She was a member of the New Jersey Board of Higher Education and designed the present governance model used for all policy development and approvals for new programs for public and independent institutions in the state. In doing this work, she gained extensive experience in government relations at both the national and local level.

As a Sister of Charity, Sr. Jacqueline has been elected to every General Assembly of the congregation since 1968 when it was first begun. She has gone on to chair many of its committees and in 1999, was elected to the General Council and filled the position of Treasurer of the Sisters of Charity Corporation. She has received many other honors throughout the years, and was recently awarded the AMA Lifetime Achievement Award.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of exceptional individuals like Sister Jacqueline Burns.

Madam Speaker, I ask that you join our colleagues, Sister Jacqueline's family and friends, all those who have been touched by her compassion, and me in recognizing the outstanding and invaluable service of Sister Jacqueline Burns.

A TRIBUTE TO STEVEN MAURIELLO

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Steven Mauriello, Deputy Inspector of the 81st Precinct and honorable public servant.

Deputy Inspector Mauriello is a graduate of St. Johns University in Queens, New York, where he attained a Bachelors Degree with a major in Criminal Justice and a minor in Psychology. He is currently attending the Police Management Institute of Columbia University at West Point.

Deputy Inspector Mauriello became a member of the New York City Police Department in the year 1989 and, upon his graduation from the Police Academy, was assigned to neighborhood stabilization unit number six as a police officer, patrolling the 25th, 28th and 32nd Precincts in northern Manhattan. Shortly thereafter, he was assigned to the 34th Precinct in Washington Heights, New York, as a patrol officer. In 1993, he was assigned to the Manhattan North Narcotics Division and, on achieving the rank of Sergeant in 1994, he was assigned to the 79th Precinct and Brooklyn North Warrants Unit.

Upon his promotion to Lieutenant in 2000, Deputy Inspector Mauriello was assigned to the 88th Precinct and 90th Precinct until his promotion to the rank of Captain in 2003. As Captain, he was assigned to the 77th Precinct and 94th Precinct before becoming the commanding officer of the Patrol Borough Brooklyn North Anti-Crime Unit. In 2007, Deputy Inspector Maurriello was assigned to the 81st Precinct in the capacity of Executive Officer. In 2008, he was elevated to Commanding Officer of the 81st Precinct, and then was promoted to the rank of Deputy Inspector in which he presently serves the residents of the Bedford-Stuyvesant community.

Madam Speaker, I urge my colleagues to join me in recognizing Steven Mauriello.

HONORING THE COMMUNITY HOSPITAL OF THE MONTEREY PENINSULA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. FARR. Madam Speaker, I rise today to draw attention to the 75th anniversary of Community Hospital of the Monterey Peninsula, or CHOMP, as the locals fondly call it. It started in 1929 as the Carmel Clinic specializing in metabolic disorders, endowed by a gift from Grace Deere Velie Harris, heiress of the Deere tractor family. Over the years it grew into a 30-bed general hospital and in 1934 was renamed Peninsula Community Hospital.

Post World War II saw an increase in the population on the Monterey Peninsula. Twenty-two acres of the nearby forest was donated by the Del Monte Properties Company as a building site for a larger, modern hospital. In 1962 the new $3.5 million 210,000-square foot Community Hospital of the Monterey Peninsula opened with 100 beds, the first community hospital in the country to have all private rooms. The design by architect Edward Durell Stone won state and national awards for excellence in architecture. Two-thirds of the funding came from community donations.

CHOMP continued to expand; over the next 10 years 72 more rooms were added, including a mental health center, and a dome was constructed over the signature Fountain Court. The cost of the construction was $4 million, and again, half of it was paid for by contributions from the community.

The hospital developed a growing range of services that added 42,000 square feet to house outpatient, educational, and business offices. A new outpatient Surgery Center began performing more than half of all the hospital's surgeries. A Family Birth Center opened with single-room maternity care. Home health agencies were acquired, as well as a hospice facility and services. The Comprehensive Cancer Center opened in 1999, providing the best available diagnosis, treatment, and support for cancer patients and their families.

CHOMP also added off-campus sites to meet the expanding demands of health care on the Peninsula. The old Eskaton Monterey Hospital, built in 1930 and acquired by CHOMP in 1982, was remodeled. Renamed the Hartnell Professional Center, it now houses outpatient mental health services, a recovery center, a cardiopulmonary wellness and blood center, laboratories, and the Clint Eastwood Youth Program. A Breast Care Center opened near downtown Monterey, offering comprehensive breast care services, and an Outpatient Campus that treats sleep disorders, and offers diabetes and nutrition therapy, imaging, and laboratories.

In recent years the emergency and ICU departments were updated and moved to a new wing. CHOMP continues to expand and improve with the times to meet the needs of the community.

Throughout the years, CHOMP has served the entire spectrum of hospital health care needs of my family. My parents received their end-of-life care there. Both my wife and I have received care there, and both my daughter and granddaughter were born there. It truly is our community hospital.

Madam Speaker, I know the whole House joins me in congratulating Community Hospital of the Monterey Peninsula on its anniversary, and wish them many more years of quality service to the public.

CONGRATULATING ANN AND LEO MOSKOVITZ, RECIPIENTS OF THE 2009 MONSIGNOR McGOWAN CORNERSTONE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Ann and Leo Moskovitz, recipients of this

year's Monsignor McGowan Cornerstone Award.

This prestigious award is presented annually to individuals who best exemplify the spirit, leadership and service of the late Monsignor Andrew J. McGowan as a catalyst for social, cultural and economic growth and promoting the charitable ideals of philanthropy and collaboration in Northeastern Pennsylvania.

Mr. Moskovitz was affiliated with his family's dry goods business and later with the Hudson Coal Company before embarking on a banking career with First National Bank of Jermyn. After serving as cashier and then vice president, Mr. Moskovitz was named president in 1961 where he forged a reputation as a leader in automobile and small business financing and home mortgages. He also led the way in promoting women to administrative positions in the bank.

After a prominent career, he retired as President of the First National Bank of Jermyn in 1993 after more than 40 years of service that saw the bank's assets increase nearly a hundredfold to $300 million under his leadership.

Active in the community, Mr. Moskovitz served two terms as a member of Jermyn Borough Council and he was chairman of the Pennsylvania State School for the Deaf.

Mrs. Moskovitz, Mr. Moskovitz' wife of 38 years, graduated from Temple University's School of Pharmacy after which she worked in that profession for 30 years. She, too, has been highly active in the community, serving on boards and committees of many educational, health care and cultural organizations, including Mercy Healthcare Foundation Board, University of Scranton, Northeastern Pennsylvania Philharmonic League Board, United Way of Lackawanna County, the Country Club of Scranton, Mercy Hospital, Sacred Heart of Mary Church and the Greater Scranton Chamber of Commerce.

Mrs. Moskovitz formerly served on boards and committees of St. Joseph's Center, The Lucan Center for the Arts, Cultural Council, the Philharmonic Women's League of Scranton, the Women's Golf Association of the Country Club of Scranton; St. Joseph's Hospital in Carbondale, Allied Services, Visiting Nurse Association, Temple Hesed Sisterhood, Family Services of Lackawanna County, Mercy Health Care System and the American Cancer Society's Daffodil Days.

Mrs. Moskovitz was a former commentator for the Radio Broadcasting Program for the Blind Association and was Jermyn's coordinator of volunteers each year for the Blind Association Days. She has served on the Laity Committee of the Diocesan Synod, Preparatory Commission of the Hospital Trustee Association, Women's Activities at the Scranton Club, Saint Andrea Society, St. Joseph's Center Auxiliary, Hadassah and the Society of Pennsylvania Hospital Pharmacists. Mrs. Moskovitz was a recipient of the Globe Store and Estee Lauder Star Achiever Award for outstanding service in northeastern Pennsylvania.

Madam Speaker, please join me in congratulating Ann and Leo Moskovitz on this auspicious occasion. Their selection to receive the Monsignor McGowan cornerstone Award is entirely fitting because their lives reflect an extraordinary level of service and contribution to their community where they have improved the quality of life for all.

RECOGNIZING THE SCHOOL OF HEALTH PROFESSIONS AT YVONNE A. EWELL TOWNVIEW CENTER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize the School of Health Professions at Yvonne A. Ewell Townview Center in Dallas, Texas for receiving the Blue Ribbon Award from the U.S. Department of Education.

This prestigious award is given to public and private elementary, middle, and high schools that show outstanding gains in student achievement as well as superior academic programs. Additionally, it recognizes the achievements of institutions that have a large portion of students who come from disadvantaged backgrounds. Many times, these schools serve as models for other institutions across the country and offer insight into the ways we can improve education in some of our most troubled neighborhoods.

In Dallas, there were a total of four institutions that were selected for this award. In addition to the School of Health Professions, George B. Dealey Montessori Academy, George Peabody Elementary School, and Victor H. Hexter Elementary School were also selected as Blue Ribbon Award recipients.

Madam Speaker, I ask my fellow colleagues to join me in recognizing the accomplishments of the School of Health Professions at Yvonne A. Ewell Townview Center in addition to all the schools across the country that were awarded with this prestigious honor.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF POINTS OF LIGHT

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. LYNCH. Madam Speaker, I rise today to commemorate the 20th anniversary of the Points of Light initiative. Established by a call to service by President George H. W. Bush, Points of Light has led our nation to tremendous gains in service and volunteerism over the past two decades.

The Points of Light Foundation has recently merged with Hands On Network to form the Points of Light Institute. On this special 20th anniversary, I want to commend this organization for its extraordinary work in the promotion of service, while transforming communities throughout America.

In 2008, the Points of Light Institute and its 250 Hands On volunteer action centers engaged over 1.2 million volunteers in service and managed over 520,000 volunteer projects. The value of this service is beyond measure to the neighborhoods that have been positively impacted by this remarkable contribution to the health and welfare of communities throughout the United States.

One of Points of Light's affiliates is Boston Cares. This year alone, Boston Cares has mobilized 18,250 volunteers who have donated over 50,000 hours of service to 155 Greater Boston schools and nonprofit organizations. Throughout the year Boston Cares volunteers have consistently gone above and beyond, from a drive that raised a thousand pounds of food per day throughout the month of February for struggling food pantries, to generating an additional 2,000 volunteer hours during this summer's United We Serve campaign.

Madam Speaker, I am pleased to commemorate this 20-year milestone for Points of Light and I congratulate them on 20 years of identifying and managing people-powered projects to tackle critical problems across the nation. I urge all of my colleagues to join with me in honoring Points of Light and Boston Cares.

SECTION BY SECTION ANALYSIS—USA PATRIOT AMENDMENTS ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, I submit the following:

Sec. 1. Short title and table of contents. Section 1 names this Act the ''USA PATRIOT Amendments Act of 2009'' and provides a table of contents for the entire bill.

TITLE I—USA PATRIOT ACT RELATED AMENDMENTS

Sec. 101. Roving Wiretaps. Sec. 101 clarifies that when the government only provides a description of the target of surveillance for purposes of obtaining a warrant (whether or not that warrant is for a regular or roving FISA warrant), that description must be sufficient to allow a court to determine that the target is a single individual.

Sec. 102. Extension of Sunset of Sections 206 and 215 of USA PATRIOT Act. Sec. 102 extends the sunset dates of roving wiretaps and FISA business records to December 31, 2013.

Sec. 103. Access to Certain Tangible Things under section 501 of the Foreign Intelligence Surveillance Act of 1978. Sec. 103 (§215 tangible things) requires a statement of specific and articulable facts showing that the tangible things sought are relevant to an authorized investigation, other than a threat assessment. The ''specific and articulable'' language is not present in the current law, and is a more exacting standard for government to meet.

This section also retains the concept that certain types of records are ''presumptively relevant'' to a counterterrorism or counterintelligence related investigation (assuming an appropriate statement containing specific and articulable facts). The retention of the ''presumptive relevance'' for documents pertaining to foreign powers or agents of a foreign power accomplishes two important goals. First, it puts the government and a court on notice that these types of records are the type of documents that Congress generally expects the government will be pursuing in furtherance of authorized counterterrorism and counterintelligence investigations. The presumptive relevance standard does not, however, allow the government to obtain the documents merely by showing relevance to a foreign power or agent of a foreign power through a statement of ''specific and articulable facts.'' A court must also find that the requested records are actually relevant to an authorized investigation.

Second, the government may be able to acquire certain records even if it cannot show

that the documents are relevant to a foreign power or agent of a foreign power. However, these types of records, which do not fall into the ''presumptively relevant'' category, would be evaluated with a higher degree of scrutiny by a court. The court would determine whether or not the government presented specific and articulable facts to show relevance to an authorized investigation.

With respect to judicial review, current law requires the recipient of a nondisclosure order associated with a §215 order to wait a year before seeking judicial review of the nondisclosure order. Sec. 103 allows a recipient to challenge both the underlying order and any associated nondisclosure order immediately. In addition, the government must notify the recipient of a right to challenge the legality of the production order or nondisclosure order, and the procedure to follow to file such a petition at the time the government serves the §215 order on the recipient. Absent bad faith on the part of the government, current law also allows a certification by a high level official to conclusively defeat a challenge to a nondisclosure order. Sec. 103 eliminates the concept of a ''conclusive certification'' entirely.

Compliance assessments of minimization procedures pertaining to §215 orders are now facilitated by allowing FISA court judges to review government compliance with minimization procedures associated with specific orders. A request for §215 records cannot be made to a library or bookseller for documentary materials that contain personally identifiable information concerning a patron. None of these elements are present in the current law.

Sec. 104. Sunset Relating to Individual Terrorists as Agents of Foreign Powers. Sec. 104 allows the ''Lone Wolf' provision to sunset on December 31, 2009. ''Lone Wolf'' is not reauthorized.

Sec. 105. Audits. Sec. 105 requires the DOJ Inspector General to audit and submit reports to Congress for 215 tangible thing orders, National Security Letters (NSLs), and FISA pen register/trap and trace orders for all calendar years through 2013.

Sec. 106. Criminal ''sneak and peek'' searches. Sec. 106 requires the government to seek an extension for delaying notice of the search after seven (7) days, not the current thirty (30) days. Any extension to delay notice granted by a court cannot be longer than 21 days at a time. In addition, any application for extension must be made by the Senate-confirmed United States Attorney for the district seeking the delay. This section also narrows the circumstances under which the government could obtain a ''sneak and peek'' warrant by eliminating ''otherwise seriously jeopardizing an investigation or unduly delaying a trial'' as a situation that would permit the issuance of a ''sneak and peek'' warrant.

Sec. 107. Use of Pen Registers and Trap and Trace Devices under title 18, United States Code. Sec. 107 requires the application for a pen register to contain a statement of specific and articulable facts showing that the information likely to be obtained is relevant to an ongoing criminal investigation. Current law only requires a certification by the applicant.

Sec. 108. Orders for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes. Sec. 108 requires the application for a pen register to contain a statement of specific and articulable facts relied upon by the applicant to justify the belief that the information likely to be obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation. Current law only requires a certification by the applicant. This section also requires the implementation of minimization procedures for pen registers and trap and trace devices, and allows FISA court judges to assess the government's compliance with these minimization procedures. These are new requirements.

Sec. 109. Public Reporting on the Foreign Intelligence Surveillance Act. Sec. 109 requires annual public reporting of aggregate numbers of requests for surveillance that also include a breakdown of requests for (a) electronic surveillance, (b) physical searches, (c) orders for tangible things (Section 215 orders), and (d) pen registers. Current law requires only public reporting of the above categories in the aggregate.

Sec. 110. Challenges to Nationwide Orders for Electronic Surveillance. Sec. 110 allows a provider of electronic communication service or remote computing service to challenge a subpoena, order, or warrant requiring disclosure of customer communications or records in either the district in which the order was issued or the district in which the order was served.

TITLE 11—NATIONAL SECURITY LETTER REFORM

Sec. 201. Short Title. Sec. 201 indicates that title II shall be cited as the ''National Security Letter Reform Act of 2009.''

Sec. 202. Sunset. Section 202 provides a sunset date of December 31, 2013 for national security letters, with the effect of returning the relevant national security letter statutes to read as they read on October 25, 2001.

Sec. 203. National Security Letter defined. Sec. 203 defines ''national security letter,'' for the purposes of this bill, as a request for information under one of the enumerated provisions of law.

Sec. 204. Modification of Standard. Sec. 204 requires an official with authority to issue a national security letter to document and retain a statement of specific and articulable facts showing that there are reasonable grounds to believe that the information sought pertains to a foreign power or agent of a foreign power. This standard changes the focus of the ''relevance'' required under current law from ''authorized investigation'' to ''foreign power or agent of a foreign power.'' In addition, current law does not directly couple the relevance standard with ''specific and articulable'' facts as support for relevance—a more exacting standard for the government to meet. Current law also does not require the government to create and maintain a record of such facts at the time the national security letter is issued.

Sec. 205. Notification of Right to Judicial Review of Nondisclosure Order. Sec. 205 requires the government to notify a recipient of a national security letter of (1) a right to judicial review of any nondisclosure requirement imposed in connection with that national security letter and, (2) that the nondisclosure requirement will remain in effect during the pendency of any judicial review proceedings. Current law does not require such notification.

Sec. 206. Disclosure for Law Enforcement Purposes. Sec. 206 requires the Attorney General to authorize the use of any information acquired or derived from a national security letter in a criminal proceeding. Current law does not require such ''use authority'' for national security letters.

Sec. 207. Judicial Review of National Security Letter Nondisclosure Order. Sec. 207 establishes additional procedures for a recipient to seek judicial review of a nondisclosure requirement imposed in connection with a national security letter. If the recipient wishes to have a court review a nondisclosure requirement, the recipient must notify the government. Not later than thirty days after the receipt of notification, the government must apply for a court order prohibiting the disclosure of information about the national security letter or the existence of the national security letter. The nondisclosure requirement remains in effect during the pendency of any judicial review proceedings. The government's application for a nondisclosure order must include a certification from the Attorney General, Deputy Attorney General, or the Director of the FBI (or the head of another agency if not part of DOJ) containing a statement of specific and articulable facts indicating that disclosure may result in a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person. If a court determines that there is reason to believe that disclosure will result in one of the enumerated harms, the court will issue a nondisclosure order for no longer than 180 days. The government can seek renewals of nondisclosure orders for additional periods of no longer than 180 days each. If there comes a time when the facts supporting a nondisclosure order issued by the court cease to exist, the government must promptly notify a recipient who sought judicial review of a nondisclosure order that the nondisclosure is no longer in effect.

Current law neither requires the recipient to formally notify the government if ''he'' wishes to seek judicial review, nor specifies that the government will initiate such court review by applying for a court order. The government is also not required to notify a recipient who sought judicial review of a nondisclosure if or when such an order would cease to exist based on a change in facts supporting the nondisclosure order. In addition, absent bad faith on the part of the government, current law also allows a certification by a high level government official to conclusively defeat a challenge to a nondisclosure order if the challenge is filed within one year of the request for records. Current law also allows a recertification made by high level officials to be treated as conclusive, unless made in bad faith. Sec. 207 eliminates the concept of a ''conclusive certification'' entirely. Moreover, this section corrects constitutional defects in the nondisclosure orders pertaining to national security letters as addressed in *Doe* v. *Mukasey*, 549 F.3d 861 (2nd Cir. 2008).

Sec. 208. Minimization Procedures. Sec. 208 requires the Attorney General to establish minimization and destruction procedures to ensure that information obtained pursuant to a national security letter regarding persons that are no longer of interest in an authorized investigation is destroyed.

A TRIBUTE TO JUANITA THERESA WILLIAMS LEVELL

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Juanita Theresa Williams Levell, an educator in my Congressional District.

As a young woman working and attending college, Juanita met and fell in love with Bryan Lloyd Levell in June of 1960. They were married one year later. Bryan was a New York City Police Officer serving with the 79th Precinct and was one of the first set of officers to serve in the newly created Patrol Brooklyn North. They were blessed with four children, Antoinette Jacobii Levell Brown, twins Adrian

Mary Levell Peart Straker, the late Andrea May Levell Franklin, and one son Bryan James Levell. Mrs. Levell used to say having four children in five years was like having her own classroom. A graduate of the New York City public school system, she completed her undergraduate degree at Brooklyn College and received her Master's degree in Linguistics from Long Island University.

Armed with her faith, a wonderful mother and supportive extended family, Juanita pushed ahead to achieve her goals. She began working in the New York City public school system as a teacher of English as a Second Language commonly known as E.S.L. Juanita was serving in a school that had students from well over 50 countries speaking over 100 languages. She has taught from elementary through high school, as well as adult education. Her participation in conferences, seminars and workshops for over 30 years has kept her current and well qualified in her profession.

Juanita retired in 2008 from her full-time teaching position but continues to work part-time as an English teacher. The connection to her community and her faith has been a steady part of Juanita's life from her work in the church, in school and in her neighborhood. Juanita has been a member of civic and social groups from childhood to the present. She has been active with Cornerstone Baptist Church, the Jewels S.C., NAACP, Alpha Kappa Alpha Sorority Inc.–Delta Rho Omega Chapter, Jack and Jill of America, Inc. (Brooklyn Chapter), American Association of University Women, Verona Place–Macon Street Block Association, United Federation of Teachers, National Council of Negro Women, Brooklyn Historical Society, Schomburg Center for Cultural Learning, Brooklyn College Alumni Association, Association of Blacks in Education—NY, Business and Professional Women's Organization of Cornerstone Baptist Church, Women's Caucus for Congressman Towns, and AARP.

Madam Speaker, I urge my colleagues to join me in recognizing Juanita Theresa Williams Levell.

SALUTING THE MEMORY OF BEN ALI, FOUNDER OF WASHINGTON D.C.'S BEN'S CHILI BOWL

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CLAY. Madam Speaker, I rise today to salute the memory of Ben Ali, founder and owner of Ben's Chili Bowl, a local historical landmark. Dubbed ''King of the Half-Smoke'' by Washingtonians who flocked to Ben's daily, Mr. Ali died earlier this month at the age of 82.

Ben Ali exemplified the American Dream through his entrepreneurial spirit and endurance. An immigrant from Trinidad, Ben opened his namesake restaurant on August 22, 1958 with the help of his wife, Virginia. In the process, Mr. Ali shaped the city of Washington and its unique U–Street Corridor by serving his trademark chili dishes to generations of diners.

Opened during U Street's heyday as an African American Cultural Mecca, Ben's Chili Bowl has withstood major neighborhood construction projects, national economic shifts, and the notorious 1968 riots, which ravaged much of the city. During that dark night, Ben's Chili Bowl was one of only two establishments left unscathed.

In the early 1990s, Ben's Chili Bowl stood as an unyielding anchor of the neighborhood's rebirth, and continues to serve dignitaries, celebrities, and local guests alike. All are loyal customers of Ben's Half-Smokes and Chili Cheeseburgers, a personal favorite of mine since 1969.

Ben's Chili Bowl will persist as a Washington institution, a symbol of unity and strength in a city that has seen its share of hard times. Today, a tourist may dine next to an elected official, or a school boy next to his sports hero, as they all gather together for the incomparable experience of enjoying Ben's famous chili.

Madam Speaker, I ask that we honor Ben Ali for his exceptional contributions to our community. The vital role that both he and Ben's Chili Bowl will continue to play in Washington will be his lasting legacy. I ask that my colleagues join me in paying tribute to Mr. Ben Ali.

TRIBUTE TO THE TOWN OF WESTMINSTER ON THE OCCASION OF THE 250TH ANNIVERSARY OF ITS FOUNDING

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. OLVER. Madam Speaker, I rise today to celebrate the founding of Westminster, Massachusetts 250 years ago on October 20, 1759. The following history provided by the Town's 250th Anniversary Committee vividly details a community with a rich cultural heritage and great natural beauty.

Nestled at the foot of Mount Wachusett, the highest mountain in central Massachusetts, Westminster was unsettled territory at the beginning of the 18th century. The land had been designated as payment for soldiers who had fought in King Phillip's War, but for many years no one was interested in leaving the comforts of home to settle in the wilderness. In 1737, however, the descendants of those veterans and others were drawn to the region's bounty and began to settle the region. As the population grew it became a district in 1759 and was given the name of Westminster, a name rooted in traditions of England. Full incorporation of the town came in 1770.

On June 10, 1776 Westminster residents voted to ''stand by and support the (Continental Congress) with their lives and fortunes if they should declare independence on the Crown of Great Britain.'' During the American Revolution, three hundred fifty six Westminster men served either as Minutemen or enlisted soldiers in the American Continental Army.

Water was essential to the early industrial growth of Westminster in the 19th century, beginning with sawmills, gristmills, fulling mills, and tanneries. These industries were followed by the manufacturing of chairs, other furniture, and paper. But when the railroad bypassed the center of town in mid-century, the factories lost their ability to cheaply bring raw materials into town and transport their finished products to the world. Today there is little evidence of these early industries.

In the late 19th and early 20th centuries, residents of Westminster found jobs in neighboring cities. Indeed, it became clear that Westminster now had the strategic advantage of being located on and near major highways that pass through the Commonwealth.

Today, Westminster's cultural heritage and rural, scenic beauty are appreciated by residents and visitors alike. The Westminster Cracker Factory, the longest running cracker bakery in the country, closed in the 1970s but the red clapboard building is a landmark which anchors the east end of Main Street. The town common on top of Academy Hill and the town center are remarkably preserved and greatly contribute to the Town's distinction of having one of the largest National Register Historic Districts in Massachusetts. Visitors of all ages enjoy Westminster—whether by skiing, hiking or viewing the autumn foliage on Mount Wachusett, dining at the Old Mill while watching ducks swimming on the nearby pond, or taking a tour of Wachusett Brewery.

I am very proud to represent this community, which is rich in history, in natural beauty, and in the public spirit of its citizenry. Please join me in congratulating the Town of Westminster as it celebrates its 250th Anniversary.

EL MUSEO DEL BARRIO'S 40TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SERRANO. Madam Speaker, I rise today to recognize a milestone event in the cultural history of New York City. This month, El Museo del Barrio, New York's leading Latino cultural institution, celebrates its 40th Anniversary. There is much to be proud of when we speak of El Museo: the beautiful physical space it now occupies; the extraordinary talent it continues to attract; the superb quality of its collections; and the professionalism and dedication of its staff. But for me what stands out most about El Museo is that it has never stopped growing and evolving. Much like the community in which it makes its home, El Museo continues to reinvent itself for new waves of residents and new generations of New Yorkers.

El Museo del Barrio was founded 40 years ago by Puerto Rican artist and educator Raphael Montailez Ortiz, who gathered together parents, artists, and activists, to address the absence of Puerto Rican and other Latino artists at larger mainstream institutions. Since its founding, El Museo has been dedicated to showcasing Latino culture. Its permanent collection includes over 6,500 objects which span more than 800 years of Latin American, Caribbean, and Latino artistic expression. A wonderfully diverse body of art, this collection includes everything from pre-Columbian Taino artifacts to twentieth-century drawings and paintings, to prints, sculpture, photography and documentary film and video. Located at the corner of Fifth Avenue and E. 104th Street, El Museo is firmly situated on New York's illustrious Museum Mile, but is also far enough uptown to reach into Manhattan's historic El Barrio. Today, more than 100,000 people visit El Museo each year from all backgrounds and walks of life.

On Saturday, October 17th, the museum will hosted an all day celebration and open house to mark the anniversary as well as the opening of El Museo's newly renovated facility. Two new exhibitions will be on display, one of which highlights four decades of El Museo's permanent collection. And to dramatize El Museo's impact on the cultural life of New York City, the Empire State Building was illuminated in the museum's signature mango-yellow color for the entire weekend, so the city as a whole could share in this momentous reopening.

Madam Speaker, from humble beginnings in East Harlem's Puerto Rican community, this landmark of learning and wonder has emerged as a destination for people from all over the world. They come for many reasons: for the history that is taught, for the remarkable work on display, and, not the least of all, people come to El Museo to feel connected—connected to the past and the future of the Latino diaspora in this great international city. El Museo's holdings and exhibitions are a gift to all New Yorkers and to the world, and for this reason I ask that my colleagues join me in recognizing the 40th Anniversary of El Museo del Barrio.

RECOGNIZING THE JACOB MICHAEL DAVIS FOUNDATION 4TH ANNUAL EVENT

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mrs. MILLER of Michigan. Madam Speaker, I rise today to acknowledge the Jacob Michael Davis Foundation located in Macomb County, Michigan. This non-profit organization was created in the loving memory of 7-year old Jacob Michael Davis, who sadly passed away in 2005 after a hard fought battle with acute lymphoblastic leukemia.

The organization will be hosting its 4th Annual Banquet and Fundraiser on November 14th in Shelby Township, so I want to highlight the great work the foundation has performed over the few short years since its inception.

The foundation has carried forward Jacob's legacy—his giving spirit and his unique ability to comfort other young patients while he himself was seeking medical treatment. The foundation has also picked up his torch of hope as it continues to spread his light of compassion and pass his courage on to other families who unfortunately have had to cope with childhood cancer. Although based in the State of Michigan, the Jacob Michael Davis Foundation has extended its helping hand across this great nation, from coast to coast and places in between.

The effects of any childhood illness can be devastating on a family. The emotional and financial distress can leave a mother and father feeling like they have no options, and sometimes even worse with a negative outlook on the future. With so many variables to deal with, families can easily become overwhelmed and lose focus of the primary objective—the care, treatment and recovery of the child.

But these fears and unknowns are exactly the reason why the Jacob Michael Davis Foundation was created. The foundation is a source of comfort to assist families with those unexpected financial burdens not necessarily covered by insurance. For example—travel and temporary housing expenses, medical equipment, mental health programs, academic and school tutoring support, post-treatment survivorship programs and bereavement counseling. These are just a few of the economic barriers that the foundation seeks to remove.

The Foundation's goal is to help families keep their energies focused on the recovery and the healing of the child. Amazingly, the staff, volunteers and board members of the Jacob Michael Davis Foundation do not accept any form of monetary compensation, ensuring that every possible cent is spent to assist those families in need. This certainly speaks volumes about the people who believe in the foundation's mission and the remarkable work they have achieved, continue to achieve and hope to achieve in the future. It certainly is my honor to commend all the volunteers for their charitable and dedicated work.

Furthermore, I am pleased to announce that last month I added my name as a cosponsor to H.R. 1230 which was introduced by my colleague, Representative Doris Matsui, from California. This legislation seeks to establish a National Acquired Bone Marrow Failure Disease Registry and authorize research on bone marrow diseases. I encourage other Members to support this bill and join in the fight to defeat this disease.

In conclusion, I offer my support to the Jacob Michael Davis Foundation on this special occasion. I wish everyone in attendance all the best and hope you have a very successful evening. You are helping to sustain a wonderful cause. I know that in memory of Jacob you will never lose faith in your mission and your passion will be forever alive.

THE DEPARTMENT OF JUSTICE INSPECTOR GENERAL AUTHORITY IMPROVEMENT ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce today the ''Department of Justice Inspector General Authority Improvement Act of 2009.'' This Act will authorize the Department of Justice Inspector General to investigate attorney misconduct within the Department of Justice.

Whether we have a Democratic or Republican administration, I believe we should have strong and vigorous oversight of the Department of Justice. At present, however, the Department of Justice Inspector General is limited in his ability to investigate allegations of misconduct. Instead, present law, to the surprise of many, requires that all allegations of wrongdoing by the Department of Justice attorneys be investigated not by the Inspector General, but by the department's Office of Professional Responsibility.

In contrast with the statutorily independent Inspector General, the Office of Professional Responsibility is supervised by the Attorney General. It is absolutely contrary to human experience to believe that the counsel to the Office of Professional Responsibility can aggressively and independently investigate high level officials in the department when the Attorney General himself has authority over such investigation.

This limitation on authority does not exist for any other Inspector General of other agencies. Accordingly, the Department's Inspector General should have the same power Inspector Generals have throughout the government to investigate any and all allegations of wrongdoing that arise in their department.

In the last Congress, I offered this provision as an Amendment to H.R. 924, the Improving Government Accountability Act. It passed the House, however, it was stripped from the final Bill when the measure went to the Senate. I am introducing this legislation again today because I believe that transparency and vigorous oversight are essential to maintain the checks and balances of our constitutional system.

As documented in my recently released report, ''Reining in the Imperial Presidency: Lessons and Recommendations Relating to the presidency of George W. Bush,'' there was serious misconduct on the part of Department of Justice attorneys, including alleged misconduct by high level politically appointed attorneys, in connection with hiring attorneys for the Civil Rights Division or in other components of the Department. However, due to the unique limitations on his power, it was difficult for the Inspector General to fully investigate these allegations. I certainly trust those sorts of abuses are unlikely to recur in this Administration.

This legislation will help prevent future abuses and politicization of the Department of Justice by improving the Inspector General's tools to effectively carry out his mission. Such vigorous oversight is a matter of good government, regardless of the political party in power.

HONORING PETE GEREN, U.S. REPRESENTATIVE AND ARMY SECRETARY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in recognition of an extraordinary public servant, Pete Geren, who recently stepped down as Secretary of the Army. I am incredibly privileged to call Mr. Geren a close friend, and I am so happy to celebrate this man's distinguished career and service.

Mr. Geren hails from Fort Worth, Texas, and after receiving a Bachelor's Degree and a Law Degree from the University of Texas, he worked as an aide to Senator Lloyd Bentsen. In 1989, he was elected to represent the 12th District of Texas in the United States House of Representatives and would serve in that capacity for four terms. In 2001, Mr. Geren took a position with the Department of Defense as Special Assistant to the Defense Secretary, and later served brief periods as acting Air Force Secretary and Undersecretary of the Army before being appointed to Secretary of the Army in 2007.

Throughout his career, Mr. Geren has worked diligently to represent the best interests of the people he serves, including the citizens of the 12th District of Texas and the soldiers in our armed forces. When he took over

the position as Secretary of the Army, he was faced with numerous challenges that had left the reputation of that organization in low esteem. However, through hard work and determination, he has helped to repair the Army's standing and has placed it on a positive track for the future.

Madam Speaker, Pete Geren is a dutiful public servant, and I encourage all of my colleagues to join me in recognizing and honoring his achievements in Congress and at the Department of Defense.

TRIBUTE TO WALID J. BADDOURA, MD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Dr. Walid J. Baddoura, who was recognized with the 2009 Kendrick P. Lance, MD Distinguished Physician Award, on October 17, 2009 for his distinguished service in the field of medicine.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for his story truly embodies the American Dream.

Dr. Baddoura serves as the President of the Medical Staff of St. Joseph's Regional Medical Center in Paterson, New Jersey. He is also the Program Director of the Gastroenterology Fellowship Program. His dedication to the medical profession is also evidenced in his leadership at the Seton Hall University School of Health and Medical Services, where he serves as Chief of the Gastroenterology Division, and the Program Director for its Gastroenterology Fellowship as well.

Dr. Baddoura embarked on his journey into the field of medicine at the American University of Beirut in Lebanon. Upon his graduation in 1976, he left Lebanon for New Jersey, and first joined the St. Joseph's family as a resident in Internal Medicine. He later left New Jersey for Connecticut, where he pursued a fellowship at the Yale-affiliated Gastroenterology Program in Waterbury and New Haven. He is board certified in internal medicine and gastroenterology.

He returned to St. Joseph's and since then has taken an active role in the education of students, residents and fellows. In 1986 he was appointed the Chief of the Gastroenterology Division, and since 1992, has held this position along with the aforementioned directorship at Seton Hall University School of Health and Medical Services. He also maintains a private practice in Clifton.

At St. Joseph's, Dr. Baddoura serves on many committees and has been on the Medical Board for several years, as a member and also as an officer. He has represented St. Joseph's Regional Medical Center on the Board of Trustees of the Passaic County Medical Society. This past June, the Northern New Jersey Council of the Boy Scouts of America honored him with the Distinguished Health Care Service Award. Dr. Baddoura resides in Pompton Plains and is the proud uncle of six nieces and nephews.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of exceptional individuals like Dr. Baddoura.

Madam Speaker, I ask that you join our colleagues, Dr. Baddoura's family and friends, all those who have been helped by him, and me in recognizing the outstanding contributions of Dr. Walid J. Baddoura to his community.

SUPPORTING THE MISSION AND GOALS OF NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH OCTOBER 2009

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in support of the observance of National Disability Employment Awareness Month. In observance of National Disability Employment Awareness Month, I express my appreciation to the nearly 55 million Americans with disabilities who have made significant contributions to the American workforce.

As a proud sponsor of the Americans with Disabilities Act, I salute this milestone legislation and other comprehensive efforts to create equal access to employment opportunities.

I am proud of efforts like AbilityOne, a laudable, federally-managed program that is the largest source of employment for the blind and those with severe disabilities. I was also a proud co-sponsor of the American Recovery and Reinvestment Act that is providing vital stimulus dollars to programs under the Individuals with Disabilities Education Act (IDEA) to help educate disabled children and youth.

This October, as we rededicate ourselves to increasing employment opportunities for disabled Americans, let us also honor the value, skills and contributions individuals with disabilities have made to the American workforce.

IN RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. LAMAR DENKINS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to an important day in the lives of two constituents and dear friends of mine, Mr. and Mrs. Lamar Denkins.

On October 25, 2009, Lamar and Joyce Denkins will celebrate their 50th wedding anniversary. Lamar was born on March 12, 1935, and his wife, Joyce, was born on October 4, 1938.

Lamar and Joyce met while working at Anniston National Bank in Anniston, Alabama. They married on October 25, 1959, at Pleasant Valley Baptist Church.

Over the years, Lamar and Joyce have been blessed with two children, Susan and Jeffrey, as well as two grandchildren. Lamar has spent his life as a public servant as a minister and working for two different Members of Congress. He also served proudly in the Armed Forces.

On Sunday, October 25th, the couple along with their family and friends will celebrate their anniversary at West Weaver Baptist Church.

I would like to congratulate my friends, Lamar and Joyce, for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

HONORING THE LIFE AND WORK OF JUDGE WILLIAM WAYNE JUSTICE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in remembrance of Judge William Wayne Justice who passed away on October 13, 2009 at the age of 89.

Judge Justice was one of the most remarkable judges in Texas history. Born in Athens, Texas on February 25, 1920, Justice's father actively encouraged him to pursue a career in law from a young age. The younger Justice went on to receive both an undergraduate and a law degree from the University of Texas before spending roughly four years in the army during World War II. Upon his return to the United States, he took up work at his father's law practice in Athens, and in 1961, he was selected by President Kennedy to be U.S. Attorney for the Eastern District of Texas. In 1968, Justice was appointed by President Johnson to be a U.S. District Judge for the Eastern District of Texas.

Judge Justice served in that capacity for more than 40 years and gave countless rulings that dramatically affected the way the State of Texas educated children, treated prisoners, and housed its poorest citizens. With an unwavering regard for the human condition, Justice ordered the integration of public housing, forbade inhumane treatment in prisons and the juvenile justice system, and upheld rulings that caused Texas to desegregate its schools. At a time when many of these decisions were unpopular, Justice made the hard choices and helped carry Texas into the modern era because of them.

Madam Speaker, I am incredibly grateful for the decisions and sacrifices Judge Justice made for the people of Texas and the entire country. I encourage my colleagues to join me in honoring and remembering this courageous sentinel who helped so many of our nation's most distressed citizens.

75TH ANNIVERSARY OF INDIANA FARM BUREAU INSURANCE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SOUDER. Madam Speaker, I rise today to recognize Indiana Farm Bureau Insurance who celebrated, their 75th Anniversary on October 17th. Indiana Farm Bureau Insurance was originally founded in 1934 to cater to the unique insurance needs of our agriculture community. It has since expanded to provide

life, home, auto, and business services and today is the largest writer of farm insurance and the second largest writer of personal lines of insurance in the state. In Indiana, Farm Bureau Insurance is truly a ''part of your life''—with offices in all of our 92 counties, and 1700 employees across the Hoosier state.

While the company has experienced significant growth and development, Indiana Farm Bureau Insurance has remained deeply committed to the community it serves. They have always believed that the strongest investment you can make for the future is to invest in young people, and their actions bear this out.

For 20 years, Indiana Farm Bureau Insurance organized the eXcel Awards, a prestigious high school art competition that granted over $700,000 in scholarships and encouraged the talent and creativity of high school artists and performers. They sponsor the Indiana High School Athletic Association's Mental Attitude Awards, honoring students who excel in athletic ability, leadership, mental attitude, and scholarship in all 39 IHSAA tournament sports. They have also made academics and safety a priority amongst our youth through initiatives like Top Scholar and the Teenage Driver Safety and Education Program. These programs reward young drivers with a $1000 savings bond for completing safety training and provide insurance discounts for students for maintaining a B average respectively. In my district, Indiana Farm Bureau Insurance helps supply healthy activities for our children by sponsoring little league and 4–H, and they are active participants in Holiday initiatives, adopting needy families and donating clothes, toys and foods.

Indiana Farm Bureau Insurance has assisted numerous families and individuals plan for the unexpected and has been a steadfast partner in our community. Madam Speaker, I ask my colleagues to join me in honoring Indiana Farm Bureau Insurance on their 75th Anniversary.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SMITH of Washington. Madam Speaker, on the afternoon of Thursday, October 15, 2009, I was unfortunately unable to be present for the last two series of recorded votes while I was attending to a matter related to my personal health.

I request that the record show that had I been present, I would have voted ''yes'' on rollcall vote No. 786 (on ordering the previous question on the rule for H.R. 2442, H.Res. 830), ''yes'' on rollcall vote No. 787 (on agreeing to the resolution H.Res. 830, the rule providing for consideration of H.R. 2442), ''yes'' on rollcall vote No. 788 (the motion to table the appeal of the ruling of the chair), and ''yes'' on rollcall vote No. 789 (on passage of the bill H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009).

HONORING THE SURVIVING WORLD WAR II VETERANS OF OCCOQUAN, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor to the World War II veterans who currently reside in Occoquan, Virginia. Their service and sacrifice represent the height of American character; something to be honored and never forgotten.

In December of 1941, the United States entered a war that had already engulfed much of the rest of the world. Throughout the course of World War II, 16,000,000 Americans answered the call of duty and served in the armed forces. The support of the nation's war effort ended in the ultimate sacrifice for more than 300,000 of these brave Americans. They were sons, daughters, fathers and mothers putting the defense of their nation above all else.

The town of Occoquan is recognizing their service by honoring the surviving World War II veterans currently residing in Occoquan. So often our veterans return home and take up leadership roles in their communities. This group, which includes former Occoquan mayors, town council members and planning commissioners, is no exception. These individuals are a living testament to the strength and enduring nature of America's citizenry. Occoquan's surviving World War II veterans:

Mr. Richard H. Bell, United States Army

Mr. Edwin S. Clarke, United States Navy

Mr. Robert Lehto, United States Navy

Mr. Frank McKenzie, United States Navy

Mr. James F. Phelps, United States Marine Corps

Ms. June Randolph, United States Navy

Madam Speaker, I ask my colleagues to join me in paying tribute to the World War II veterans of Occoquan, Virginia. We recognize their contribution to honor the importance of their experience to the American story. To forget their sacrifice and the immeasurable cost of war is to do peace a disservice and bind ourselves to indefinite conflict.

COMMEMORATING THE NATIONAL DAY ON WRITING

HON. DINA TITUS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. TITUS. Madam Speaker, writing is a daily practice for millions of Americans, but few people notice how integral writing has become to life in the 21st century. People now write more than ever before for personal, professional, and civic purposes; and writing is increasingly essential for all types of occupations. Newly developing digital technologies expand the possibilities for composing in multiple media and young people are now leading the way in new forms of composition.

Writing has enormous power. It allows people in every walk of life, in every kind of work, and at every age to generate and share ideas with others. Effective communication contributes to building a global economy and a global community. We must find ways to help our students tell their stories—to communicate with their neighbors around the globe, in a world that is getting smaller and smaller. We must help our students put their thoughts into words, and hopefully, into action.

As an educator for more than 30 years, I know the value of a quality education and its importance to our children's future. In order for our Nation's children to get the education they deserve and require to become the leaders of tomorrow, they need the very best teachers and educators. Not only as leaders in education, but also as leaders in the community, English teachers are preparing our next generation.

To draw attention to the remarkable variety of writing we engage in and to help connect writers from all walks of life, the National Council of Teachers of English, NCTE, in conjunction with its many national and local partners, honors the importance of writing by celebrating a National Day on Writing on October 20, 2009. NCTE has developed the National Gallery of Writing, a digital archive of samples, that exhibits how and why Americans are writing every day. The gallery is accessible to all through a free, searchable website that will be launched on the National Day on Writing.

I introduced a resolution to recognize the National Day on Writing to acknowledge the enormous power of writing—how it allows people in every walk of life, in every kind of work, and at every age to generate and share ideas with others. The resolution calls on the House of Representatives to recognize the National Day on Writing and encourages submissions to the National Gallery of Writing. Today my thanks go out to the NCTE and their many national and local partners for facilitating the National Day on Writing. As we celebrate the National Day on Writing, I hope my colleagues will participate and submit entries to the gallery.

HONORING JASMINE LYNN OF SPELMAN COLLEGE, CLASS OF 2012

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. LEWIS of Georgia. Madam Speaker, I rise today to pay tribute to Jasmine Lynn, a rising star, a wonderful daughter, and a successful student who was the victim of a senseless tragedy.

A native of Kansas City, Missouri, Jasmine attended the Lincoln College Preparatory Academy, where she was an active student, athlete, musician, and leader. Even though she was a member of the ROTC, the varsity basketball team, and the high school marching band, Jasmine found time to shine as a student. Her intelligence and academic success won her an opportunity to attend Spelman College in Atlanta, making her the first in her family to receive a college education. At Spelman, Jasmine continued to excel with a 3.8 GPA and intended to focus her academic program around psychology and pre-law studies. Jasmine had just completed a summer internship at Cerner Corp over the summer and had bought her first car. This accomplished young lady had a bright and promising future.

On September 3, the life of Jasmine Lynn was cut down by a stray bullet as she was

walking down an Atlanta street with some of her friends. Violence cuts through the heart of too many communities across America, but when a gifted young woman—simply an innocent bystander—is the victim of a senseless murder, the toll hostility and aggression take on our society becomes painfully clear.

Today, I would like to offer my deepest condolences to the Lynn family for their heartbreaking loss. The thoughts and prayers of the people of the Fifth Congressional District of Georgia are with them during this difficult and trying time. My heart goes out to Jasmine Lynn's parents, brother, family, friends, and the Spelman and Clark/Atlanta University community who also mourn her passing.

THOMAS SLEMMER

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. KILROY. Madam Speaker, I rise today to recognize an outstanding leader in the field of affordable housing and long-term services and supports for people as they age. Thomas Slemmer is the outgoing chair of the American Association of Homes and Services for the Aging (AAHSA), and I congratulate him on what he has accomplished for his field during his two-year term.

AAHSA members (www.aahsa.org) help millions of individuals and their families every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home. The 5,700 member organizations, many of which have served their communities for generations, offer the continuum of aging services: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities, and nursing homes.

With Tom Stemmer at its head, AAHSA championed the combination of supportive services with affordable housing to enable seniors to remain in their communities and has taken a leadership role in developing realistic, workable solutions for Congress and states facing the impending long-term service and support needs of the aging baby boom generation.

Mr. Slemmer co-chaired AAHSA's Affordable Housing Finance Cabinet, which is developing recommendations for building and preserving housing to meet the physical and financial needs of a growing elder population. He also saw the introduction of the landmark Section 202 Supportive Housing for the Elderly Act, which would promote the construction of new senior housing facilities, streamline the preservation of existing housing, and support the conversion of existing housing into assisted-living facilities with supportive health and social services.

Prior to becoming AAHSA's chair, Mr. Slemmer participated in the organization's Long-Term Services and Supports Financing Cabinet to find a more rational, sustainable and responsible system for funding aging services where he helped shape recommendations for a national insurance plan founded on three core principles: consumer choice, fiscal responsibility, and good stewardship of provider and public resources, and equity of benefits.

These recommendations closely aligned with the Community Living Assistance Services and Supports (CLASS) Act introduced and championed by the late Senator Edward Kennedy. AAHSA has united a wide range of stakeholders to work for the inclusion of CLASS provisions in health care reform, and these provisions are reflected in two of the health care reform measures drafted by congressional committees. AAHSA members from all over the country have advocated tirelessly for a mechanism to enable Americans to plan responsibly for their own long-term services and supports needs while also addressing the issues of access and cost.

To address other issues facing the nation's aging population, families, service providers and policymakers, Slemmer has overseen AAHSA member task forces on workforce, nursing home quality, home- and community-based services, and issues specific to rural and inner-city areas. Under his leadership, AAHSA has undertaken pilot technology projects, ''living laboratories'' linking member operations with research to demonstrate the effectiveness of applied technology to improve quality, make operations more efficient, and enable people to live independently wherever they call home.

In addition to his service as AAHSA's chair, Tom Slemmer is the president and chief executive officer of Columbus, Ohio's National Church Residences, where he has had a thirty year career. From a single affordable housing facility established in 1961, National Church Residences has grown to provide affordable housing, supportive services, assisted living, and skilled nursing care to low and moderate-income elders, families, persons with disabilities, and homeless families and individuals in facilities throughout the United States. In Central and Southern Ohio, NCR provides home and community based supportive services to allow elders to age in place in dignity in the comfort of their own homes. Its ministry serves over 22,000 individuals in 300 properties nationwide.

In the aftermath of Hurricane Katrina, National Church Residences and AAHSA launched a hotline to help displaced seniors find affordable housing. Low-income seniors and family members were able to call around the clock to be connected to housing resource professionals trained to evaluate and locate available affordable senior housing communities nationwide. Hundreds of evacuated elders were able to find temporary or permanent housing through National Church Residences and other AAHSA members. Based on this experience, AAHSA and National Church Residences submitted recommendations to Congress on improving coordination among aging services providers and federal, state, and local agencies in the event of natural disasters.

Because of the importance of supportive services to seniors' ability to remain longer in their communities, Mr. Stemmer was instrumental in establishing the American Association of Service Coordinators (AASC). AASC's over 2,000 members serve seniors, people with disabilities, and low income families living in affordable rental housing and the surrounding community. Service coordinators assist senior and disabled residents in identifying, locating, and acquiring the services necessary for them to remain independent and help families achieve self sufficiency and economic independence.

Mr. Slemmer also has served on the boards of the Association of Ohio Philanthropic Homes, Housing and Services for the Aging; the National Affordable Housing Trust, the Stewards of Affordable Housing for the Future, and the Ohio Capital Corporation for Housing.

I hope my colleagues will join me in commending Tom Stemmer for his longstanding service to our nation's elders and his work to develop realistic solutions to the challenges a growing elder population will pose in the years to come.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3183—Energy and Water Appropriations Act of 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: P.O. Box 867, Little Rock, Arkansas 72203

Description of Request: The May Branch flood control project will reduce the occurrence of flood damage for hundreds of property owners in the vicinity of the May Branch drainage way in portions of Fort Smith. During the periods of heavier rainfall, stormwater flows exceed the capacity of the May Branch channel, causing surface and structure flooding. The project meets the Corps of Engineers' cost/benefit ration requirements. The Federal funds of $179,000 will be used for design engineering, right-of way acquisition, and construction. The City of Fort Smith will be matching the $15 million federal share with $16 million in local funds from a 1-cent sales tax dedicated to street and drainage repairs.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Department of Energy—EERE

Legal Name of Requesting Entity: University of Arkansas—Division of Agriculture

Address of Requesting Entity: 2404 N. University Avenue, Little Rock, Arkansas 72207

Description of Request: The national goal of the US is to replace more than 75% of our oil imports from the Middle East by 2025. With America on the verge of breakthroughs in advanced energy technologies, the best way to break the addiction to foreign oil is through new technology. Of course, new conversion technology requires the availability of adequate amounts of quality feedstocks. To help meet this critical national goal, the Mid South/Southeast BioEnergy Consortium $1,000,000 project is focused: to (1) position the MidSouth and Southeast bioenergy industry to expand from biodiesel and grain to ethanol to commercial production of cellulosic ethanol; (2) develop economic and environmental viable systems to produce, harvest and process relevant feedstocks for biodiesel and ethanol operations, matching feedstock availability to specific conversion technologies; (3) conduct educational programs to deliver information on

feedstock production, harvesting and processing with farm and industry audiences; (4) develop alternative uses for by-products and create new lines of co-products that generate revenue streams to complement biofuel production; and (5) develop and evaluate conversion technologies necessary for commercial cellulosic ethanol production.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Conference Report to accompany H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman BOB INGLIS

Bill Number: Conference Report to accompany H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Greenville

Address of Requesting Entity: 206 South Main Street Greenville, South Carolina 29602

Description of Request: The purpose of the request is to conduct a feasibility study examining potential environmental restoration and flood control projects for the Reedy River in the vicinity of Greenville, SC. This study will be conducted by the Army Corps of Engineers, as the next phase in the Corps' ongoing work to restore and stabilize the Reedy. The amount is $90,000 and it would go to the City of Greenville.

RECOGNIZING SUDHAKAR V. SHENOY AND SURESH V. SHENOY FOR RECEIVING THE 2009 COMMUNITY LEADER AWARD FROM THE NORTHERN VIRGINIA COMMUNITY FOUNDATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Sudhakar V. Shenoy and Suresh V. Shenoy and their company, IMC, Inc. as the recipients of the Northern Virginia Community Foundation 2009 Community Leader Award.

The Northern Virginia Community Foundation (NVCF) was established in 1978 as a public charity to meet a wide variety of social, educational, cultural and other charitable needs throughout Northern Virginia. The mission of NVCF is to grow philanthropy and strengthen the community. This past year, more than $3,000,000.00 in grants and scholarships supporting child and youth development, education, health, arts, homelessness, community improvement, and other causes were made from NVCF funds. Hundreds of nonprofit organizations benefited from these grants and put those resources to work to strengthen the community.

Each year, NVCF recognizes individuals or organizations for their extraordinary philanthropic efforts and successes. This year, the NVCF has chosen to honor Mr. Sudhakar V. Shenoy and Mr. Suresh V. Shenoy by presenting them with the 2009 Community Leader Award.

The accomplishments of these two individuals are truly impressive. They are successful businessmen, under their leadership, their company, IMC, Inc. has become a highly respected and award winning technology solutions innovator that provides expert government, commercial and scientific solutions.

The business successes of Sudhakar and Suresh Shenoy are matched by their philanthropic endeavors and commitment to the improvement of our community.

Sudhakar Shenoy has a long history of civic and community involvement. In 1999, he was named Citizen of the Year and in 2003, he was named Lord Fairfax in recognition of his contributions to the community and his volunteerism. He has been a strong leader and supporter in many organizations including the American Heart Association, YouthAids, the American Cancer Society, Leukemia Society, Youth Life, INOVA, the United Way, the American-India Foundation and many others. Sudhakar was also named the Greater Washington High Technology Entrepreneur of the Year for 1998. In 1996, Sudhakar was honored by the University of Connecticut when he was inducted into the University of Connecticut School of Business Alumni Hall of Fame.

Suresh Shenoy currently serves as the Chairman of the National Capital Region American Red Cross. In addition, he serves on the boards of The Kevric Company, The Fairfax County Information Technology Advisory Committee, IIT Heritage Foundation, the Fairfax County Chamber of Commerce and was a founding member of the Thomas Jefferson Partnership Fund. Suresh was an adjunct professor of Entrepreneurship, International Marketing and Business Administration at the Graduate School of Management, Clark University and currently serves on the adjunct faculty of the School of Information and Technology & Engineering at George Mason University. Suresh has spoken at numerous industry events in Europe, the United States and Brazil; his articles have also been widely published in various industry publications. In 2000, Suresh was recognized for his many contributions in his field when in 2000, he was inducted as a Fellow of the Information Management Congress (Europe) and AIIM International (USA).

Madam Speaker, I ask my colleagues to join me in congratulating Sudhakar Shenoy and Suresh Shenoy for being named the recipients of the Northern Virginia Community Foundation 2009 Community Leader Award and to thank them for their years of philanthropic, educational and civic service.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2892, Department of Homeland Security Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S10533–S10585

Measures Introduced: Nineteen bills were introduced, as follows: S. 1800–1818. **Page S10570**

Measures Passed:

Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act: Senate passed S. 1818, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall. **Pages S10584–85**

Conference Reports:

Department of Homeland Security Appropriations Act Conference Report: By 79 yeas to 19 nays (Vote No. 323), Senate agreed to the conference report to accompany H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010. **Pages S10542–59**

Department of Defense Authorization Act Conference Report—Cloture: Senate began consideration of the conference report to accompany H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees. **Pages S10567–68**

A motion was entered to close further debate on the conference report, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, October 22, 2009. **Pages S10567–68**

Appointments:

National Advisory Committee on Institutional Quality and Integrity: The Chair announced, on behalf of the President pro tempore, pursuant to P.L. 110–315, the appointment of the following to be members of the National Advisory Committee on Institutional Quality and Integrity: Daniel Klaich of Nevada, Cameron Staples of Connecticut, and Larry Vanderhoef of California. **Page S10585**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–35) **Page S10570**

Sessions Nomination—Cloture: Senate began consideration of the nomination of William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission. **Page S10568**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, October 22, 2009. **Page S10568**

Lange Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 11:30 a.m., on Wednesday, October 21, 2009, Senate begin consideration of the nomination of Roberto A. Lange, to be United States District Judge for the District of South Dakota; that debate on the nomination be limited to 2 hours equally divided and controlled between Senators Leahy and Sessions, or their designees; with the vote on confirmation of the nomination occurring at 2 p.m. **Page S10584**

Nominations Received: Senate received the following nominations:

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Page S10585

Messages from the House: Page S10570

Additional Cosponsors: Pages S10570–71

Statements on Introduced Bills/Resolutions: Pages S10571–81

Additional Statements: Pages S10568–69

Amendments Submitted: Pages S10581–84

Notices of Hearings/Meetings: Page S10584

Authorities for Committees to Meet: Page S10584

Privileges of the Floor: Page S10584

Record Votes: One record vote was taken today. (Total—323) Page S10558

Adjournment: Senate convened at 10 a.m. and adjourned at 7:38 p.m., until 9:30 a.m. on Wednesday, October 21, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10585.)

Committee Meetings

(Committees not listed did not meet)

NATIONAL HOUSING MARKET

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the state of the nation's housing market, after receiving testimony from Senator Isakson; Shaun Donovan, Secretary of Housing and Urban Development; Diane Randall, Partnership for Strong Communities, Hartford, Connecticut; and Ron Phipps, National Association of Realtors, Emile J. Brinkmann, Mortgage Bankers Association, and David Crowe, National Association of Home Builders, all of Washington, DC.

CUSTOMS FACILITATION AND TRADE ENFORCEMENT ACT

Committee on Finance: Committee concluded a hearing to examine S. 1631, to reauthorize customs facilitation and trade enforcement functions and programs, after receiving testimony from Jerry Cook, Hanesbrands Inc., Winston-Salem, North Carolina; Richard Cotton, NBC Universal, New York, New York; Ted Sherman, Target, Minneapolis, Minnesota; and Mary Ann Comstock, UPS Supply Chain Solutions, Inc., Sweet Grass, Montana.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Susan Tsui Grundmann, of Virginia, to be Chairman, and Anne Marie Wagner, of Virginia, to be a Member, both of the Merit Systems Protection Board, after the nominees testified and answered questions in their own behalf.

MEDICAL BANKRUPTCY FAIRNESS ACT

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine medical debt, focusing on bankruptcy reform, including S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, after receiving testimony from Elizabeth Edwards, Center for American Progress Action Fund, Aparna Mathur, American Enterprise Institute, and Diana Furchtgott-Roth, Hudson Institute, all of Washington, DC; John A. E. Pottow, University of Michigan Law School, Ann Arbor; and Kerry Burns, Coventry, Rhode Island.

HEALTH CARE FOR SMALL BUSINESSES

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine health care solutions for America's small businesses, after receiving testimony from Karen G. Mills, Administrator, United States Small Business Administration; Gene Sperling, Counselor to the Secretary, Department of the Treasury; and John Arensmeyer, Small Business Majority, Amanda L. Austin, National Federation of Independent Business, Ann Sullivan, Madison Services Group, Inc., on behalf of Women Impacting Public Policy, Edmund F. Haislmaier, The Heritage Foundation, and Keith Ashmus, National Small Business Association, all of Washington, DC.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 40 public bills, H.R. 3845–3884; 7 resolutions, H. Res. 844–845, 847–851 were introduced. **Pages H11514–15**

Additional Cosponsors: **Pages H11515–17**

Report Filed: A report was filed today as follows:

H. Res. 846, providing for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies (H. Rept. 111–304); and

H.R. 3792, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS (H. Rept. 111–305). **Page H11514**

Recess: The House recessed at 12:51 p.m. and reconvened at 2 p.m. **Page H11465**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses: H.R. 3763, to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses, by a ⅔ yea-and-nay vote of 400 yeas with none voting "nay", Roll No. 790; **Pages H11467–69, H11479–80**

Army Specialist Jeremiah Paul McCleery Post Office Building Designation Act: H.R. 3319, to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building", by a ⅔ yea-and-nay vote of 401 yeas with none voting "nay", Roll No. 791; **Pages H11469–70, H11480–81**

Extending the commercial space transportation liability regime: H.R. 3819, to extend the commercial space transportation liability regime; **Pages H11470–72**

Supporting the goals and ideals of National Chemistry Week: H. Res. 793, to support the goals and ideals of National Chemistry Week; and **Pages H11472–74**

Supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools: H. Res. 558, amended, to support the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week, by a ⅔ yea-and-nay vote of 405 yeas with none voting "nay", Roll No. 792. **Pages H11474–77, H11481**

Recess: The House recessed at 3:41 p.m. and reconvened at 6:30 p.m. **Page H11479**

Moment of Silence: The House observed a moment of silence in honor of Robert W. Davis, former Member of Congress. **Page H11480**

Moment of Silence: The House observed a moment of silence in honor of Jay W. Johnson, former Member of Congress. **Page H11481**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States: H. Res. 797, to express the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and to support the goals and ideals of the sixth annual National Cyber Security Awareness Month. **Pages H11477–79**

Presidential Messages: Read a message from the President wherein he made a determination and certification of Haiti's compliance with HOPE II requirements under PL 110–246—referred to the Committee on Ways and Means and ordered printed (H. Doc. 111–69). **Pages H11466–67**

Read a message from the President wherein he notified Congress that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–70). **Page H11467**

Read a message from the President wherein he notified Congress that the national emergency declared with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in that country, are to continue in effect beyond October 27, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–71). **Page H11482**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H11481–82.

Senate Referral: S. 1793 was held at the desk. **Pages H11481–82**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H11479–80, H11480, H11481. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:48 p.m.

Committee Meetings

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2009

Committee on Energy and Commerce: Subcommittee on Health held a hearing on H.R. 2708, Indian Health Care Improvement Act Amendments of 2009. Testimony was heard from Yvette Roubideaux, M.D., Director, Indian Health Service, Department of Health and Human Services; and public witnesses.

SMALL BUSINESS HEALTH INSURANCE COSTS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''The High Cost of Small Business Health Insurance: Limited Options, Limited Coverage.'' Testimony was heard from public witnesses.

CONSUMER FINANCIAL PROTECTION AGENCY ACT OF 2009

Committee on Financial Assistance: Continued mark up of the Discussion Draft of the Consumer Financial Protection Agency Act of 2009 (to be reported as H.R. 3126, Consumer Financial Protection Agency Act of 2009).

Will continue tomorrow.

GIRLS IN THE JUVENILE JUSTICE SYSTEM

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on Girls in the Juvenile Justice System: Strategies to Help Girls Achieve Their full Potential. Testimony was heard from Eileen Larence, Director, Homeland Security and Justice Issues, GAO; Thomas Stickrath, Director, Department of Youth Services, State of Ohio; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on the following bills: H.R. 1672, Northwest Straits Marine Conservation Initiative Authorization Act of 2009; and H.R. 2548, Keep America's Waterfronts Working Act of 2009. Testimony was heard from Representative Pingree; David M. Kennedy, Director, Office of Ocean and Coastal Resource Management, NOAA, Department of Commerce; and public witnesses.

NATIONAL ARCHIVES ADVISORY COMMITTEES EFFECTIVENESS

Committee on Oversight and Government Reform, Subcommittee on Policy, Census, and National Archives held a hearing entitled ''National Archives: Advisory Committees and their Effectiveness.'' Testimony was heard from the following officials of the National Archives and Records Administration: Sharon Fawcett, Assistant Archivist for Presidential Libraries; and Martha Morphy, Chief Information Officer; Robert Flaak, Director, Committee Management Secretariat, GSA; and Christopher Greer, Assistant Director, Information Technology, R&D, Office of Science and Technology Policy.

SPACE TECHNOLOGY ROADMAP ACT

Committee on Rules: Committee granted, by nonrecord vote, a structured rule providing for consideration of H.R. 3585, the ''Solar Technology Roadmap Act.'' The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science and Technology shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI.

The rule further makes in order only those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments are waived except those arising under clause 9 or 10 of rule XXI.

The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. Finally, the rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill. Testimony was heard from Chairman Gordon and Representatives Titus and Hall of Texas.

YOUNG-ELDERLY—SPECIAL NEEDS DISASTER CARE

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on Looking Out for the Very Young, the Elderly and Others with Special Needs: Lessons from Katrina and other Major Disasters. Testimony was heard from Tim Manning, Deputy Administrator, National Preparedness, FEMA, Department of Homeland Security; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 21, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space, to hold hearings to examine space, focusing on the value, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the costs and benefits for energy consumers and energy prices associated with the allocation of greenhouse gas emission allowances, 9:45 a.m., SD–366.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nominations of Craig Becker, of Illinois, Mark Gaston Pearce, of New York, and Brian Hayes, of Massachusetts, all to be a Member of the National Labor Relations Board, Rolena Klahn Adorno, of Connecticut, and Marvin Krislov, of Ohio, both to be a Member of the National Council on the Humanities, and Gloria Valencia-Weber, of New Mexico, Julie A. Reiskin, of Colorado, Martha L. Minow, of Illinois, John Gerson Levi, of Illinois, and Robert James Grey, Jr., of Virginia, all to be a Member of the Board of Directors of the Legal Services Corporation, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine H1N1 flu, focusing on monitoring the nation's response, 9:30 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nominations of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, and Benjamin B. Tucker, of New York, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy, 2 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine S. 977, to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war, S. 1109, to provide veterans with individualized notice about available benefits, to streamline application processes or the benefits, S. 1118, to amend title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs, S. 1155, to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health, S. 1204, to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, S. 1237, to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, S. 1302, to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provisions of health care services, S. 1394, to direct the Secretary of Veterans Affairs to acknowledge the receipt of medical, disability, and pension claims and other communications submitted by claimants, S. 1427, to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs Medical Centers, S. 1429, to establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health care providers to assist such veterans and members, to ensure such veterans are not discriminated against, S. 1444, to amend title 38, United States Code, to clarify the meaning of "combat with the enemy" for purposes of service-connection of disabilities, S. 1467, to amend title 38, United States Code, to provide coverage under Traumatic Servicemembers' Group Life Insurance for adverse reactions to vaccinations administered by the Department of Defense, S. 1483, to designate the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic", S. 1518, to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, S. 1531, to amend title 38, United States Code, to establish within the Department of Veterans Affairs the position of Assistant Secretary for Acquisition, Logistics, and Construction, S. 1547, to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, S. 1556, to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, S. 1607, to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities, and S. 1668, to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of

Post-9/11 Educational Assistance Program, and any pending calendar business, 9:30 a.m., SR–418.

United States Senate Caucus on International Narcotics Control: to hold hearings to examine United States counternarcotics strategy in Afghanistan, 11 a.m., SD–138.

House

Committee on Agriculture, to consider derivatives legislation; and to approve the Dunloup Creek Watershed of West Virginia and the Cape Cod Watershed of Massachusetts projects, 2 p.m., 1300 Longworth.

Subcommittee on Rural Development, Biotechnology, Specialty Crops and Foreign Agriculture, hearing to examine U.S. Department of Agriculture rural business programs, conditions for rural entrepreneurship and business development, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on U.S. Military Redeployment from Iraq: Issues and Challenges, 10 a.m., 210 HVC.

Committee on Energy and Commerce, to consider the following bills: H.R. 3276, American Medical Isotopes Production Act of 2009; H.R. 3258. Drinking Water System Security Act of 2009; H.R. 2868, Chemical Facility Anti-Terrorism Act of 2009; and H.R. 2190, Mercury Pollution Reduction Act, 10 a.m., 2123 Rayburn.

Committee on Financial Assistance, to continue mark up of the Discussion Financial Protection Agency Act of 2009 (to be reported as H.R. 3126, Consumer Financial Protection Act of 2009), 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on U.S. Policy Toward Burma, 10 a.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights and Oversight, hearing on International Violence Against Women: Stories and Solutions, 2 p.m., 2172 Rayburn.

Committee on House Administration, to mark up the following: H.R. 3224, To authorize the Board of Regents of the Smithsonian to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes; H.R. 1729, Student VOTER Act of 2009; H.R. 2843, Architect of the Capitol Appointment Act of 2009; H.R. 3489, To amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes; H.R. 3542, State Admission Day Recognition Act of 2009; a Committee Resolution, to adopt voucher documentation standards; and a Committee Resolution to prohibit text messaging while driving on official business, 11 a.m., 1310 Longworth.

Subcommittee on Elections, hearing on Modernizing the Election Registration Process, 1 p.m., 1310 Longworth.

Committee on the Judiciary, to mark up the following bills: H.R. 3596, Health Insurance Industry Antitrust Enforcement Act of 2009; H.R. 412, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act; H.R. 1425, Wartime Treatment Study Act; and H.R. 3237, To enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs,'' 10:15 a.m., 2141 Rayburn.

Committee on Natural Resources, hearing on H.R. 2523, Helping Expedite and Advance Responsible Tribal Homeownership Act or the HEARTH Act, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Information Policy, Census, and National Archives, hearing entitled: ''The 2010 Census Master Address File: Issues and Concerns,'' 2 p.m., 2154 Rayburn.

Committee on Rules, to consider H.R. 3619, Coast Guard Authorization Act of 2010, 3 p.m., H–313 Capitol.

Committee on Science and Technology, to consider the following bills: H.R. 3791, Fire Grants Reauthorization Act of 2009; and H.R. 3820, Natural Hazards Risk Reduction Act of 2009, 10 a.m., 2318 Rayburn.

Subcommittee on Energy and Environment, hearing on Biomass for Thermal Energy and Electricity Through a Research and Development Portfolio for the Future, 2 p.m., 2318 Rayburn.

Committee on Small Business, to mark up the Small Business Financial and Investment Act of 2009, 10 a.m., 2360 Rayburn.

Committee on Veterans Affairs, Subcommittee Disability Assistance and Memorial Affairs, to mark up the following: H.R. 761, To amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; H.R. 3485, Veterans Pensions Protection Act, and other pending business, 10 a.m., 340 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Update on Counternarcotics Efforts in Mexico, 10 a.m., and executive, hearing on Patriot Act Reauthorization, 2 p.m., 304 HVC.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, October 21

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond two hours), Senate will begin consideration of the nomination of Roberto A. Lange, to be United States District Judge for the District of South Dakota, and after a period of debate, vote on confirmation of the nomination at 2 p.m. Also, Senate is expected to vote on the motion to invoke cloture on the motion to proceed to consideration of S. 1776, Medicare Physicians Fairness Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, October 21

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 3792—Ryan White HIV/AIDS Treatment Extension Act; (2) H.R. 3632—Federal Judiciary Administrative Improvements Act; (3) H. Con. Res. 177—Raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009, through October 3, 2009, as ''Celebrate Safe Communities Week,'' and October as ''Crime Prevention Month''; (4) H. Res. 811—Expressing support for designation of October 2009 as ''National Principals Month''; (5) H. Res. 837—Recognizing Kentucky Wesleyan College; (6) H. Res. 660—Recognizing the distinguished history of the Laurinburg Normal Industrial Institute; (7) H. Res. 836—Expressing support for Teen Read Week; (8) S. Con. Res. 43—Authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke; (9) H. Res. 823—Expressing deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program office in Islamabad, Pakistan, on October 5, 2009, and support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world; (10) H. Res. 761—Remembering and commemorating the lives and work of the Jesuit Fathers on the occasion of the 20th anniversary of their deaths at the University of Central America Jose Simeon Canas located in San Salvador, El Salvador on November 16, 1989; (11) H. Res. 672—Calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom; and (12) H. Res. 175—Condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

Extensions of Remarks, as inserted in this issue

HOUSE

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