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House of Representatives

The House met at 10 a.m.

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

''After the earthquake came fire, but the Lord was not in the fire. And after the fire came a gentle whisper. When Elijah heard it, he pulled his cloak over his face and went out and stood at the mouth of the cave.''

You, O Lord, are the subtle inspiration hidden in our deepest instincts to seek out goodness and love and content us with the whisper of truth and presence.

Lord, if we desire You to be a part of our busy lives we need to find some cave of aloneness where we can heed Your voice and ponder Your Word with a clean heart.

Enable us and our children not to be afraid of silence.

Only from silence can come the depth of expression, the wellspring of beautiful and common language that will help us interpret all the sounds of our noisy world.

Lord, help us to keep silent so that we can listen better. Help us to abide in the silence of prayer so prayer can live in us, now, and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. HARE) come forward and lead the House in the Pledge of Allegiance.

Mr. HARE 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minutes on each side of the aisle.

HONORING EDGAR MAY

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

Mr. WELCH. Madam Speaker, I rise today to honor a Vermonter who has dedicated his life to serving others, one who's made an impact nationally and internationally, but most importantly, in his hometown of Springfield, Vermont.

Edgar May has worn many hats in his life, Pulitzer Prize winning journalist, a leader in President Johnson's War on Poverty, and a top administrator in the Peace Corps under Sargent Shriver.

I came to know Edgar May when we served together in the Vermont State Senate, where we reminded colleagues every day of our obligation to be there for average Vermonters. He earned tremendous respect for his ability to solve difficult problems, to temper emerging feuds and, most importantly, for the profound decency at the core of all his work.

Edgar has devoted his recent years to providing the people of Springfield with something they thought they'd never have, a downtown recreation center at the site of an old machine tool plant, a resource for all people of all ages and all incomes. The Southern Vermont Health and Recreation Center is a symbol of Springfield's quiet but confident determination to continue reviving one of Vermont's proudest cities. Its creation is a testament to Edgar May's perseverance and his devotion to his city, his State and country.

NEW EMPLOYEE VERIFICATION ACT

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

Mr. SAM JOHNSON of Texas. Last night my colleague GABBY GIFFORDS of Arizona and I re-introduced our work site enforcement bill, the New Employee Verification Act, H.R. 2028, or NEVA. Our bill would create the Nation's first mandatory employment verification system for all U.S. employers.

The act achieves three important objectives. It ensures a legal work force, it safeguards workers' identities, and it protects Social Security.

Employers want, need and deserve a reliable employee verification system, and we want to give it to them.

Now's the time for the Congress to create a new way forward that prevents illegal immigrants from taking jobs from American citizens. I urge my colleagues to cosponsor H.R. 2028. When immigration reform happens this year, this bill ought to be part of it.

OPPOSING THE PANAMA AND COLOMBIA FREE TRADE AGREEMENTS

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

Mr. HARE. Mr. Speaker, I rise this morning to respond to recent comments made by the United States Trade Representative, Ambassador Kirk, regarding the Panama and Colombia Free Trade Agreements.

In addition to the tax haven and money laundering issues with Panama, and the fact that Colombia remains the most violent country for trade unionists in the world, it would be a mistake to pursue these two unfair trade agreements as we attempt to recover from

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the worst economic crisis since the Great Depression.

Our economy began this downward spiral as a result of irresponsible trade policies that have outsourced millions of good-paying American jobs. With the unemployment rate at 8.5 percent, the last thing our economy can afford is more of the same.

I intend to work with the Obama administration and my colleagues in Congress to forge a new direction on trade that addresses the devastation caused by NAFTA and, instead, creates jobs and grows industry in the United States.

AMERICANS HAVE THE RIGHT TO PROTEST

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

Mr. FLEMING. Mr. Speaker, last week I joined thousands of citizens in my district to protest the reckless disregard Washington has shown for the taxpayers of this Nation and their hard-earned dollars.

People are angry, they are frustrated, and they feel that Washington is not listening, so they came together to protest in the same manner as our forefathers. Their message was simple. Stop spending our money, taxing our families and borrowing against the future of our children.

How did the media and our Democrat leaders here in Washington respond? They were dismissive.

The Speaker of the House, in fact, referred to this grassroots effort as Astroturf.

At the same time, Homeland Security released a report labeling political opponents of the administration as potential terrorists. The right of citizens to speak out against their party in power is at the heart of our democracy.

For a party that carps about bipartisanship and freedom of speech, the Democrat leadership should back their words with actions.

RESET THE COURSE ON TRADE POLICY

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

Mr. MICHAUD. Mr. Speaker, United States Trade Representative Ron Kirk said this week that the administration wants to move forward with the Bush-negotiated Panama and Colombia Free Trade Agreement ''sooner rather than later.'' This is absolutely outrageous and a serious mistake, and contrary to what the President campaigned on.

Why would we be moving forward on a trade agreement negotiated by President Bush during a time where our economy is struggling? This makes no sense whatsoever. It does not represent a new model on trade. It represents a recycled model that doesn't work.

At home, people are furious about these trade deals. During the economic downturn, do we really want to push forward a Bush-negotiated free trade agreement? I believe the American people deserve more. I believe they demand more from their elected officials.

We have a historic opportunity with a new administration to reset the course of trade policy. I look forward to working with the administration to change the course of direction.

LAST FIRE ALARM FOR FIREFIGHTERS JAMES HARLOW, SR. AND DAMION HOBBS

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

Mr. POE of Texas. Mr. Speaker, the safety of our Nation's citizens often depends on the courageous Americans who choose to serve as firefighters. They answer the sound of the alarm every day to protect and to serve.

On April 12, 2009, two Texas firemen were killed in the line of duty while rushing into a burning home to look for an elderly couple. Captain James Arthur Harlow, Sr. and Firefighter Damion Jon Hobbs both served at Houston Fire Station Number 26.

Captain Harlow served 29 years at the Houston Fire Department. He was married to Debbie, and a wonderful father and grandfather. He also liked to hunt and to fish.

Firefighter Hobbs served our country for 10 years in the United States Army, where he just recently returned from Iraq to join the Houston Fire Department. He left behind parents, siblings and his longtime girlfriend, Crystal. The fire that took his life was his very first alarm call.

Mr. Speaker, our country is better because of remarkable Americans that risk their lives to protect us from harm. Firefighters rush to the sound of the alarm to fight the fires that destroy our communities and threaten lives of citizens. Two of those firefighters, James Harlow, Sr. and Damion Hobbs, gave their lives in that sacred duty.

And that's just the way it is.

LAS VEGAS SUN PULITZER PRIZE

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

Ms. TITUS. Mr. Speaker, I rise today to congratulate the Las Vegas Sun and reporter Alexandra Berzon for the top-notch reporting that carried them and earned them the prestigious Pulitzer Prize for public service earlier this week.

Alexandra's investigation into the deaths of construction workers on the Las Vegas Strip, combined with the efforts of editorial writers, Matt Hufman and David Clayton brought attention to this serious issue and resulted in critical safety reforms that will save lives in Nevada.

Nine workers had died on the job when Alexandra wrote her first of more than 50 stories chronicling the dangers construction workers face when safety is sacrificed for speed or profit. Her findings will be very valuable to Congress as the Education and Labor Committee examines this issue further.

The first Pulitzer for the Las Vegas Sun is a momentous occasion for the paper and for our community, so I, again, congratulate the Sun and Alexandra for earning journalism's highest honor.

□ 1015

FISCAL RESPONSIBILITY

(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. Thank you, Mr. Speaker.

Yesterday, the Savings Recovery Act, legislation designed to help Americans rebuild their retirement, college and personal savings, was introduced. This legislation will make it easier for Americans to save more for their retirement by increasing the contribution and catch-up limits for individuals and families. It will restore college savings by extending the existing credit for contributions made to college savings accounts. The Savings Recovery Act will ensure workers retain control over their hard-earned 401(k)s, not the Federal Government.

Mr. Speaker, the American people need more than just lip service when it comes to their futures. They need real solutions, solutions which come from empowering the public, not from racking up more debt.

I urge my colleagues to support the Savings Recovery Act.

HONORING THE MEMORY OF SANDRA CANTU

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

Mr. MCNERNEY. Mr. Speaker, I rise today to honor the memory of Sandra Cantu, a child whose life was tragically cut short. Eight-year-old Sandra lived in Tracy, California, a town I am honored to represent.

Now known as ''Tracy's precious angel,'' Sandra was a cheerful, friendly girl whose joyful life was evident whether she was doing cartwheels or playing on the jungle gym. She brightened the lives of everyone she came into contact with, even those who never met her, as was seen in the number of people at her memorial last week.

Her horrific kidnapping and death are a tragedy beyond description. No parent should have to experience the loss of a child, especially at such a young age.

I am touched by the outpouring of support for Sandra's family from the Tracy residents and for the tireless work of the Tracy Police Department.

Sandra Cantu will be missed, and I join those who grieve as we celebrate her short life.

THE REAL COST OF CAP-AND-TRADE LEGISLATION

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

Mr. PENCE. Mr. Speaker, this week, House Democrats begin hearings on so-called ''cap-and-trade'' legislation. It is their legislative response to concerns over global climate change. Even former Vice President Al Gore will testify tomorrow here on Capitol Hill. But as many around the country and in this body are realizing, there are a lot of inconvenient truths about the cap-and-trade bill.

The Democrat plan actually caps growth and trades jobs, and the truth is this cap-and-trade legislation is essentially an economic declaration of war on the Midwest by liberals in Washington, D.C., and it must be opposed.

Under the Democratic plan, estimates suggest the average American household could face more than $3,000 a year in higher energy costs, and people in the Midwest, like us in Indiana, will bear the largest burden. Even the President, as candidate, said, ''Under my plan of cap-and-trade, electricity rates would necessarily skyrocket.'' We can only estimate these numbers, Mr. Speaker, because the Democratic plan includes no numbers.

The truth is the American people deserve to know what all this is going to cost. The Democrats and the Congress need to come clean about the cost of their cap-and-trade bill, and when they do, this Congress and the American people will reject it.

PROVIDING FOR CONSIDERATION OF H.R. 1145, NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE ACT OF 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment 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 the 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, H. Res. 352 provides for a structured rule for consideration of H.R. 1145, the National Water Research and Development Initiative Act of 2009.

Among the many challenges we face, none is more elemental than protecting our water. Increases in population, growing energy demands and shifting weather patterns jeopardize water supplies across the country. Water is essential and irreplaceable, but many Americans are unaware that many supplies across the country are at risk.

It is critical that we coordinate the efficient use of water resources and maintain water quality. Competent water management is essential if we are to meet the competing needs of transportation, industry, agriculture, recreation, and power production, but currently more than 20 Federal agencies carry out research and development on some aspect of water supply, water quality or water management.

H.R. 1145 would address this issue by creating a National Water Research and Development Initiative to improve Federal, State and local government activities related to water research and development. The bill would improve coordination on Federal research by establishing an interagency committee to ensure Federal agencies work together on critical water issues.

A lack of coordination and competing interests frequently strain agencies and local communities tasked with managing a limited water supply. A perfect example of this problem can be found in my district in Upstate New York, where the Hinckley Reservoir supplies water for 130,000 residents in my hometown of Utica and for the outlying areas; but as with most bodies of water, the reservoir serves multiple uses, not just as a source of drinking water but as a source of hydropower and a water supply for the canal and a recreational site.

After years of battle between the local water authority and the State canal corporation over rights to the water, a couple of summers ago, the Hinckley Reservoir drained to within 3 feet of disrupting the water supply. That was not because of a lack of water. That has never been the issue. Rather, it was the lack of a cogent water policy and agreement by the conflicting interests. The low reservoir level impacted hydropower generation at a local power facility, and it jeopardized drinking water safety. A situation like this is unacceptable, especially when there is a large amount of water available. It is critical that we put measures in place resolving the conflicting objectives and poor communication between agencies.

This underlying bill and the water census it creates is the first step in that process for similar situations that exist, not only in New York State but around the country. That is why I'm offering an amendment that will require the interagency committee created by this bill to study competing water supply uses and how different uses interact and impact each other. Our water supply is invaluable in so many ways, not only for consumption but for the generation of electricity, for the production of food, for transportation, and for recreation, just to name a few. We must be sure to balance these competing interests in an efficient and equitable way.

Mr. Speaker, I strongly support the National Water Research and Development Initiative Act. I hope that my colleagues on both sides of the aisle will continue to support it as well.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from

New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

Water is the most essential and basic natural resource to sustain life. The single greatest factor that has contributed most to the spread of public health in the United States is access to clean water. Across the country, approximately 40 billion gallons of water are used each day for industrial purposes, for home landscaping, for personal hygiene, for thirst, and for many other uses. The average American uses about 100 gallons of water per day.

As our cities and communities continue to expand, one of the greatest challenges faced by local governments is finding ways to sustain adequate clean water supplies to meet the growing demand. However, our knowledge about water resources and conservation is based on research conducted in the middle of the last century. The underlying legislation being brought to the floor now, the National Water Research and Development Initiative Act, will help bring our knowledge of water resources into this century by coordinating national research and development efforts to ensure adequate water supplies through greater efficiency and conservation programs.

Specifically, the bill establishes an interagency committee to develop a national water research and assessment plan in coordination with State, local and tribal governments, and it will also coordinate all research development data and other activities related to water, and it will ensure the optimal use of resources and expertise by avoiding duplicity through better intergovernmental cooperation.

I had the privilege during the last district work period of meeting with constituents throughout my district about issues that matter to them. No one mentioned anything related to this bill. It's an important bill; it's an important issue, but there are other issues that are much more pressing, issues that, I think, we should be debating, instead of spending an entire week on a water bill that enjoys absolute consensus, bipartisan support in this Congress. We should be working on issues that really matter the most to our constituents—the pressing and critical issues Americans deal with on a daily basis. For example, we could be working to help the people of our great Nation to rebuild their retirement, college and personal savings accounts.

Earlier this week, the Inspector General of the Treasury Department released a report confirming the lack of oversight and accounting of taxpayer money in the TARP program. By the way, in my almost 17 years here, Mr. Speaker, there is no vote that I'm happier to have cast a ''no'' on than for that of the TARP program. I knew the future would be lined with scandal. Less than one-half of 1 percent of that TARP program has gone to the State that I'm honored to represent, really Ground Zero in the housing crisis, Florida. Less than one-half of 1 percent. Wall Street was more than taken care of. Yet, troubled assets, that was what we were told was the purpose of that legislation, troubled assets recovery. I don't think one troubled asset has been purchased.

□ 1030

Those are the kinds of issues we should be dealing with.

So the question I would ask you, why doesn't the majority address those critical issues? For example, bring forth legislation to increase transparency in that TARP program.

Water is an important issue, but we could bring it here summarily on suspension. It doesn't need to take a week of the precious time of this Congress.

By the time we finish debating this rule, Mr. Speaker—there is a clock there over your head and we see the minutes passing—the Federal Government will have spent over $400 million just during the minutes that have ticked during this debate. That's four times what President Obama has asked his Cabinet to cut earlier this week. We could have spent this time helping cut Federal waste and reducing the debt being piled on our children and their children. It's another example of the issues that we should be debating in this Congress.

Yet, instead of addressing the challenges that confront the American people, the majority has chosen to devote precious floor time and, in effect, to take an entire congressional week to consider a noncontroversial water bill. That's the way this majority has chosen to run Congress.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I thank my colleague from the Rules Committee for his passionate statement, but I have to disagree with respect to talking about water as an issue that isn't as important as other issues.

Clearly, we have many important issues facing this country, but in the past 2 weeks that I was home, I did 11 town hall meetings, and I can tell you that water came up in every single town hall meeting, whether it was ensuring that the water purity, the ground water purity was safe in the southern part of my district where they are doing hydraulic fracking for natural gas in the shale or whether it is using excessive amounts in hydro plants with the Hinckley Dam that I just spoke of, or whether it is lowering the level of Seneca Lake to feed hydro plants in the Finger Lakes.

People are concerned. And I would submit that other needs and other uses of water are very important. Other things that we do here in Congress are critically important, but nothing is more important than keeping the water that we drink clean and fresh. That is the number one resource of our country, that is the most important thing that we, as a Nation, have, and that is keeping our water supply clean. People talk about how important oil is, and clearly it is. But water is, without a doubt, the most important commodity, resource that we have. We can't live without water, and, therefore, it is the most important thing.

I have already discussed the competing uses of hydro recreation and economic development and water use in my district in one end of it. But as I said, there are other parts of my district, as well, and the Finger Lakes region that are very concerning.

Seneca Lake is the second deepest lake in North America, yet they still encounter safety concerns because the lake levels are going down. Now, not only is that important again for recreation, for hydropower, for water use, for drinking water use, but the level of the lake is going down. It's the water source for the Seneca Falls Power Company. It's located on the Seneca-Cayuga Canal. And at this point, 1 inch of the lake level of Seneca Lake is roughly about 1.2 billion gallons of water, and yet the lake level is down several inches. A number of different State and Federal agencies are involved in the management of the water at Seneca Lake, and yet no one can come together on what the cause is and how to regulate the amount of outflow from the lake.

What is amazing is we have all of these competing uses for a finite amount of water, and yet the agencies that oversee these uses act more like competitors rather than competitive stewards of a very scarce resource.

We need this bill to study how using water for one of these purposes impacts or limits the use of other purposes. That is what is critical. There is nothing more important than our good stewardship of our resource of water.

Seneca Lake, Hinckley Reservoir, two issues in my district alone, and that's just one small congressional district. There are 435 in the country, all with similar issues. To maximize the benefits, we need to make sure we are using the water in the best way. And therefore, Mr. Speaker, I think that it is necessary that we pass this rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reiterate, water is important, but to have taken an entire week of congressional time on this bill when the American people are facing so many challenges is not appropriate.

At this time, I yield 4 minutes to my distinguished colleague, the great leader in this Congress from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule and this legislation as well, the National Water Resource and Development Initiative Act.

As a Representative of Michigan, the Great Lakes State, water issues of all varieties are very important to all of my constituents. The Great Lakes are fully one-fifth, or 20 percent, of the

world's freshwater drinking supply, and certainly that makes them a natural resource unparalleled on the planet.

This legislation, which would establish a national committee to study our Nation's water needs and to make recommendations for a comprehensive national water strategy, sounds very good and very noncontroversial at first blush. But whenever a national water policy is first discussed, we in Michigan and the Great Lakes Basin get very nervous. And whether it is due to population expansion and to dryer areas of the Nation in the South or the West or global warming or whatever, water is going to be a very important need for many in the 21st century.

In fact, just last year, Mr. Speaker, Business Week magazine did a cover story about why the great oilman T. Boone Pickens thinks water is actually the new oil. As a result of these challenges, some have begun to promote the idea of a natural water policy to deal with these challenges, and attention will undoubtedly turn to the places that have freshwater like the Great Lakes. There have been numerous examples of this over the decades on both sides of the aisle here. But let me illustrate a recent one.

During the 2008 Presidential campaign, New Mexico Governor Bill Richardson, who was then running for President, told the Las Vegas Sun, ''I want a national water policy. We need a dialogue between the States to deal with issues like water conservation, water reuse technology, water delivery, and water production.'' And he went on to say, ''States like Wisconsin are awash with water.''

Fortunately, in order to prevent efforts by others to divert Great Lakes water outside the Basin, last fall we enacted the Great Lakes Compact, which reserves for the Governors of the Great Lakes States the opportunity to regulate diversions of water from the Great Lakes Basin. The compact bans new and increased diversions of water outside the Great Lakes Basin with only limited, highly regulated exceptions, and it establishes a framework for each State and the two provinces in Canada to enact laws protecting the Basin. And after being ratified by the Great Lakes State, the compact passed this House last September by a vote of 390–25, and the Senate actually passed it under unanimous consent, was then signed into law by then-President Bush.

In order to ensure that this new water initiative does not infringe on the principles associated with the Great Lakes Compact, I offered an amendment to the Rules Committee yesterday. Regrettably, it was not made in order. Quite simply, my amendment would have prevented the interagency committee, the National Water Initiative Coordination Office, the National Water Research and Assessment Plan from considering or promoting policies that would undermine or interfere with the principles of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

The Great Lakes, as I said, are the very identity of my State of Michigan and all of us in the Great Lakes Basin, and we all take their care very seriously. My constituents will not abide even the prospect of a diversion of the Great Lakes water to other areas of the country where growth is beginning to outstrip their resources. And some might argue that the Great Lakes Compact provides all of the protections that we need.

I do agree that there are very strong protections in the compact, but I also fear that everything is subject to change. And while I am not suggesting that this legislation aims to divert Great Lakes water, it also does nothing to protect them or to protect and prohibit diversion either. Such protections would make, certainly, my constituents and all the people that live in the Great Lakes Basin much more comfortable with the establishment of a national water policy. And since those protections are not included in this legislation, Mr. Speaker, I will be opposing both this rule and the bill.

Mr. ARCURI. Mr. Speaker, I thank the gentlelady from Michigan for her insightful comments and certainly her strong leadership on protecting what I believe to be the greatest natural resource not only in America but also in North America and our water supply.

I would inquire if the other side has any other speakers.

Mr. LINCOLN DIAZ-BALART of Florida. No, we do not.

I thank my friend for the handling of the rule on this important matter.

Mr. Speaker, I would simply reiterate that while this issue is of great importance, there are many other issues facing this Nation, and for this entire week for this Congress to have done nothing else during this entire week is really unfortunate and it shows the manner in which the majority of this Congress, the leadership of the majority of this Congress is running this Congress, and the American people are finding out. They are discovering it.

We have no further speakers. At this time, I yield back the balance of our time.

Mr. ARCURI. Mr. Speaker, I thank my friend from Florida (Mr. LINCOLN DIAZ-BALART) for his management of this rule.

Mr. Speaker, in closing, I would like to thank Chairman GORDON for working to bring this important piece of legislation to the floor. As I said earlier, there really is nothing more important or elemental than our water and our water supply. We must manage it wisely. There is just too much at stake if we do not. I believe this bill is going to go a long way towards improving the way we manage our most precious natural resource and ensure that it is clean, safe, and abundant for future generations.

I urge a ''yes'' vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. 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 bill, H.R. 1145.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 18. Concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria.

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Republican Leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints the following individuals to the United States-China Economic Security Review Commission:

Dennis Shea of Virginia, for a term expiring December 31, 2010.

Robin Cleveland of Virginia, for a term expiring December 31, 2010, vice Mark Esper of Virginia.

The message also announced that pursuant to Public Law 106–286, the Chair, on behalf of the President of the Senate, and after consultation with the Majority Leader, appoints the following members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Montana (Mr. BAUCUS).

The Senator from Michigan (Mr. LEVIN).

The Senator from California (Mrs. FEINSTEIN).

The Senator from North Dakota (Mr. DORGAN), Chairman.

The Senator from Ohio (Mr. BROWN).

NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 352 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1145.

□ 1044

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes, with Ms. SPEIER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

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

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

Mr. GORDON of Tennessee. Madam Chair, I rise in strong support of H.R. 1145, the National Water Research and Development Initiative Act of 2009.

Thirty-six States expect to experience significant water shortages by the year 2013. Diminished supplies of water and intense competition for limited resources are forcing local water agencies to make tough decisions on water allocations and limiting access to needed water by businesses and families.

When severe water shortages occur, the economic impact is substantial. In 2007, the Tennessee Valley Authority was forced to shut down a nuclear reactor due to a lack of acceptable cooling water in the Tennessee River. According to a report from the National Oceanic and Atmospheric Administration, each of the eight water shortages over the past 20 years from drought and heat waves resulted in $1 billion or more in monetary losses. The Association of California Water Agencies reported in April of 2008 that California is now losing income and jobs due to the State's water supply crisis.

Over 20 Federal agencies carry out research and development on some aspect of water supply, water quality, or water management. Despite spending millions of dollars on research at each of these agencies, an increase in the number of water shortages and emerging conflicts over water supply suggest that we are still inadequately prepared to address the Nation's water management issue.

A new commitment is necessary to ensure that the United States can meet the water challenges over the next 20 years and onward. As chairman of the Science and Technology Committee, I have tasked the committee with advancing this issue through hearings and with legislation to address technological and strategic deficiencies at the Federal level. Our committee held hearings in 2008 and 2009 to examine the problems associated with dwindling water supplies across the Nation and to receive testimony as to how the Federal Government can help meet these challenges.

I am proud of the bipartisan support and collaboration that resulted in H.R. 1145. Ranking Member RALPH HALL has been a champion of produced water utilization legislation, and this bill incorporates research to pursue the goals established in his bill, H.R. 469. We are happy to accept constructive amendments from other Members of the minority, and the bill was reported out of the committee in a strong bipartisan manner.

H.R. 1145 will coordinate national research and development efforts on water and provide a clear path forward to ensure adequate water supplies for generations to come. This bill will ensure that we have an effective national water strategy that uses Federal research and development dollars efficiently and eliminates redundant programs.

H.R. 1145 has been endorsed by the National Beverage Association, by the National Rural Electric Cooperative Association, Water Innovations Alliance, the National Resource Defense Council, Water Environment Research Foundation, the Council of Scientific Society Presidents, Food and Water Watch, Water Research Foundation, Alliance Environmental, and Clean Water Action.

In tough economic times, it is imperative that we use every dollar we spend effectively. Coordination of Federal agencies, activities, and strong partnerships with the State, local and tribal governments will ensure that Federal programs are focused on areas of greatest concern and that our efforts are complementary and effective.

I urge my colleagues to support this important legislation.

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

Mr. HALL of Texas. I yield myself such time as I may consume.

The National Water Research and Development Initiative Act is the Science and Technology Committee's response to a lot of recommendations that were made by the country's top scientists on water research and development.

Our water supply is of vital importance to the health and well-being of our Nation, and this bill, as passed out of the committee and the good work that was done in the committee, demonstrates an effort on both sides to address concerns over water research.

No State is immune to water problems, whether there is too little of it or an overabundance of it. Yet in the last quarter century, our knowledge of water resources has been based on research that was conducted in the middle of the last century. While I support the concept behind the National Water Research and Development Initiative Act, issues remain that need to be further addressed.

I am still convinced that several provisions of H.R. 1145 may duplicate provisions found in H.R. 146, the Omnibus Public Lands Act of 2009, specifically the SECURE Water Act. We have to be mindful to ensure that these two bills complement each other and do not create additional bureaucratic burdens on water research efforts.

In addition to the concerns of repetitious Federal efforts, I am cognizant that the complex responsibility for developing and managing the Nation's water resources are shared between Federal, State, local, even tribal and private interests. Several Federal water laws have recognized States as having primacy over the allocation and use of water. This notion has been further reinforced by Supreme Court decisions. Therefore, we have to be very careful not to undermine the historical responsibility of State and local governments on managing their water resources. It is vitally important that the authorities given in this bill do not supersede or replicate efforts of these at the levels that I have just laid out.

Furthermore, I am concerned that the vague nature and description of the ''National Water Census'' in this bill may be a step toward federalizing groundwater, surface water, and other water resources normally managed by State and local entities. To that end, we offered and passed an amendment in committee to ensure State, local and tribal participation in coordination efforts. Previous efforts to organize water research and management have been generalized in what they call ''top-down'' agendas, with little or no participation from the States or local levels. The intent of this amendment was to encourage a true dialogue between the levels of government.

I am pleased that the chairman included language in the bill expanding the Energy-Intensive Industries Program established in the Energy Independence and Security Act of 2007 to include ''research to develop water-efficient technologies that increase energy efficiency, including utilization of impaired water sources in production.''

During the full committee markup, questions were posed about the definition of ''impaired waters.'' These questions sought to clarify that impaired waters included water extracted during oil and gas exploration and production, also known as produced water. I applaud this effort and note that as a potentially significant source of water, the language of this bill should be interpreted to be inclusive of all sources of nonpotable water.

As we move forward with today's debate on H.R. 1145, I would like to commend the many Members who offered amendments in order to attempt to make this a better bill. However, there are several amendments that give me some concern. I am very hopeful that today's debate will address any apprehension and allow us to move the bill forward.

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

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

Let me again thank Ranking Member HALL for his help in this bill. We have had a number of hearings over the last 2 years. We have had open forums, we have had witnesses that have presented their testimony. He outlined a variety of legitimate concerns that came about at the committee level, such as produced water and getting a better definition. It was a better bill because of his help, and I thank him for that.

Concerning the Public Lands Act, I will just point out, as I had earlier, that the Public Lands Act, which was in the other body, is an implementation legislation, where this is legislation for research.

With that, I now would like to yield to the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON) such time as she may consume, again, an important member of our committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, today I rise in support of H.R. 1145, the National Water Research and Development Initiative Act. This bill is of great interest to me, as I serve as Chair of the Subcommittee on Water Resources and Environment within the Transportation Committee.

My city of Dallas is a beautiful area with the Trinity River running through it. Protecting Dallas from flooding and ensuring the quality of the Trinity and surrounding environments are important to me and to my constituents.

Federally funded research on water is important to ensure an adequate supply of clean drinking water for our Nation. H.R. 1145 will ensure coordination among research programs at the different Federal agencies that support water research.

Whether the issue is storm water and flood mitigation, clean water, or watershed quality, investments in this area are critical. The type of research involves scientists who work in interdisciplinary teams, blending their individual talents in chemistry, microbial ecology, invertebrate biology, watershed ecology, and ecosystem modeling.

I want to thank Chairman GORDON for his leadership and Ranking Member HALL. I want to also thank him for incorporating amendments suggested by members of the committee, one including me.

I strongly support this legislation, and I urge my colleagues to support it.

Mr. POLIS. Mr. Chair, I rise in support of the National Water Research and Development Initiative Act of 2009. I thank Chairman GORDON and the Committee for working hard to reintroduce this important legislation.

Demand for water resources has increased, while our management technology and infrastructure has essentially remained unchanged since the boom of water resource-related legislation in the 1970s and 1980s. In tandem with the rise in population and shift to different regions, the increase of water use by businesses, agriculture, and other interests demonstrates the need for this important legislation. The national population explosion has already begun to stress the water resources across the country. In Colorado alone, the population has grown by over 14 percent since 2000, a common theme across the Western states and the Southeast. Our nation is experiencing water supply and quality control challenges at all levels. This legislation ensures that current demand is met, that future supply is available, and that efforts requiring immediate attention are coordinated in an effective manner.

I am grateful that Chairman GORDON and the Committee saw fit to include the language of my amendment, which creates a pilot program that will serve as a national model for conservation through energy audits of water facilities. The Environmental Protection Agency will use this model to demonstrative the effectiveness of energy audits and implement similar programs throughout the country. I thank the Chairman and the Committee staff for recognizing this important priority.

The Congressional Budget Office indicates that if enacted, this legislation would cost $8 million over the next four years. That equates to a mere 6 cents per American or 14 cents per average American family. According to an EPA study in 2002, ''If capital investments remain at current levels, the potential gap between 2000 and 2019 would be approximately $122 billion for wastewater infrastructure and $102 billion for drinking water infrastructure.'' We are in a major economic crisis in this country. With increases in population over that same period expected to exponentially rise, inaction now could spell fiscal disaster for many communities for decades to come.

Many federally-coordinated programs have been enacted in the past with great success, including systems for forecasting floods and droughts and the development of water treatment and wastewater technologies, just to name a few. These have allowed our country to better manage and enhance our water resources. The legislation before us coordinates the activities of over 20 federal agencies currently charged with separately devising water resource policy, leading to less confusion over authority and implementation, which results in greater efficiency and savings for taxpayers.

Access to clean, reliable sources of water is a non-partisan issue. It affects every social, political, and economic class, affecting the prosperity and security of our communities. All Americans are looking to government to provide a forward-looking, scientifically based solution to a burgeoning problem.

We need a proactive approach to solving water resource issues in this country, one that addresses economic and environmental concerns. This bill will help ensure proper funding, maintenance, expansion, and enhancement of our conventional water and wastewater infrastructure, creating a greener, more energy efficient system for the future.

On behalf of my constituents in Colorado, and all Americans who elected us to protect their right to access to clean, reliable sources of fresh water, I urge my colleagues to vote ''Yes'' for this bill.

Mr. MATHESON. Mr. Chair, I rise today in support of H.R. 1145, the ''National Water Research and Development Initiative Act.'' I am proud to support Chairman GORDON's legislation as a cosponsor of the bill. I thank the Chairman, along with Chairman STUPAK and the Science Committee staff for bringing this bill to the floor. My home state of Utah is the second driest state in the nation. Over the past year, Utah has overcome a twelve year drought that threatened major industries in my district. This water shortage threatens recreation, tourism, ranching, and agriculture. All of these industries rely heavily on water usage.

This bill coordinates national research and development efforts on water and provides a clear path forward to ensure adequate water supplies for generations to come. It will help ensure that places like Utah have access to an effective national water strategy.

That is why I offered an amendment to this legislation in Committee which creates a data collection system to quantify and define the nation's water supply or the systems that produce this resource. I am pleased that my language is included in this bill.

This bill will help quantify water usage by allowing water users to share best practices and data in order to improve water resource management.

Utah's lack of water is a common story in the west and increasingly in other parts of the nation. The lack of water in Utah cripples economies and I am looking forward to working with my colleagues on both sides of the aisle to ensure this legislation is passed.

Thank you and I urge my colleagues to support this piece of legislation.

Mr. MINNICK. Mr. Chair, Idaho and the other Western states continue to deal with difficult water issues brought on by years of drought. We're tired of fighting over water, and we're ready for smart solutions to keep our cities strong, our drinking water clean and our crops healthy.

Today, the House will consider H.R. 1145, National Water Research and Development Initiative Act. This bill, sponsored by my colleague BART GORDON, coordinates research efforts on water and provides a clear path forward to ensure adequate water supplies for years to come.

My amendment will help our Nation better manage water by highlighting the usefulness of our nation's water research facilities and the need for these facilities to have what they need for groundbreaking research to help states like mine, where water issues are of great concern to every citizen.

Our nation depends on robust water research to help find better ways to manage shortages and severe droughts so that Idaho farmers, businesses and growing cities will have a dependable, clean water supply and so our energy backbone, the West's many power-producing dams, are able to function at optimum capacity. Research facilities compile data, coordinate with agencies, and provide the public with comprehensive information that will help us confront water issues as they arise. I urge my colleagues to support the manager's amendment to this bill that includes the Minnick of Idaho amendment.

Mr. LEVIN. Mr. Chair, I urge my colleagues to support the National Water Research and Development Initiative Act.

There is a tendency to take the availability of clean drinking water for granted. Even in a state like Michigan, which is surrounded by water, we have become increasingly aware that the Great Lakes are a finite resource. To that end, the eight Great Lakes states came together last year and adopted a compact to

manage and protect the Lakes. With the approval of the Great Lakes Compact by Congress, at long last we closed the door to bulk diversion of Great Lakes water. The Compact also establishes a comprehensive management framework to protect this shared resource and requires Great Lake states to control their own large-scale water use.

In other parts of the Nation, it is clear that water supplies are under increasing stress. Drought, population increases; and growing demand has resulted in water shortages in many areas, and these shortages are expected to become more pronounced over time. Currently, more than 20 federal agencies carry out research on water, water quality, and water management. The bill before the House will begin to coordinate national research and development efforts on water to provide the tools and information to manage water resources more effectively.

I want to make clear that nothing in this legislation authorizes, encourages or mentions water diversion from the Great Lakes. That is off the table. What is under discussion today is better coordination of programs that already exist to improve federal activities on water, involving research, data collection, modeling, education and the development of technology to enhance water quality and supply. As much as any other region, the Great Lakes states stand to benefit from more effective use of federal water research and development dollars.

Let me also express my support for the amendment offered by Representatives KIRK and QUIGLEY which requires the National Water Research and Assessment Plan established in this legislation to include long-term projections of water levels and ice cover of major water bodies, especially the Great Lakes. The loss of winter ice on the Lakes results in faster evaporation of the water. We need better data to understand the decline of ice cover in the Great Lakes and the impact this decline has on water levels in the Lakes.

I urge my colleagues to support the legislation.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

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

The Acting CHAIR (Mr. WELCH). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1145

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 ''National Water Research and Development Initiative Act of 2009''.

SEC. 2. NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE.

(a) INITIATIVE AND PURPOSE.—The President shall implement a National Water Research and Development Initiative (in this Act referred to as the ''Initiative''). The purpose of the Initiative is to improve the Federal Government's role in designing and implementing Federal water research, development, demonstration, data collection and dissemination, education, and technology transfer activities to address changes in water use, supply, and demand in the United States, including providing additional support to increase water supply through greater efficiency and conservation.

(b) INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the President shall establish, or designate, an interagency committee to implement the Initiative under subsection (a). The Office of Science and Technology Policy shall chair the interagency committee.

(2) COMPOSITION.—The interagency committee shall include a representative from each agency that conducts research related to water or has authority over resources that affect water supply, as well as a representative from the Office of Management and Budget.

(3) FUNCTIONS OF THE INTERAGENCY COMMITTEE.—The interagency committee shall—

(A) develop a National Water Research and Assessment Plan (in this Act referred to as the ''plan'') in accordance with subsection (c) and in coordination with State, local, and tribal governments;

(B) coordinate all Federal research, development, demonstration, data collection and dissemination, education, and technology transfer activities pertaining to water;

(C) encourage cooperation among Federal agencies and State, local, and tribal governments with respect to water-related research, development, and technological innovation activities to avoid duplication of effort and to ensure optimal use of resources and expertise;

(D) facilitate technology transfer, communication, and opportunities for information exchange with non-governmental organizations, State and local governments, tribal governments, industry, and other members of the stakeholder community through the office established in paragraph (4);

(E) provide guidance on outreach to minority serving institutions that are eligible institutions under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)) to encourage such institutions to apply for funding opportunities specified in the plan;

(F) encourage cooperation between Federal agencies, State and local governments, and tribal governments to develop standard methods for collecting, managing, and disseminating data on water; and

(G) not later than 1 year after the date of enactment of this Act and every 3 years thereafter—

(i) identify from each agency described in paragraph (2) the statutory or regulatory barriers preventing the use of any technology, technique, data collection method, or model that would contribute to greater availability of water resources in the United States through enhanced efficiency and conservation; and

(ii) submit a report of the findings from clause (i) to Congress.

(4) NATIONAL WATER INITIATIVE COORDINATION OFFICE.—

(A) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the President shall establish a National Water Initiative Coordination Office (in this Act referred to as the ''Office''), with full-time staff, to—

(i) provide technical and administrative support to the interagency committee;

(ii) serve as a point of contact on Federal water activities for government agencies, organizations, academia, industry, professional societies, and others to exchange technical and programmatic information; and

(iii) communicate with the public on the findings and recommendations of the interagency committee based on the activities conducted pursuant to the Initiative.

(B) FUNDING.—The operation of the Office shall be supported by funds contributed from each agency represented on the interagency committee.

(c) NATIONAL WATER RESEARCH AND ASSESSMENT PLAN.—

(1) PLAN DEVELOPMENT.—The plan required under subsection (b)(3)(A) shall establish the priorities for Federal water research, including federally funded research, and assessment for the 4-year period beginning in the year in which the plan is submitted to Congress. In the development of the plan, the interagency committee shall consider and utilize recommendations and information from State, local, and tribal governments and contained in reports that have addressed water research needs, including the 2007 report issued by the Subcommittee on Water Availability and Quality (SWAQ) of the National Science and Technology Council's Committee on Environment and Natural Resources and recommendations of the National Academy of Sciences.

(2) SPECIFIC REQUIREMENTS.—The plan shall—

(A) identify each current program and activity of each Federal agency related to the Initiative;

(B) identify funding levels for the previous fiscal year for each program and, if applicable, each activity identified in subparagraph (A);

(C) set forth a strategy and a timeline to achieve the outcomes described in subsection (d) and shall describe—

(i) each activity required of each agency responsible for contributing to each such outcome;

(ii) the funding levels necessary to achieve each such outcome; and

(iii) the distribution of funds between each agency based on such agency's role in carrying out such activity;

(D) be subject to a 90-day public comment period and shall address suggestions received and incorporate public input received, as appropriate; and

(E) be submitted to Congress not later than 1 year after the date of enactment of this Act.

(d) WATER RESEARCH OUTCOMES AND ASSESSMENTS.—The plan shall outline and direct agencies under the interagency committee to work to achieve the following outcomes:

(1) Implementation of a National Water Census, which shall include the collection of data on national water resources to create a comprehensive database that includes information about the quantity, availability, and quality of ground water and surface water resources.

(2) Development of a new generation of water monitoring techniques.

(3) Development of technologies for enhancing reliable water supply, water reuse, and pollution prevention.

(4) Development of innovative technologies and tools to enhance water quality, including advanced water treatment and water purification technologies.

(5) Development of innovative technologies and tools to enhance water-use efficiency and tools to encourage public acceptance of such technologies and tools.

(6) Development of tools and processes to facilitate resolution of conflicts over water resources.

(7) Development of information technology systems to enhance water quality and supply.

(8) Improvement of understanding of water-related ecosystem services and ecosystem needs for water.

(9) Improvement of hydrologic prediction models and their applications.

(10) Analyses of the energy required to provide reliable water supplies and the water required to provide reliable energy supplies throughout the United States.

(11) Analyses of the social, behavioral, and economic barriers to sustainable use of water resources in the United States.

(12) Assessment of national water availability and use.

(13) Regional assessments of the status of water supplies and evaluation of potential

changes in such status due to changes in land use, population size and distribution, and economic activity.

(14) Assessment of water quality, availability, and use in rural areas, including—

(A) maintaining water quality and enhancing energy efficiency of water treatment and delivery through the use of technologies or practices developed to address rural communities; and

(B) developing data and information to support water planning and conservation.

(e) ADVISORY COMMITTEE.—The President shall establish, or designate, an advisory committee to advise the interagency committee established under subsection (b).

SEC. 3. BUDGET COORDINATION.

(a) IN GENERAL.—The President shall provide guidance to each Federal agency participating in the Initiative with respect to the preparation of requests for appropriations for activities related to the plan.

(b) CONSIDERATION IN THE PRESIDENT'S BUDGET.—The President shall submit, at the time of the President's annual budget request to Congress, a description of those items in each agency's budget which are elements of the plan or help to achieve the outcomes of the plan.

SEC. 4. COORDINATION.

The interagency committee shall coordinate the activities of the Initiative with the United States Global Change Research Program.

SEC. 5. ANNUAL REPORT.

Concurrent with the annual submission of the President's budget to Congress, the President shall submit to Congress a report that describes the activities and results of the Initiative during the previous fiscal year and outlines the objectives for the next fiscal year. The report shall include detailed information on all programs and activities involved in the Initiative, including an analysis of progress towards achieving the outcomes listed in section 2(d).

SEC. 6. NATIONAL WATER PILOT TESTING FACILITY FEASIBILITY STUDY AND REPORT.

(a) STUDY.—

(1) REQUIREMENT.—The Comptroller General of the United States shall complete a study examining the feasibility and practicality of creating a national water pilot testing facility.

(2) CONTENTS.—The study shall—

(A) examine Federal programs and facilities that currently engage in some form of water technology testing;

(B) evaluate the practicality and identify the potential costs of establishing a national water pilot testing facility; and

(C) examine the efforts of Federal agencies to establish testing facilities related to other technologies, including wind and solar, and the lessons learned from implementing these programs.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the key findings of the study conducted under subsection (a).

SEC. 7. DOE WATER TECHNOLOGIES FOR INCREASED ENERGY EFFICIENCY ACTIVITIES.

Section 452(c)(2) of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17111) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(3) by inserting after subparagraph (C) the following:

''(D) research to develop water efficient technologies that increase energy efficiency, including utilization of impaired water sources in production;''.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for coordination and outreach activities conducted under this Act through the Office established in section 2(b)(4)—

(1) $2,000,000 for fiscal year 2010;

(2) $2,000,000 for fiscal year 2011; and

(3) $2,000,000 for fiscal year 2012.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–82. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–82.

Mr. GORDON of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 2, line 10, strike ''use,'' and insert ''use, quality,''.

Page 2, beginning on line 12, strike ''efficiency and conservation'' and insert ''efficiency, conservation, and measures to abate water quality impairment''.

Page 2, line 24, strike ''supply,'' and insert ''supply and water quality,''.

Page 3, line 20, strike ''with'' and insert ''with institutions of higher education,''.

Page 3, line 22, strike ''and'' and insert ''water resources managers, commercial end users, and''.

Page 4, after line 6, insert the following (and redesignate subsequent provisions accordingly):

(F) provide guidance on outreach to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that are located in an area affected by drought and encourage such institutions to apply for funding opportunities specified in the plan;

Page 5, line 13, strike ''and others'' and insert ''public-private collaborations, commercial end users, and others''.

Page 5, line 16, strike ''public'' and insert ''public, including through a publicly accessible website,''.

Page 7, line 10, strike ''period'' and insert ''period as noticed on the Office's website''.

Page 7, line 14, strike the period at the end and insert the following: ''and revised and resubmitted every 4 years thereafter.''

Page 8, line 2, strike the period at the end and insert the following: ''and technologies, including techniques and technologies that provide publicly generated data useful to water managers.''

Page 8, line 21, strike the period at the end and insert the following: '', including spatial and temporal variation in natural supply, watershed hydrology, human and ecological demand, and infrastructure.''

Page 9, after line 17, insert the following:

(15) Development of resources to investigate the effects of invasive species on water supplies.

(16) Development of technologies and practices to treat eutrophic water bodies, including rivers, estuaries, and coastal waters.

(17) Development of tools to assist local water resource managers in anticipating changing water availability and use patterns in the preparation of a strategic plan for sustainable future operations.

(18) Development of a program to offer technical and planning assistance to States, localities, and regions that use or are planning to use land conservation as a method to protect water quality, as well as an analysis of the impact of land conservation on watershed hydrology.

(19) Improvement of understanding of the impacts from chemical impairments, including contaminants of emerging concern, such as endocrine disrupting compounds, pharmaceuticals, and personal care products, on water supply and quality.

(20) Analyses of the Nation's water research facilities and identification of whether a need exists for additional facilities.

Page 10, after line 5, insert the following:

(c) EVALUATION.—Not later than 30 days after the submission of the President's annual budget request to Congress, the Director of the Office of Science and Technology Policy shall write a letter to Congress evaluating the budget as it relates to Federal water research and the success of the interagency committee in meeting the outcomes listed in section 2(d).

Page 10, line 7, strike ''The'' and insert the following:

(a) IN GENERAL.—The

Page 10, after line 9, insert the following:

(b) SENSE OF CONGRESS.—It is the sense of Congress that the interagency committee should collaborate with public institutions of higher education whenever possible.

Page 10, line 18, strike the period at the end and insert the following: ''and the indicators used to measure such progress.''

Page 12, after line 6, insert the following (and redesignate subsequent provisions accordingly):

SEC. 8. WATER RESOURCE RESEARCH INSTITUTES.

(a) SUPPORT; COORDINATED PLAN.—Section 104(b) of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended—

(1) in paragraph (1), by striking '', and'' at the end and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (2) the following:

''(3) support the goals of the National Water Research and Development Initiative; and

''(4) submit to the interagency committee under section 2(b) of the National Water Research and Development Initiative Act of 2009 a single, coordinated, annual report that identifies future water research needs.''.

(b) TYPES OF RESEARCH AND DEVELOPMENT.—Section 108 of such Act (42 U.S.C. 10307) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(11) Technical research on prevention and removal of contaminants of emerging concern, including endocrine disrupting compounds, pharmaceuticals, and personal care products, in water resources.''.

SEC. 9. PILOT PROGRAM.

The Administrator of the Environmental Protection Agency shall establish a national pilot program exploring the use of energy audits of water related infrastructure to identify energy and water saving opportunities. As part of the program, each participating entity shall receive an Energy Star Benchmarking energy performance score to provide an initial screening of that entity, as

well as an ongoing tracking measure to compare their energy performance against similar entities nationwide.

Page 12, line 13, strike ''and'' after the semicolon.

Page 12, line 14, strike the period at the end and insert a semicolon.

Page 12, after line 14, insert the following:

(4) $2,000,000 for fiscal year 2013; and

(5) $2,000,000 for fiscal year 2014.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

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

I am offering this amendment to make important changes to H.R. 1145. A number of my colleagues joined me in drafting language for this amendment, and I applaud them for their good ideas and collaborative efforts. I want to thank Representatives ADLER, BEAN, CARDOZA, CONNOLLY, HALVORSON, INSLEE, MCCARTHY, MCCOLLUM, BETSY MARKEY, MINNICK, MOORE, PINGREE, POLIS, SCOTT and TITUS.

H.R. 1145 establishes a planning process for the Federal research and development efforts on water. This amendment clarifies that the plan should be revised and revisited as progress is made on the goals identified in this bill.

The bill, as reported from the committee, contained conflicting information about the length of authorization. This manager's amendment corrects this discrepancy and authorizes the initiative for 5 years.

In addition, this amendment identifies additional external groups that the interagency committee and its coordination office should work with, including consumer-related businesses, water managers, and public-private collaborations.

The amendment also adds a number of new research outcomes for the committee to investigate, including polluted coastal waters, changing patterns of water availability, the impacts of invasive species, the emerging contaminants of concern, such as a variety of other disruptors.

This amendment also provides additional oversight procedures to the initiative to ensure that taxpayer dollars are being spent in the most effective manner.

□ 1100

These are important additions to H.R. 1145, and I ask my colleagues' support on this amendment.

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

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 20 minutes.

Mr. HALL of Texas. Mr. Chairman, I do rise today to speak about this amendment offered by the chairman of my committee, Mr. GORDON, and I may want to ask the chairman a question or so about it.

There are a lot of provisions in the manager's amendment that I support. I support the emphasis of ensuring a role for institutions of higher education. I support the provision that calls for the National Water Research and Assessment Plan to be updated every 4 years, to guarantee that the plan evolves with the growing body of knowledge garnered through our water research efforts, and I also support including the list of regional outcomes, the development of tools to assist local water resource managers.

There are several things that I had some problems about. One, as to whether or not it was necessary to enhance the research outcome number 9, ''Improvement of hydrologic prediction models and their applications'' with the following addition: ''including spatial and temporal variation in natural supply, watershed hydrology, human and ecological demand, and infrastructure.'' But I think we discussed those pretty well in committee and with some interest on how these additions make the research outcome better, but I'm convinced that they do.

I guess I would just ask the chairman, how can you ensure that this pilot program that we have set up in here would not change into a burdensome regulatory requirement that's pushed off on the States or tribal units or some of those?

Mr. GORDON of Tennessee. Would the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Tennessee.

Mr. GORDON of Tennessee. Thank you, Mr. HALL. That's a good question. Let me first say that this is a large amendment and we try to deal in a collaborative way in our committee. Unfortunately, everyone doesn't have the privilege to serve on our Science Committee, and there was a lot of interest in this bill. So there were lots of amendments, many of which were incorporated here. As I say, I think we would be better off in a more collaborative way having vetted these. But I think that we have had the opportunity to do that more recently. And let me address your very real legitimate question concerning scaling out this EPA program.

First of all, as I think we all know, 20 or 30 percent of water is lost through various utilities. I was reading a story the other day where several utilities still have wooden pipes from decades back. So this is a voluntary program that would allow the various utilities to ask the EPA to come in and help them with an analysis on how they could be more efficient and save money with their program. So, again, it's voluntary.

I would also say this is just an authorization. If the EPA does not feel they have the resources to do it, they don't have to without a further appropriation, but I think it will help them, again, utilities on a voluntary basis to use that precious water resource in a more efficient way.

Mr. HALL of Texas. Mr. Chairman, reclaiming my time, history has indicated to me in my long time working with the chairman, I know that as this bill moves through the Senate, we'll be working together on these things through conference and address the concerns that we have raised.

We support the committee, and I thank the chairman for his discussion.

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

Mr. GORDON of Tennessee. Mr. Chair, let me first again concur with Mr. HALL. This is going to be a continuing process. We will go on to a conference with the Senate at a later date, and all of these issues will be reviewed. We want the best bill possible.

At this time, Mr. Chairman, I yield 2 minutes to the gentlewoman from California (MS. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I am pleased that today the House of Representatives is considering H.R. 1145, the National Water Research and Development Initiative Act of 2009.

As a supporter of this legislation, I would like to especially thank the committee chairman, Mr. GORDON from Tennessee, for his leadership in bringing this legislation to the floor.

This bill is an appropriate response to the concerning state of our national water supply. As our Nation's population continues to increase, so must our ability to conserve and to reuse our water resources. We simply cannot afford to continue to take our scarce water resources for granted. And we must also educate our constituents and, quite frankly, ourselves on how to best protect a natural resource that we depend on for our survival.

The National Water Research and Development Initiative Act of 2009 will establish an interagency committee to develop a research and assessment plan to protect and to expand our water resources. H.R. 1145 will make the Federal Government a leader, a leader, in effectively addressing our water resource challenges through intense research, collection of essential data, and the development of new technology.

Mr. Chairman, in my district, I'm proud, as you know, that Orange County Water District has successfully developed and implemented a cutting-edge water reuse technology. The Groundwater Replenishment System in Orange County, California, purifies 70 million gallons of treated sewer water every day through an advanced purification process involving microfiltration, reverse osmosis, and ultraviolet light and hydrogen peroxide treatment. The result is that we get 100,000 Orange County families more drinking water every day. The system is a premier groundwater replenishment project, the premier one in the world, and so many States and local governments

and foreign governments have come to Orange County to take a look at the system.

I believe that H.R. 1145 will encourage communities throughout the country to embrace this type of innovation, and I would encourage my colleagues to join me in supporting this important initiative.

Once again, I thank the chairman for his leadership on this. It's so important for us to make sure that in the future we have water for our constituents.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I want to thank Chairman GORDON for yielding time to me and for including my amendment in his manager's amendment, and I thank his staff for working with me to make sure that all interested stakeholders, including public-private collaborations such as the Milwaukee Water Council in my district, will be able to interact with and follow the interagency committee's work.

This Federal water research initiative will certainly impact a host of affected stakeholders, not just Federal agencies, including those in my district. The Milwaukee area, which I represent, is blessed to sit on Lake Michigan, and, of course, Lake Michigan is one of the most tremendous resources that makes up the Great Lakes and is one of the largest freshwater sources on the planet.

The Milwaukee area also has a concentration of companies in the business of water and academic prowess in the water research field. An effort is underway, spearheaded by the Milwaukee Water Council, to better align these companies and the academic research strength in the area to create a hub for freshwater science, research, and water technology development. This is why I offer an amendment today to enhance the ability of these key stakeholders like the Milwaukee Water Council to participate in the agenda-setting process created by the bill.

Importantly, the amendment clarifies that public-private collaborations formed around water research and technology development at the State and local levels are important parts of the stakeholder community. This is key. But just don't take my word for it, Mr. Chairman. The 2004 National Academies of Science report made clear that we must prioritize making the Federal agenda-setting process transparent to the various stakeholders who have a stake in the outcomes of this initiative. The report also noted that one of the weaknesses of the coordination role played by the Subcommittee on Water Availability and Quality, SWAQ, administered by the Office of Science and Technology Policy is that the SWAQ lacks connections, formal or informal, to States, stakeholders, and other users. The SWAQ is invisible to the public at large as well as the research community outside of the Federal agency leadership.

It's so important that in authorizing this office we address this potential pitfall. My amendment that has been included in the manager's package would supplement the great work already done by Chairman GORDON and the Science Committee on this front. It will call for the creation of a public Web site to display important information on the range of reports and activities by this committee, including the posting of notices about opportunities for stakeholders to comment on the Federal water research plan. It's certainly my hope that these steps boost and strengthen the link and interaction between non-Federal stakeholders including the Milwaukee Water Council and the Federal water research initiative.

Again, I thank the chairman and the staff for working with me to make sure that the stakeholders will have one more tool available.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from across the Potomac River, Mr. CONNOLLY.

Mr. CONNOLLY of Virginia. I thank the chairman for yielding.

Mr. Chairman, I rise in support of H.R. 1145. This important legislation will improve Federal coordination in the protection of water quality across America. I had the privilege of proposing two amendments to this legislation, both of which were graciously incorporated by the chairman in the manager's amendment.

Congresswoman MCCOLLUM and I introduced an amendment to ensure that the interagency task force established by this bill will provide guidance on reducing endocrine disruptor pollution. These contaminants, which come from pharmaceuticals and other sources, are having dramatic negative impacts on rivers and lakes across the country. For example, watersheds in the national capital region, including the Potomac and James Rivers, have tributaries where 80 to 100 percent of bass have intersex characteristics. We must expedite our efforts to identify sources of this pollution and ways to filter it out of drinking water to protect public health and safety.

I also introduced an amendment to direct the interagency working group to develop a technical assistance program to help States and localities use land conservation to protect water quality. This is an important feature in regions like Northern Virginia, where sprawl threatens the integrity of drinking water supplies. In fact, we saw that demonstrated dramatically in a Public Broadcasting program just this last week with Hedrick Smith that really highlighted this as a major issue for our science moving forward.

I encourage my colleagues to support H.R. 1145, and I deeply thank Chairman GORDON for his leadership on this very important legislation.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. Thank you, Chairman GORDON, for the opportunity to speak in support of the manager's amendment. I applaud the Science and Technology Committee for the hard work you've put into this important legislation.

Water issues are something I hear about often when I'm back in my district meeting with constituents. Many of my mayors have told me that the biggest challenge facing their communities is our aging water infrastructure problems. Residents in many small rural towns do not have reliable access to safe drinking water. This is not only a public safety issue but it is also an economic development issue. Communities with inadequate water infrastructure or an unsafe drinking water supply are unlikely to attract the types of commercial development that will put people back to work.

There is little doubt that the business community has a tremendous stake in the future of our Nation's water supply. That is why I am pleased the manager's amendment includes language I put forward to ensure that the interagency committee created by H.R. 1145 works together with the business community. Small businesses especially need help accessing the information and innovation technologies that will allow them to become smarter and more efficient consumers of water.

□ 1115

As a member of the Small Business Committee, I am proud to play a role in making this process possible. This manager's amendment recognizes that our Nation's water challenges will require not only intergovernmental cooperation, but also public-private partnerships.

Working together, government and the private sector can pool resources and implement the ambitious goals outlined by the National Water Research and Development Initiative Act.

I thank Chairman GORDON again for the opportunity to speak in support of the manager's amendment.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve.

Mr. GORDON of Tennessee. I yield 3 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), and I want to thank her for her important contribution to this amendment.

Ms. MCCOLLUM. Thank you, Chairman GORDON.

Mr. Chair, I rise today to voice my strong support for the National Water Research and Development Initiative Act and for the manager's amendment.

My State of Minnesota claims over 10,000 lakes and is the headwaters of

the Mississippi River and is part of the Great Lakes chain of lakes. We have Lake Superior on our northern shore.

Improving the coordination of Federal research is important for my State and for our country, and we need to do a better job of making use of data to make good policy.

This amendment includes three important provisions, and I would like to talk about them briefly.

The first part of my amendment, which is included in the manager's amendment, clarifies the bill's focus to include both water quality and quantity. Federal jurisdiction on water policy tends to create a division between the two, but the science often overlaps. To achieve the goal of coordination of research across all Federal agencies, it's important to support a comprehensive research agenda, and this legislation does that.

Second, in the area of water quality, this amendment adds research objectives related to chemical impairments in our water supply, specifically contaminants of emerging concern. These contaminants include pharmaceuticals, personal care products and the endocrine disrupting compounds. Researchers have found that exposure to these contaminants can produce deformities and reproductive problems in aquatic species and insects.

Today we know enough about these contaminants to be worried, but not enough to provide good information to our State health officials and to our constituents. Research on these contaminants must be a Federal priority, and this legislation moves in that direction.

Finally, the amendment will link the existing work of the 54 federally funded research centers with the new Federal water research plan called for in H.R. 1145. The National Institutes for Water Resources are located in the institutions of higher education all across this country. This research network is underutilized as a resource.

This amendment would make it a priority for the National Institutes for Water Research to support the goals of H.R. 1145, and it will increase coordination among the centers so they are more effective partners in Federal water quality efforts.

This amendment promotes a Federal approach to water research. It is comprehensive, effective, and it is one that leverages all of our Federal research partners to work together.

I encourage my colleagues to support this amendment and the bill. And, again, I thank Chairman GORDON for his leadership on this issue and his staff for all the work that they have done on this important issue.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 4 minutes to the gentlelady from Nevada (Ms. TITUS).

Ms. TITUS. I want to first thank Chairman GORDON for his hard work on this important legislation and for including the text of my amendment in his manager's amendment. This bill is critical to States like Nevada where drought constantly threatens the availabilities of our already limited water supply and, thus, our environment and our economy.

My language in this manager's amendment directs the interagency committee established in the bill to work to improve water prediction models and their applications, including analysis of variations and natural supply, watershed hydrology, human and ecological demand, and infrastructure.

As we celebrate Earth Day this week, it's important that we recognize that water has become and will continue to be a significant limiting resource for the Western United States.

So it is vital that we fully understand the current distribution of this resource while also being able to accurately predict the impacts of future conditions like growth and climate change on its availability. Accurate prediction about the availability of water resources will help our communities as they work to ensure that businesses and families have access to clean, safe and adequate water supply.

Our drinking and wastewater utilities are required to plan for a number of long-term uncertainties. In order to successfully plan and adapt to change, much more focused, applied research must be done.

The Desert Research Institute in Nevada is tackling this problem head-on by establishing the Nevada Water Resources, Data Modeling and Visualization Center. It will enable better understanding of the present and future distribution of water within our State.

Accordingly, DRI, in collaboration with UNR and UNLV, has established an experimental facility in Boulder City to collect data regarding water interactions in desert soils. This will lead to improved predictions of the potential impact of a changing climate on groundwater recharge.

The work being done at educational institutions in Nevada illustrates just how much potential there is to improve Federal coordination of predictive water modeling. Whether communities are worried about drought or flooding, snowmelt or urban runoff, the improvement of water prediction models will help communities across the country adapt to changes in the natural and the built-in environment.

So thank you again, Mr. Chairman, for your hard work and for including me in this amendment.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may need to start our close here. We have no further speakers.

Again, I want to thank Ms. TITUS, Ms. JOHNSON, all the others who helped us put together this manager's amendment.

I certainly want to thank Mr. HALL and his staff as we have gone through, really, the last 2 years with hearings in the committee, with workshops, with a variety of different efforts to hear all and come forth with a good bill on a very important issue.

As I mentioned earlier, there's going to be 40 States for the year 2013 that are going to have a water crisis. We need to address this.

Let me say one final thing about this manager's amendment. It's a little larger than usual. There have been some new, but I think, worthwhile items introduced there. I think they need to continue to be vetted. I don't like to just bring things in off the street.

And I want Mr. HALL to know that as we go through the process that we will continue this discussion if there are any concerns about amendments that were incorporated into this manager's amendment.

I reserve the balance of my time.

Mr. ADLER of New Jersey. Mr. Chair, I rise in support of my amendment to H.R. 145, the "National Water Research and Development Initiative Act of 2009."

My amendment is critical to improving the health of many different types of water bodies, especially a treasured resource in my own district—Barnegat Bay. My amendment will task the interagency committee, established in this bill, with implementing a plan to develop technologies and practices that would treat eutrophic bodies of water, including estuaries.

The Barnegat Bay estuary covers over 42 miles of shoreline from the Point Pleasant Canal to Little Egg Harbor Inlet in southern New Jersey. The flow of fresh water from rivers, creeks and groundwater into the Barnegat Bay produces the special conditions that are important for the survival of crabs, fish, birds, and other wildlife.

The eutrophication of Barnegat Bay is causing such environmentally detrimental consequences as the decline in fish populations, the decline of shellfish stocks, increased algae blooms, and loss of seagrass habitat. These problems are causing the deterioration of water quality, loss of biodiversity, and the disruption of ecosystem health and function.

The eutrophication of the Barnegat Bay estuary is also negatively impacting one of the most treasured pastimes of the residents of my district—fishing. The continued decline of the health of the bay has resulted in such a sharp decline in the bay's fish population that it has detrimentally affected both recreational and commercial fishermen in my district. Fishing is a treasured family tradition for many residents of Ocean County, New Jersey, and for others, it is a source of their livelihood. Something must be done to improve the health of the bay while at the same time improving the economic and recreational pursuits of the people of my district.

Eutrophication is the process by which a body of water becomes eutrophic, typically as a result of mineral and organic runoff from the surrounding land. The increased growth of plants and algae that accompanies eutrophication depletes the dissolved oxygen content of the water and often causes a die-off of other organisms.

Barnegat Bay is one of 28 congressionally-designated National Estuary Programs in the country, and it is in serious need of help.

While the many estuaries in the country are diverse in their characteristics and the issues that they face, the most critical factor affecting many of them, and especially Barnegat Bay, is eutrophication.

I urge my colleagues to vote for my amendment and H.R. 1145.

Mr. INSLEE. Mr. Chair, I would like to thank the Chairman for including my amendment into the manager's package. This important bill addresses a critical component to how we adapt to a changing climate and I am honored to have contributed to the creation of this vital piece of legislation.

Washington State faces a decrease in spring snowpack of nearly thirty percent by the 2020's, forty percent by the 2040's and sixty-five percent by the 2080's. While this statewide information is significant to understand the regional impacts of the changing climate on water availability, the information only skims the surface of what our communities need to know to ensure the availability of our water resources.

Many water resource managers lack the specific information on how changing climate conditions will impact the availability of, and demand for, water in their communities. In order to correctly plan for future operations, utility managers must have accurate information on how climate change and other factors will impact specific water sources. With the tools provided in this amendment, Evergreen Rural Water of Washington, a non-profit organization serving the needs of small water systems in Washington State, will be able to continue their important work to provide local water systems with on-site technical assistance, formal training, equipment lending and training information while considering specific impacts of climate change to these local water systems.

Some utilities, such as Seattle Public Utilities, have assessed the vulnerability of their water supply to climate change and have begun to develop adaptation strategies to prepare for the impacts of the change in temperature while other utilities have not, either due to the lack of resources or lack of awareness about the implications for the specific system they manage. By developing tools used for the anticipation of changing water availability and use patterns for the preparation of a strategic plan for sustainable future operations, we can downscale the information developed by federal water research to a utilizable level so that all utility companies will be able to plan for the future water resource for their customers.

I am honored that my amendment was included in the manager's package as it will bridge the gap between the research implemented on the federal level and what is needed on the ground by water resource managers and utilities.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

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

The Acting CHAIR (Mr. SALAZAR). The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. KOSMAS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–82.

Ms. KOSMAS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. KOSMAS:

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Assessment of the impacts of natural disasters, including floods, hurricanes, and tornadoes, on water resources.

The Acting CHAIR. Pursuant to House Resolution 352, the gentlewoman from Florida (Ms. KOSMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. KOSMAS. Mr. Chairman, I yield myself as much time as I may consume.

I thank Chairman GORDON for bringing this important bill to the floor to address our water research needs.

Access to clean and reliable water supplies is an issue that affects every community across our country. In my district along the central Florida coastline, local communities also must deal with the other impacts of weather conditions such as hurricanes, which have the potential to affect our water supplies. However, this is not just a coastal issue, as recent floods in North Dakota and Florida, tornadoes in Tennessee and Alabama, and other weather events across the country, have exhibited to us and show us the need for this to be addressed at a national level.

My amendment, which adds a provision to the Water Research Outcomes and Assessments section, mandates an assessment of the impacts of major weather events on our water supplies. Hurricanes, floods and tornadoes can lead to salt water intrusion, infrastructure damage, sewer overflows, storm water runoff and other conditions that can harm our water supplies and the surrounding environment.

A better understanding of these impacts will aid local communities and States in addressing water supply issues before, during and after major storms.

Combined with the provisions in this bill, including the requirement to develop innovative tools to enhance water treatment and water purification technologies, this amendment will help address the impacts of major weather events over the long run through the development and implementation of policies to prevent and mitigate such vulnerabilities to our water supplies.

A nationally coordinated assessment of major weather events will ensure that our constituents have access to safe, reliable water supplies without interruption and that providers will be able to meet Federal standards and that we will use our resources in a more cost-effective and efficient manner.

I would like to yield 2 minutes of my time to the Congressman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. I want to congratulate my colleague from Florida on this amendment. I think it's an important amendment, and I think this bill comes at a very important time.

Just today our Ohio EPA director, Chris Korleski, announced funding through the American Recovery and Reinvestment Act coming to the State of Ohio and specifically to Ohio's water projects, over 69 drinking water projects and 255 water pollution control projects. And what the EPA director said in his statements, I think, is very telling. He said this additional Federal funding will provide jobs while also improving Ohio's worn water infrastructure.

Yes, we have a worn water infrastructure in the State of Ohio and in many States across the Midwest, and it is particularly taxed at times of natural disaster. So I think assessing the value of looking at tornadoes, looking at floods and looking at the way in which our water resources are impacted is critically important because we do have a system, a system that is aging.

When we talk about combined sewers, as we have in Cincinnati, and we have combined sewer systems across the Midwest and on the east coast, we recognize that at times of flooding we have raw sewage coming out into our waterways, into our streams, and they are especially taxed.

We need to make sure that the appropriate precautions are in place to try to prevent these overflows, but also to help fix those systems in the aging communities in order that when we have natural disasters, we are able to ensure the population that we have clean drinking water available to everyone.

I want to thank my colleague from Florida for her efforts.

Ms. KOSMAS. I appreciate your comments, Congressman DRIEHAUS, and I urge adoption of the amendment.

Mr. GORDON of Tennessee. Would the gentlewoman yield?

Ms. KOSMAS. I yield to the gentleman from Tennessee.

Mr. GORDON of Tennessee. Let me just thank the gentlewoman for her amendment and her leadership on our committee in terms of space and science. This amendment makes our bill a better bill.

Ms. KOSMAS. Thank you very much for your comments.

I reserve the rest of my time.

Mr. HALL of Texas. Mr. Chairman, I claim the time in opposition to the amendment. Although I don't necessarily oppose the amendment, I do have a statement.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, I actually rise in support of the amendment offered by Representative KOSMAS of Florida.

The amendment simply directs the agencies under the interagency committee to assess the impacts of natural disasters on water resources.

We know that national disasters such as floods, droughts, hurricanes and all of that can have a very significant effect on water levels and cause major disruptions in local communities.

In my home State of Texas, we have recently seen the extremes of way too much water in the form of hurricanes and too little, many times in the form of droughts.

It's important that we achieve a better understanding of the impacts of these natural disasters on water resources so that local managers and State officials can plan and manage for future use and economic growth. It simply makes sense that we coordinate efforts at the local, State and national level to achieve these ends.

□ 1130

I have long been a proponent of this type of coordination. During the 109th Congress, I sponsored a bill to create the National Integrated Drought Information System, and I am proud to say the program is currently up and running. NIDIS coordinates and integrates observations so that local water managers can better plan and can better predict for future uses.

While our Nation will always face natural disasters of one form or another, we can do more to mitigate the effects through careful study and careful planning. The gentlelady's amendment moves in that direction, and I urge its passage.

Mr. Chairman, I yield back my time.

Ms. KOSMAS. Mr. Chairman, I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. KOSMAS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. KOSMAS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–82.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Washington:

In section 2(d), add at the end the following new paragraph:

(15) Assessment of potential water storage projects that would enhance water supply, water planning, and other beneficial uses.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment ensures that potential water storage reservoirs and their hydropower resources are kept on the table when it comes to our Nation's future water and power supplies.

I have the privilege of representing a rural district in central Washington. Constituents in my district and throughout the Pacific Northwest have benefited tremendously from the emissions-free and renewable hydropower generated from water reservoirs in the Columbia River Basin. In fact, over 80 percent of Washington State's electricity needs are met through hydropower.

Water reservoirs, such as Lake Roosevelt behind Grand Coulee Dam and the reservoirs behind the Snake River Dam have not only provided much-needed hydroelectricity, but also deliver water for irrigation, barge transportation, drinking water, flood control and recreation purposes.

Many of our Nation's water storage reservoirs contribute to the generation of hydropower, which is, Mr. Chairman, a renewable and clean energy resource. Hydropower projects have provided emissions-free electricity for generations.

Recent debate here in Washington, D.C. has been focused on global climate policies and how wind and solar can be energy solutions for the future. I agree that these technologies should be part of our energy portfolio, but our country needs an all-of-the-above approach to meet our needs. We need wind, solar, hydro, oil, natural gas and nuclear power.

However, we must recognize that the wind doesn't blow all the time and that it gets dark at night. In my region of the Pacific Northwest, hydropower is the renewable backup resource for wind power. When the wind subsides, hydropower generation is increased to offset the loss of wind power. Without hydropower, wind generation would not be the reality that it is today.

Yet some do not recognize that hydropower is a renewable resource and fail to see the need for new water storage reservoirs that help develop and foster these and other renewable energies, reservoirs that have helped develop our Nation and will continue to provide multiple uses, including hydropower. There is simply no reason why we should discount potential new water storage and reservoirs in the future.

So to that end, Mr. Chairman, my amendment directs the relevant agencies to assess potential water storage projects that would enhance water supply, water planning and other beneficial uses.

While I pointed out the benefits of hydropower, this amendment does not predetermine outcomes. It simply puts potential water storage as a consideration when looking at our entire water supply outlook. Whether it is for drinking water, irrigation or for power generation, it puts that on the table.

So I urge my colleagues to support this commonsense amendment.

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

Mr. GORDON of Tennessee. Mr. Chairman, I claim the time in opposition to the amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

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

I will just quickly say thank you to Mr. HASTINGS for this amendment. I think it is a constructive amendment. I think it may need some fine-tuning so it can fit best into this bill and the constructs of the bill, but it certainly is constructive and certainly something we should do, and we will work with you.

I will be voting for the amendment, and as we go through the process will be trying to work with you to again make it fit into the bill better so we can go into conference.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I appreciate the chairman's working with us on this and would be more than happy to work with him.

To that end, Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Science Committee, the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of the gentleman from Washington's amendment. Potential reservoirs and new hydropower should continue to play a major part in our water and energy supplies.

As areas of the country struggle with water shortages or increasing demands on the water supply, we have to be willing to be creative in the ways we address water use and water storage problems. This is a thoughtful amendment and an improvement to the bill. I commend Mr. HASTINGS for his leadership on this effort.

Mr. HASTINGS of Washington. Mr. Chairman, I appreciate again the support of the distinguished chairman and the ranking member. With that, I urge adoption of the amendment, and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–82.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CARDOZA:

At the end of the bill, add the following new section:

SEC. 9. STUDY.

Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall enter into an arrangement with the National Academy of Sciences for a study on the impact of changes in snow pack, including snow pack from the Sierra Nevada, on water resources and its relation to water supply, including the Sacramento-San Joaquin Delta.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment addresses a grave concern in California with the San Joaquin Valley water quality. Water is the basic necessity of life. Without clean, available water, we can't produce, grow, play, work and in fact even live. It is important to research and preserve our resources, and my amendment focuses on the vital water resources of California.

Every year, the snow pack in the Sierra Nevada slowly melts and flows down the mountain, providing clean, reliable water year-round to our farms, homes, businesses and municipalities. But now global warming threatens this natural system and threatens the health of our families. As the atmosphere warms, the snow pack melts too quickly to use and we lose the vital components of life.

For 50 years, visionary leaders harnessed Mother Nature and brought water from the mountains down into the valley to meet the needs of a thriving and growing State. Our economies flourished under that water system and it was efficient and it was the pride of the West. But recently our State has more than doubled in population and we have done little to keep pace with this growth. In fact, instead of keeping pace with the growth, we have actually lost significant amounts of our water supply.

It is therefore even more important today to support this amendment as we desperately search for good water that can continue to nourish our crops and feed our children. I ask my colleagues on both sides of the aisle to support this commonsense amendment.

I reserve the balance of my time.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I am not opposed to the amendment, I recommend its passage, and I yield back my time.

Mr. CARDOZA. I thank my colleague and dear friend from Texas. I also want to thank the staff of the committee and the chairman of the committee for working with us to make this amendment possible on the floor.

Mr. Chairman, I look forward to the passage of this amendment and to greater availability of clean water in California.

I yield to the chairman, the gentleman from Tennessee.

Mr. GORDON of Tennessee. I want to thank you for this constructive amendment. You have been a leader on water issues in California. I know that is a very sensitive issue there, and thank you for helping make a good bill better.

Mr. CARDOZA. Mr. Chairman, I thank the chairman and I appreciate his input.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–82.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Improvement of understanding of water-intensive sectors of the economy and industrial needs for water.

The Acting CHAIR. Pursuant to House Resolution 352, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of this amendment and the overall bill, the National Water Research and Development Initiative Act. As we all know, parts of the United States are currently in a drought situation. Even Florida, which many people think of as being water rich, is suffering from drought. Last year, for instance, the City of Tampa imposed a total restriction on lawn watering and other recreational uses for water. Our water resources are becoming scarce in various parts of our great country.

In the short-term we will have to find temporary solutions to navigate through these droughts. But in the long term we will need a plan to prevent such a crisis from happening again. My amendment to H.R. 1145 adds to the water research outcomes a study of water-intensive sectors of the economy and industrial needs for water.

Passage of my amendment will ensure that the interagency committee created under this bill will look at how water is used across the country, from golf courses and fast food restaurants to manufacturing plants and other industries. Understanding how such industries need and use water will be critical to meeting our future needs while stimulating economic growth. Without it, any water research plan would be incomplete.

I certainly encourage my colleagues to support this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of this amendment. I think this amendment is very important to ensure that we assess water supply and water needs for communities and we keep in mind the industries and businesses that employ the folks in these communities.

We don't believe the bill should be about pitting one water user against another, but rather it should help to ensure enough water for all users by focusing on new methods and technologies for conservation and efficiency.

I urge my colleagues to support the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I would like to reserve my time.

Mr. GORDON of Tennessee. I claim the time in opposition to the amendment, though I am not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, let me just thank the gentlelady from Florida for this constructive amendment. I think again this helps to make a good bill better, and I urge support of her amendment.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly thank the gentleman, who is very knowledgeable in this area for supporting this amendment. Economic development does depend upon water resources in so many sectors of our economy. I am very enthusiastically supporting his bill, and I am delighted that he believes that this amendment helps to make the bill, which is already a good bill, a little bit better.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. ARCURI

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–82.

Mr. ARCURI. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ARCURI:

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Improvement of understanding of competing water supply uses and how different uses interact with and impact each other.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I would first off like to thank Chairman GORDON and Ranking Member HALL for their leadership on this very important bill, a bill so important to America, not just America today but to the future generations of America, to ensure that our greatest natural resource, that is water, of course, continues, and that we continue to have the abundance of it that we enjoy in this country.

My amendment asks for improvement of understanding of competing water supply uses and how different uses interact with and impact each other.

□ 1145

And I've heard from many of my colleagues throughout the country and seen for myself firsthand in New York the problem that occurs when different interests begin to compete over our precious water resources. And when I say ''compete,'' obviously we have competition for use of water through agriculture, through business, through energy production, through transportation, through business use, and obviously, recreation and consumption and transportation as well. So there are many uses for water.

However, the unique thing about water is that not only is it renewable, but the water resource can be used repeatedly to service several different aspects of our economy and of people's needs. And I think it's important, however, that we study that and see how different interests can interact with each other and most efficiently use our water resource to maximize it.

And I use this example. In my own home district we have a reservoir, Hinckley Reservoir, that is used for drinking water for about 130,000 people. There is also a use of that reservoir for hydropower, and also use of that to feed the barge canal for transportation and recreation use. And there's often disagreements and infighting in terms of how to best utilize that. And I think we need to study that and see what is the most efficient way that we can do it.

I see it again in other places like the Finger Lakes, where again there are disputes between whether we use the water in Seneca Lake for drinking purposes, for recreation or for energy production. So I think it's important that we work to make a determination how best to allow competing interests to interact with each other to most efficiently and effectively utilize our number 1 most precious resource, and that of course is water.

So I would strongly urge the passage of this amendment, and I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise not in opposition, but to make a statement about the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I have some question about it, but I don't think I have a question I want to propound to you because we have discussed it. And your amendment would add to the growing list of research outcomes, the improvement of understanding of competing water supply uses and how different uses interact with each other and impact each other. And I know you understand that, and we've discussed it.

I would ask whether or not it means using water for irrigation is competing with industrial uses or the ecosystem management, like releasing large volumes of water from dams competing with the use of water for electricity generation or recreational activities. And we've had some of that at Lake Texoma in my district.

But as we go through and this goes on to the Senate and we have conference committees, and I know you've always been willing to explain your position, and we'll work together on that.

So I'm satisfied with the bill, and I would hope that we pass the bill.

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

Mr. ARCURI. I thank the gentleman for his comments.

I yield back the balance of my time.

Mr. HALL of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. KIRK

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–82.

Mr. KIRK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KIRK:

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Projection of long-term ice cover and water level outlook for major water bodies in the United States, including the Great Lakes, the potential impacts of the results of such projections on infrastructure, and resource management options based on such projections.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. I am very honored to rise on behalf of the Kirk-Quigley amendment on behalf of me and our newest Member of Congress, Congressman QUIGLEY, who replaced Rahm Emanuel in the House.

When we look at the Great Lakes, we look at one of the crown jewels of our country's environment. But we have seen data over the last few years showing a declining lake level. That lake level has been estimated by the Army Corps of Engineers using projections that just last over the next 6 months.

Under the Kirk-Quigley amendment, we would draw on the additional resources of the National Oceanic and Atmospheric Administration, which is able to project lake levels for quite a bit longer than the Army Corps' 6-month standard.

The purpose of this amendment is to generate more science and data about what's happening to the dropping levels of the Great Lakes. Next to me is a chart showing an environmental disaster that did not happen in the United States. Instead, it happened in the former Soviet Union, now Kazakhstan, which shows the Aral Sea, a great inland sea, very much like Lake Michigan, subjected to a very poorly designed Stalinist irrigation plan that drank it dry. We should never allow an environmental catastrophe like what happened in Kazakhstan to happen in the United States.

From the data that we have, we have a number of causes which could potentially be involved in the disappearance of the Great Lakes. One of them could be the declining levels of ice cover over the Great Lakes. Due to other forces, the normal coverage of ice over Lake Michigan, for example, has been declining, therefore, possibly allowing evaporation all year long. This declining level could be involved in the lowering of the lake. We need more data to support that conclusion. Good data, in my view, leads to good policy.

At this stage, we do not know why the levels of Lake Michigan are dropping. But NOAA tells us from 1972 to 2008 Lake Michigan ice cover has declined by approximately 30 percent, or a drop of 7,000 square kilometers from 1972–1973 winter, to approximately 5,000 square kilometers last year. This is a decline of 40 percent.

Now the Lake Carriers Association estimates that a 1-inch decline in Great Lakes waters causes the ships to reduce their cargo from 50 to 270 tons. This translates to 8,000 tons of lost cargo in the lakes each year, or equivalent of enough iron ore to make 6,000 automobiles in the United States.

For economic reasons, for ecological reasons, for scientific reasons, I think the Kirk-Quigley amendment should pass to give further resources to look at this emerging trend in an ecosystem that directly involves the future of 30 million Americans and many of our Canadian allies.

I reserve the balance of my time.

Mr. GORDON of Tennessee. If the gentleman would yield, I would like to thank him for this amendment and offer my support and request that the committee do pass this amendment.

Mr. KIRK. I thank the gentleman.

I reserve the balance of my time.

The Acting CHAIR. Does any Member claim time in opposition?

Mr. KIRK. On this, then, I'd like to close by saying that this is a bipartisan amendment endorsed by the National Wildlife Federation and by the Lake Michigan Alliance. It represents the ability of the Federal Government to look further into what is an evolving environmental trend in a place that's home to 90 percent of America's freshwater. And with that, I would urge adoption of the amendment and getting to work on what is happening with the falling Great Lakes levels.

Mr. QUIGLEY. Mr. Chairman, I would like to thank the Chairman for his good work on this legislation and look forward to working with him on this issue.

I rise in strong support of the amendment from the gentleman from Illinois.

The Great Lakes provide drinking water to over 40 million people and 90 percent of the U.S. water supply.

Urban sprawl, air and water pollution, and habitat fragmentation are already stressing ecosystems of the Great Lakes region.

This amendment will ensure essential long-term forecasting of water levels of major bodies of water, including the Great Lakes, in order to develop adequate adaption and management plans.

I thank the gentleman and I urge my colleague to support the Kirk amendment.

Mr. KIRK. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–82.

Mr. TEAGUE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TEAGUE:

Page 8, line 25, strike the period at the end and insert the following: ", including analyses of the amount, proximity, and type of water required for the production of alternative and renewable energy resources."

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, my amendment is about something simple, laying yet another block in the foundation on which we can achieve energy independence.

Personally, I am an oil man. I have always been an oil man and I always will be. And one of the first things that I learned when I started working on oil wells when I was 17 years old is that sometimes when you drill a well you get a lot of water. You have to figure out what to do with that. Can you put it into a stream? Do you need to reinject it into the Earth? Or can we use it for something else?

It's a question as old as the oil and gas industry, just as the relationship between water and energy is as old as water itself. And as we look toward achieving energy independence through a focus on renewable and alternative energy, creating jobs, bolstering our national security and improving our environment along the way, we are going to have to better understand that important and ancient connection.

My amendment ensures that the relationship between renewable energy development and water resources is established as a priority for Federal water planning, research and development.

Mr. Chairman, we are proponents of wind, sun and biofuels, because they are renewable resources. But water is not. If we draw down our aquifers to the point that they can not recover and tax our rivers to extinction, much of the American West will be unrecognizable. That is not an option. And not harnessing the abundant renewable resources we possess in places like New Mexico is not an option either.

Research, planning and the development of new technologies will free us to develop energy in harmony with our environments and with needed resources like freshwater.

When we site solar farms, we need to consider not only the sun's intensity, but the proximity and sustainability of needed water resources as well.

When choosing a path toward the production of biofuels on a massive scale, we need to ask, what are the implications for freshwater of developing corn-based ethanol in the Midwest versus algae-based biofuels in the deserts of New Mexico?

When we consider wind, nuclear, and every other component of a comprehensive plan to move our Nation toward energy independence, we need to know what the implications are for our precious freshwater resources.

There's even a biodiesel project in my district called Cetane Energy that produces freshwater as part of its fuel production process. That adds an interesting dynamic to the water intensity of Cetane's production and is exactly the sort of thing that we need to better understand as we expand our renewable energy portfolio and move toward energy independence.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I claim the time in opposition to the amendment, though I do not oppose it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I have some reservations about it, but they're reservations I think that we can work as it goes through and on through the conference committee. I appreciate this amendment, and I do not object to the amendment.

I reserve the balance of my time.

□ 1200

Mr. TEAGUE. I yield back the balance of my time.

Mr. HALL of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. TEAGUE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. ROSKAM

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–82.

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ROSKAM:

At the end of the bill, add the following new section:

SEC. 9. GAO STUDY AND EFFECTIVE DATE.

(a) STUDY.—The Government Accountability Office shall conduct a study, and prepare a report, on whether the requirements of this Act are duplicative of existing programs that provide for water research, development, demonstration, data collection and dissemination, education, and technology transfer activities regarding changes in water use, supply, and demand in the United States, including an analysis of the State Water Resources Research Institute Program (authorized by section 104 of the Water Resources Research Act of 1984, and organized as the National Institutes for Water Resources), the United States Global Change Research Program, and subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

(b) PRESIDENTIAL DETERMINATION.—

(1) IN GENERAL.—The President shall determine whether the contents of the report prepared under subsection (a)—

(A) support the implementation of sections 1 through 8 of this Act; or

(B) support a conclusion that such sections should not take effect.

(2) JUSTIFICATION.—If the President makes a determination under paragraph (1) that differs from the recommendations of the Government Accountability Office, the President shall provide a justification for the difference.

(c) EFFECTIVE DATE.—Sections 1 through 8 of this Act shall not take effect unless the President has made an affirmative determination under subsection (b)(1)(A).

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Illinois (Mr. ROSKAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. Mr. Chairman, in a nutshell, it's a fairly straightforward amendment. To briefly put it into context, it's trying to follow up on President Obama's inaugural address where he really challenged Congress and the American people to go through the Federal budget line by line, looking carefully at programs. I don't want to put words into the President's mouth, but if I were to paraphrase, I would say that part of the subtext of the challenge is to look where there is possible duplication, and that's what this amendment seeks to do. It respects the underlying legislation and says, well, if we're going to be doing this program—in other words, if we're going to be coordinating the Federal Government's approach to water problems—then let's do it in the context of clarity.

So here is what it says: We're going to have an amendment, and we're going to direct the GAO to do a study about the possible duplication of programs. In the interim, notwithstanding the passage of the bill, it's going to suspend the implementation date of the program to wait until the GAO comes back with the study. If the President finds that there are duplications, he can move forward and waive the underlying findings, but he has got to do it in a declarative way. In other words, he needs to affirmatively move forward and say, ''Look, I've evaluated these duplications, and on balance, I think we should do this,'' or maybe in the alternative he'll say, ''Let's not do it that particular way.''

There are only two programs that are specifically cited as sort of a heads-up to the GAO that they need to take a look at. One is the U.S. Global Change Research Program, which is a current program that the GAO says take a look at or that we tell the GAO to take a look at. The other is the State Water Resources Research Institute Program, which again is flagged, but notwithstanding that, it says to take a look at the other programs that are out there. If there is a duplication, bubble it up to the surface, and let's make a decision from there.

At this point, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Chairman, I certainly appreciate the thrust of the gentleman from Illinois' amendment in terms of trying to stop the duplication of programs to save money. We need to be doing that every day. The irony is that this is what this bill does. This bill looks at the 20 agencies that invest in water research, and it coordinates that so we can get our best bang for the buck. It also helps to do away with that type of duplication.

So, as well-intended as the gentleman is, his amendment, I'm afraid, would be contrary to what he wants to accomplish. It would only slow down the process of this coordination and slow down the process of better utilizing our resources and saving that money. So it really is, again, with the best of intentions, but this amendment, I think, would counter that.

Not being a member of the committee, he did not have the benefit of the hearings that we had, of the roundtable discussions that we had, of all the input that we had, and I think that's the reason that he also might not be aware of the wide endorsements of this bill. This bill is endorsed by the National Beverage Association, the National Rural Electric Cooperative Association, the Water Innovation Alliance, the Natural Resources Defense Council, the Water Environmental Research Foundation, the Council of Scientific Society Presidents, the Food and Water Watch, the Water Research Foundation, and the Alliance for Environmental and Clean Water Action.

Again, we tried to follow his advice and accomplish that, and I think this bill does and has, really, wide and active support. His amendment would only stop that implementation or it would slow it down, which would certainly be counter to his intentions.

I reserve the balance of my time.

Mr. ROSKAM. Well, I thank the gentleman for his comments, Mr. Chairman.

I would just go to the underlying purpose of the legislation, as it's sort of the declared statement of the committee, which is to improve the Federal Government's role in designing and in implementing Federal water research, development, demonstration, data collection and dissemination, education, and technology transfer activities to address changes in the water use, supply and demand in the U.S., including providing additional support to increase water supply through greater efficiency and preservation.

There is one word that isn't in there, and that is the word ''duplication,'' and I think sometimes we all benefit from another perspective coming in. I respect greatly the expertise of the committee, but every once in a while, there's maybe another perspective that could come along that will say: You know what? In the great scheme of things, the pace at which Congress is moving and the pace at which programs are being put in place, let's hit the pause button here, and let's have the GAO go out and really span the spectrum because, in the underlying legislation, it is absolutely silent as to duplicative efforts.

So I accept the criticism at face value. It's a valid argument, but I think that this is an improvement. It's not meant to be an impediment, and clearly, it empowers the President of the United States to waive the finding. I think it's a simple, straightforward type of thing that's in spirit with the inaugural statement of the President.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, let me point out that, in section 3, paragraph 3, part of the bill says, ''The technical innovation activities to avoid duplications of effort and to ensure optimum use of resources and expertise.''

You said a ''criticism'' of your amendment. I hope you didn't take that as a criticism. Again, I compliment the thrust of your amendment, but we have incorporated that here.

Let me also say that there is a synergy oftentimes also with research. NASA and NOAA may be working on a similar project, but because they're working on something similar, you wouldn't necessarily say that it was duplicative and not useful but, rather, that there was a synergy of working together. In our bill, we specifically say avoiding that duplication.

So, again, I think you have the best of intentions, and I think that we have accomplished those. For that reason, I would have to oppose your amendment because it would stop us from getting on to the work of saving money and of having a program that is so important. There are 40 States in our Nation right now that are facing serious water shortages or droughts or water problems between now and the year 2013.

I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I would like to yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment. Actually, this amendment seeks, as the gentleman has expressed, to return us to the original purpose of the bill by focusing on the duplication that exists among Federal agencies involved in water research efforts and attempting to streamline these efforts. I think we always have to be good stewards of the taxpayers' dollars as we work through legislation up here.

I support the amendment because I believe it's a good amendment, and it's looking after the taxpayers, and I urge my colleagues to join me.

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

Mr. ROSKAM. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROSKAM. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–82.

Mr. BLUMENAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BLUMENAUER:

Insert after section 7 the following (and redesignate subsequent provisions accordingly):

SEC. 8. WASTEWATER AND STORMWATER REUSE TECHNOLOGY DEMONSTRATION PROGRAM.

(a) IN GENERAL.—In consultation with the interagency committee, the Assistant Administrator for Research and Development at the Environmental Protection Agency shall establish a wastewater and stormwater reuse and recycling technology demonstration program, consistent with section 2(d)(3).

(b) ACTIVITIES.—Under the program established in subsection (a), the Assistant Administrator shall develop and fund projects to demonstrate, evaluate, and test the techniques and technologies to reuse and recycle stormwater and wastewater at the building, site, neighborhood, and watershed scales for urban, industrial, agricultural, environmental, and recreational uses as well as to augment potable water supplies.

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am pleased, along with my colleague, BETSY MARKEY from Colorado, to offer this amendment to create a wastewater and storm water reuse and recycling technology demonstration program within the Environmental Protection Agency.

I would like to begin by expressing my appreciation to Chairman GORDON and to his staff for working with us to refine the amendment. This is important work that's being done. I appreciate the debate and the energy, and we are pleased to offer this small element that, I think, makes a big difference.

Water reuse involves taking wastewater or storm water, giving it the appropriate level of treatment for its intended use and using the resulting reclaimed or recycled water for a new, beneficial purpose. These beneficial purposes can range from agriculture and landscape irrigation, to industrial processes, to toilets, to replenishing groundwater.

It's clear that this is not necessarily a new technology. According to the Water Reuse Association, reclaimed water has been used for crop irrigation for more than 100 years and for landscape irrigation for more than 70 years. The Earth has recycled and reused water for millions of years through the natural water cycle, but the amount of water that we reuse and recycle is just, if I may use the phrase, ''a drop in the bucket'' compared to what we could be doing, which is why I think a new demonstration project is in order.

Across the globe, water consumption has tripled in the last 50 years. According to the EPA, at least 36 States are anticipating local, regional or Statewide water shortages by 2013 even under non-drought conditions. As communities grow and water supplies decrease, they will be forced to seek alternative sources of water. In an era of climate change and water stress, water reuse and recycling has a great deal of potential to help alleviate pressures on water managers and to help communities become less dependent on ground and surface water sources.

A demonstration program will help reduce the costs of these technologies, and it will also help communities overcome the technical and social barriers to water reuse and recycling.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I claim time in opposition. Though I'm not totally opposed to it, I'd like to make a statement.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, it's my understanding that the purpose of the National Water Research and Development Initiative was to streamline, organize and coordinate Federal water research and development efforts. Although I support the underlying premise of the gentleman's amendment, I think it's duplicative of legislation we've already passed.

A little more than 2 months ago, this body passed H.R. 631, the Water Use Efficiency and Conservation Act offered by Mr. MATHESON of Utah under a suspension of the rules by a voice vote. Because this Matheson bill has not been passed by the Senate, I think we can work through this bill, and I withhold any opposition to this amendment with the understanding that I already know the gentleman, and have worked with him for a lot of years. I know we can work through any problems that we have with it.

So, with that, I reserve the balance of my time.

Mr. BLUMENAUER. I don't see my cosponsor here, so I'm the last speaker. I'm prepared to close if you have no other speakers.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I respect my good friend and colleague, the ranking member, and I appreciate what he mentioned in terms of the prior legislation, but I would say that was just research.

What we're attempting here is to be able to have demonstration projects. The EPA has done a great deal of work in this area in helping communities across the country undertake recycling and reuse projects. What we're doing here is having a coordinated program in the agency rather than just a few projects here or there that would allow the EPA to do the monitoring, evaluation and documentation necessary to promote the new technologies nationwide. Reclaimed or recycled water is highly engineered for safety. Indeed, the quality can be more predictable than some existing surface and groundwater sources. Right now, only about 5 to 6 percent of municipal wastewater effluent in the United States is reclaimed and beneficially used for any purpose.

In addition to enhancing water supplies, these technologies can help the environment by reducing the diversion of water from sensitive ecosystems, reducing nutrient and pathogen loads from wastewater discharges to waterways and reducing pollution from storm water runoff.

□ 1215

So beyond research, we really need a coordinated program of demonstration.

I urge my colleagues to support this simple amendment to create a program to pursue technology demonstration projects at the building, site, neighborhood, and watershed scales.

Ms. MARKEY of Colorado. Mr. Chair, I rise today in support of our amendment, numbered 10, to the National Water Research and Development Initiative Act.

In the West, and especially in the state of Colorado, water is a resource more precious than gold. For the many farmers and ranchers in my district in Eastern Colorado, finding ways to reuse and conserve water in urban areas is a matter of survival. For them, the idea of water recycling is not a new one.

In the Rocky Mountain region, we use recycled water for everything from Public Park landscaping, commercial and industrial uses, to fire protection. Reclaimed domestic wastewater serves as industrial water at power plants, helps to restore wetlands and even assists with dust control at construction sites—something that anyone who drives I–25 from Denver to Fort Collins on a windy day can appreciate.

As communities in the West, and especially in Colorado's fourth congressional district, continue to grow, the issue of water conservation and reuse becomes even more urgent. Most conservative estimates tell us that Colorado's Front Range will face soaring water prices to pay for new water systems by the year 2058. Cities will become super dense to shrink lawns and shorten water pipelines.

As the Front Range grows along with Denver and Colorado Springs, Colorado's Eastern Plains will face increasing competition for their already scarce water sources. Large swaths of farmland will go dry if we don't work to actively protect the water for our agricultural communities. A whole way of life that has existed since families first started homesteading on land in the West will disappear if we don't find ways to reuse and recycle water.

For the people I represent, investing more resources in creating a wastewater and stormwater reuse and recycling technology demonstration program within the Environmental Protection Agency is a matter of our future survival.

I urge all members to support my amendment to H.R. 1145.

Mr. BLUMENAUER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. SHADEGG

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–82.

Mr. SHADEGG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SHADEGG:

Page 3, after line 17, insert the following (and correct sequential provision designations accordingly):

(D) identify Federal water-related research, development, and technological innovation activities that are duplicated by more than one Federal agency or program and make recommendations to the President on how to avoid such duplication;

Page 6, line 22, insert the following (and correct sequential provision designations accordingly):

(C) identify Federal water-related research, development, and technological innovation activities that are duplicative of such activities occurring at the State, local, and tribal government level;

Page 10, after line 5, insert the following:

(c) ELIMINATION OF DUPLICATIVE EFFORTS.—The President, in carrying out the activities under subsections (a) and (b), shall ensure that each Federal agency participating in the Initiative shall not request appropriations for activities identified under section 2(c)(2)(C).

The Acting CHAIR. Pursuant to House Resolution 352, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, the committee report for H.R. 1145 states that the purpose of the bill is to coordinate the Federal Government's water programs to ensure they are conducted in an ''efficient and cost-efficient manner.'' There are currently over 20 Federal agencies carrying out research and development on water programs, not counting the State agencies that engage in the same kind of work or those at the county or local level.

While the interagency committee is directed in the bill to avoid duplication of efforts, the bill fails to take the necessary step to implement that directive. It does not in fact provide the committee with explicit authorization to recommend against the funding programs that are duplicated amongst different Federal agencies or initiatives that are duplicated at the State level as well as at the Federal level.

My amendment is simple and straightforward. It has simply two provisions. The first says that they should identify Federal water-related research and development technological innovative activities that are duplicated by more than one Federal agency or program and make recommendations to the President how to avoid such duplication. Simple, straightforward. Simply says where there is duplication, make a recommendation to the President of the United States on how I might avoid that duplication.

The second says to identify Federal water-related research development and technological activities that are duplicative of those conducted at the State and local or at the tribal government level. Again, simple and straightforward.

That is the essence of my entire amendment. It is intended to look at the issue of efforts at the Federal level which duplicate each other and to at least make a recommendation that they be consolidated for reasons of efficiency, and to do the same with regard to State, local or tribal efforts.

It seems to me, Mr. Chairman, that everyone in America is currently tightening their belt. The least this Federal Government can do is to look—and that's all my legislation does is require the government to look if those things are duplicated and eliminate that duplication where it can be done efficiently.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

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

Once again, let me say to my friend from Arizona, you come at this with the right attitude, and that's what we're trying to do. The purpose of this bill is to not only do away with duplication but also to have these 20 different agencies working in a more effective way. But let me explain, again unintentionally, but the impact of your amendment.

Your amendment would require the administration to determine what research, development and technology innovation programs exist in all States, local and tribal governments. In addition to the 50 States, there are over 500 federally recognized tribes, over 87,000 local government entities, and so compiling this information would be an enormous and expensive undertaking. And the gentleman's amendment is silent as to who would pay for this. In fact, the gentleman's amendment is silent as to whether the State, local or tribal governments would be forced to bear some of the costs of implementing this census.

And let me give you a couple of practical problems here. Let's say there was a tribe somewhere that was spending $1,000 working on a desalinization project. Well, that would preempt a Federal effort that could be much more significant and worthwhile.

Another example would be, for instance, if there was a groundwater extraction issue in central Florida, might be dramatically different from a groundwater issue in central Arizona. But if Florida has a program examining groundwater extraction, the Federal Government would be precluded from doing research which might be relevant and helpful to the people of central Arizona.

So again, I think both of us have the same objective, which is what we try to accomplish in this bill.

Mr. SHADEGG. Would the gentleman yield?

Mr. GORDON of Tennessee. I would be happy to yield.

Mr. SHADEGG. My concern about the comments of the gentleman, I would share those comments. I am concerned about the cost of such an effort, but nowhere in the legislation that I have offered is there, in fact, a requirement that all duplicative programs be researched or that a certain amount be expended to do that.

But more importantly, in the gentleman's remarks he's at least twice said that the duplicative programs would be eliminated, and I would simply suggest that in the wording of the amendment we offered, we make no such requirement. There is no requirement, for example, if there were a program being conducted by a tribe and also by the Federal Government that it must be eliminated or one that was being conducted by the State of Arizona versus the Federal Government, that it must be eliminated. Indeed, the language of the amendment as written simply says they are to make recommendations to the President on how to avoid simple recommendations on how to avoid that. And in addition, it leaves the issue open with regard to conflicts with State and local implementation to simply say there is, in fact, a duplication without requiring any elimination that, for the very reasons the gentleman has noted, indeed, to have Arizona researching water recharge and Florida doing it with very different situations makes all the sense in the world.

Mr. GORDON of Tennessee. As I read your amendment, it says the President in carrying out the activities under subsection A and B shall ensure that each Federal agency participating the initiative shall not request appropriations for activities that are identified under the section. So I think it is a mandate.

But even if it wasn't, let's take that off the table. Even if it wasn't, it still requires all 50 States, 500 Federal recognized tribes, and 87,000 local government entities to have a census or an inventory. This could be an enormous expense.

Again, I think we're in sync, but let me again remind the gentleman that this bill has been well vetted and it has been endorsed by a number of groups, including the National Beverage Association, the National Rural Electric Cooperative Association, the Water Innovation Alliance, the Natural Resources Defense Council, the Water and Environmental Research Foundation, the Council of Scientific Society Presidents, Food and Water Research Foundation, the Alliance Environmental, and Clean Water Action.

So I think this has been vetted. And, again, I think we're on the same wavelength, but I am afraid that the gentleman's amendment would have unintended consequences in causing a great deal of expense to local governments, State governments and entities all across the country.

I reserve the balance of my time.

Mr. SHADEGG. Could I ask how much time I have remaining?

The Acting CHAIR. The gentleman from Arizona has 3 minutes, and the gentleman from Tennessee has 30 seconds.

Mr. SHADEGG. I am happy to yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment offered by Representative SHADEGG of Arizona. The amendment requires the interagency committee to identify areas of duplication, and I don't like that word ''duplication'' at all. And it recommends to the President ways to avoid such duplication. The amendment also calls on the President to ensure the Federal agencies do not pursue activities already being conducted by States, localities, and tribal units.

And duplication spawns red tape, and the best example of red tape I can think of is Wilbur and Orville Wright's first airplane was a page-and-a-half handwritten contract, and the Osprey, the tilt wing that is one of the most modern airplanes today, just the paperwork on that weighs around 20,000 pounds. That's how bad red tape can actually get.

I think it's a commonsense amendment here that carries out the underlying goal of the bill. One of the main purposes behind creating the interagency program was to reduce duplication across agencies thereby streamlining efforts and saving taxpayers dollars. It makes no sense in these economic times for fellow agencies to duplicate effort in Washington and makes even less sense for them to duplicate activities already taking place in our States and local communities.

I commend the gentleman in offering the amendment, and I urge its passage.

Mr. SHADEGG. I yield myself the balance of my time.

Mr. Chairman, I simply want to respond to the point about the language of the bill or the amendment as offered because I think there is a clear misunderstanding here. The language that was referred to, ''the President shall not request'' or the ''President shall instruct the agencies participating shall not request appropriations for those activities'' is not applicable to the actual duplicative conduct. It is to the research to determine what is duplicative.

There is nothing mandatory in this amendment. We intentionally wrote it to say it would be a simple recommendation of the President to eliminate duplication. The prohibition is on requesting further funds to do these activities because in the course of doing the activities, we believe that can be done as part of the other work under the legislation.

But just to be very clear, the ''shall'' language does not refer to duplicative efforts. The amendment does not offer binding language to say, if it's duplicative, you cannot engage in it. And that's simply a misreading of the language of the bill.

I would urge my colleagues to support this. I believe it's a straightforward provision that would save the taxpayers money. It is simply advisory. It asks these agencies to take a look at areas that are duplicative. I think it's the least we can do under the circumstances.

I yield back.

Mr. GORDON of Tennessee. In closing, Mr. Chairman, let me just say I think two friends can see the same accident and report it differently, both trying to do their best in doing that.

In response to Mr. SHADEGG, first of all, in the ''shall,'' the ''shall'' was the President shall not spend any money on this project. So that means nothing could be done there. But, again, the bigger picture is we share the same objective, and that is to try to coordinate this important research to try to do it as economically as possible.

Again, I share that view with him. We tried to accomplish that in this bill, and I am afraid that it would only create additional expense to put so many—87,000 different local governments and agencies through this process of having to inventory whether they are doing anything.

For that reason, I oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SHADEGG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 12 OFFERED BY MS. MOORE OF WISCONSIN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–82.

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. MOORE of Wisconsin:

Page 4, line 11, strike ''and''.

Page 4, line 24, strike the period at the end and insert ''; and''.

Page 4, after line 24, insert the following:

(H) assess the role of Federal water research funding in helping to develop the next generation of scientists and engineers at institutions of higher education.

The Acting CHAIR. Pursuant to House Resolution 352, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, I would like to yield myself 3 minutes.

Mr. Chairman, my amendment is very simple. It would urge the Federal Water Research Interagency Committee established under the bill to examine and assess the impact of Federal water research funding on helping to develop the next generation of water scientist engineers.

Quite simply, I call this amendment the Talent Amendment. If we want to develop the best technology, and I believe we will, we need a cadre of prepared scientists and engineers at our Federal agencies and in the commercial-user community.

□ 1230

Without the trained scientists and engineers to do the work, it is really difficult to envision how this important work will get done.

My district is located on Lake Michigan, the only Great Lake contained entirely within the United States of America. And my district is also home to the largest academic freshwater research facility on the Great Lakes, the Great Lakes Wisconsin Aquatic Technology and Environmental Research (WATER) Institute. There is no doubt in my mind that the decisions made under this Federal Water Research Initiative, including funding decisions, will play a role, whether directly or indirectly, in developing water researchers, scientists, and engineers not only in the Milwaukee area, but across the Nation.

I think it is only common sense that we, as a Nation, take a look at how those funds are being used, not only to develop the new technology and tools, but how it is helping or can work to better help train and develop the next generation of water scientists and engineers. That is what this amendment does.

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

Mr. HALL of Texas. Mr. Chairman, I claim time in opposition though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment offered by Representative MOORE of Wisconsin. This amendment requires the interagency committee to assess the role of Federal water research funding in helping to develop scientists and engineers at colleges and universities.

One of the goals of the Water Research Initiative is to facilitate technology transfer, communication, and opportunities for exchange with nongovernmental organizations, such as institutions of higher education. Developing collaborative opportunities with colleges and universities will hopefully increase the quality of the research and development of water solutions, but also spur students to pursue science, technology, engineering, and math careers, and we are very much in favor of that.

It is vital for the future success and competitiveness of our Nation that we encourage more and more students to pursue these exciting fields. We know that more and more nations are graduating large numbers of scientists and engineers. If we are to remain the leader in innovation and entrepreneurial development, then we need to invest in the young men and women who will design and build tomorrow's solutions.

Representative MOORE's amendment simply requires that we examine how water research funding is helping to meet our science and engineering education needs. I support the gentlelady's intent and her amendment.

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

Ms. MOORE of Wisconsin. Mr. Chairman, I would now yield 15 seconds to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. Thank you, Ms. MOORE.

I want to concur with Mr. HALL's eloquent support of this amendment. It is an excellent amendment; it is constructive, and it helps to make this bill better. I want to thank you for bringing it to our attention.

Ms. MOORE of Wisconsin. Mr. Chairman, I would now yield 1 minute to the gentlelady from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Chairman, I rise today in support of our amendment to the National Resource Development Initiative Act.

In the West, and especially in the State of Colorado, water is a resource more precious than gold. For many farmers and ranchers in my district in eastern Colorado, finding ways to reuse and conserve water in the urban area is a matter of survival. For them, the idea of water recycling is not a new one.

In the Rocky Mountain region, we use recycled water for everything from public park landscaping, commercial and industrial uses, to fire protection. Reclaimed domestic wastewater serves as industrial water at power plants, helps restore wetlands, and even assists with dust control at construction sites—something that anyone who drives I–25 from Denver to Fort Collins on a windy day can appreciate.

As communities in the West, and especially in Colorado's Fourth Congressional District, continue to grow, the issue of water conservation and reuse becomes even more urgent. Most conservative estimates tell us that Colorado's Front Range will face soaring water prices to pay for new water systems by the year 2058. Cities will become super-dense to shrink lawns and shorten water pipelines.

As the Front Range grows, along with Denver and Colorado Springs, Colorado's Eastern Plains will face increasing competition for their already scarce water sources. Large swaths of farmland will go dry if we don't work to actively protect the water for our agricultural communities. A whole way of life that has existed since families first started homesteading on land in the West will disappear if we don't find ways to reuse and recycle water.

For the people that I represent, investing more resources in creating a wastewater and storm water reuse and recycling technology demonstration program within the Environmental Protection Agency is a matter of our future survival.

I thank Chairman GORDON for his leadership on the committee.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Ms. MOORE of Wisconsin. I have spent the last couple of Earth Days with high school students touring the Water Research Institute in my district, and just spending time with these young people, hoping that they will become our next generation of water scientists and engineers.

I want to just end by thanking Chairman GORDON and Ranking Member HALL for working with me on this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–82 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. KOSMAS of Florida.

Amendment No. 8 by Mr. TEAGUE of New Mexico.

Amendment No. 9 by Mr. ROSKAM of Illinois.

Amendment No. 11 by Mr. SHADEGG of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. KOSMAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. KOSMAS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 14, as follows:

[Roll No. 200]

AYES—424

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
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
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
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
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
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
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Costa
Israel
Jackson (IL)
Klein (FL)
Meeks (NY)
Moran (KS)
Norton
Putnam
Reyes
Rush
Smith (TX)
Stearns
Towns
Wasserman Schultz

□ 1302

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. TEAGUE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 1, not voting 14, as follows:

[Roll No. 201]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
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
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-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
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
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
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

McClintock

NOT VOTING—14

Berman
Bishop (UT)
Fortenberry
Jackson (IL)
Meeks (NY)
Moran (KS)
Norton
Putnam
Reyes
Smith (TX)
Stearns
Sullivan
Towns
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1312

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Chairman, on rollcall Nos. 200 and 201, I was unavoidably detained. Had I been present, I would have voted ''aye'' on both.

AMENDMENT NO. 9 OFFERED BY MR. ROSKAM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. ROSKAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 236, not voting 8, as follows:

[Roll No. 202]

AYES—194

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)

Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Waters
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu

NOT VOTING—8

Fortenberry
Jackson (IL)
Meeks (NY)
Moran (KS)
Norton
Pierluisi
Reyes
Smith (TX)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain in this vote.

□ 1319

Messrs. CONYERS, RUSH and Ms. RICHARDSON changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chairman, I would have voted "aye" on rollcall 200; "aye" on rollcall 201; and "no" on rollcall 202.

AMENDMENT NO. 11 OFFERED BY MR. SHADEGG

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 271, not voting 7, as follows:

[Roll No. 203]

AYES—160

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCaul
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Calvert
Campbell
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin

Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Harper
Jackson (IL)
LaTourette
Moran (KS)
Reyes
Smith (TX)
Tiberi

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain in this vote.

□ 1332

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. SALAZAR, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes, pursuant to House Resolution 352, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. NUNES. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NUNES. I am in its current form.

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

The Clerk read as follows:

Mr. Nunes moves to recommit the bill H.R. 1145 to the Committee on Science and Technology with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. _____. REPORTS TO CONGRESS.

(a) REPORT ON BARRIERS.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report that—

(1) identifies from each agency on the interagency committee established under section 2(b) the statutory or regulatory barriers—

(A) that prevent the use of technology, technique, data collection method, or model considered under this Act; and

(B) that, due to such barrier to using such technology, technique, method, or model, contribute to the loss of jobs in rural or agricultural economies dependent on the greater availability of water resources in the United States;

(2) identifies the long-term consequences on job losses of such barriers that continue to be in effect; and

(3) recommends steps to remove such barriers.

(b) REPORT ON IMPACTS.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report that—

(1) identifies the economic impacts of water diversions for water supply, conservation for fish species (including the Delta smelt), and water quality impairment in the San Joaquin Valley of California; and

(2) recommends steps to mitigate such economic impacts to preserve the water-dependent rural economy.

Mr. NUNES (during the reading). Mr. Speaker, I would like to ask unanimous consent that we suspend the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. NUNES. Mr. Speaker, to put it bluntly, the people of the San Joaquin Valley are experiencing an economic disaster, the scope of which is unprecedented. In fact, it has surpassed the worst levels of the Great Depression. Indeed, over the past 2 years, I have pleaded with this body and State officials and my colleagues here in Congress to avoid this man-made disaster.

In January of 2008, I testified before the Water and Power Subcommittee and asked that the Democrats that controlled Congress overturn a court-imposed, man-made drought in California.

In February, and again in June of 2008, I asked the Governor and Interior Secretary to declare states of emergency and focus State and Federal resources to develop new water supplies to avoid this economic disaster.

In July of 2008, I again returned to the Water and Power Subcommittee to testify about the unfolding disaster and pleaded that the committee take action to increase the water supply. Despite my pleas, this Congress and our President have done nothing.

Unemployment in the San Joaquin Valley now averages close to 20 percent, with some communities nearing 50 percent. An economic disaster is not looming for the people of the San Joaquin Valley, it is here, and it is here as a direct result of government action, namely, the use of precious water resources in an attempt to value fish over families.

There is a solution to the poverty and economic havoc confronting the San Joaquin Valley, but it doesn't come from a new study of an old problem. Relief won't come from a long-winded stump speech, a chant at a water rally, or an impassioned speech on this floor. It has to come through legislative action by this body.

I have introduced a ''no cost'' bill that would provide immediate relief to suffering Californians. And just last week, Secretary of the Interior Salazar announced $260 million of stimulus money to address the crisis in California. But not $1 came to mitigate the effects of the southern San Joaquin Valley.

My colleagues on the other side of the aisle should be outraged. They expressed outrage for the last administration's alleged failure to deal with the consequences of Hurricane Katrina, but they have said nothing about the current administration's failure to undertake a single act to address this ongoing disaster.

The folks in the San Joaquin Valley have had to resort to finding assistance from food banks. I'd like to draw your attention to this picture here. Kristian Reyes, age 3, and his brother, Kelvin Reyes, age 5, were turned away from a local food bank just recently. Additionally, there was an additional 50 families that were turned away that day.

Let me make it clear. We're not asking for a $1 billion bailout. We're not even asking for $1. All we need is this Congress to move emergency legislation that would allow the delta pumps to return to historic export levels.

Unfortunately, the underlying bill does nothing to resolve this crisis. Therefore, the Republicans have had to resort to offering a motion to recommit that directs the President to account for the economic impacts of cutting off water to families and dedicating this precious resource to a 3-

inch minnow called the Delta Smelt that I want to draw your attention to. This is absolutely ridiculous. This is a national disgrace when the breadbasket of the world cannot even feed the people that live and work there.

When a government is unable to provide citizens access to a reliable water supply, the government has failed. We need to be part of the solution, not the problem.

It's time to stop valuing fish over families. Pass this motion to recommit, and send a message to the people of the San Joaquin Valley that, at a minimum, you are willing to own up to the problem that this Congress has created.

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

Mr. GORDON of Tennessee. Mr. Speaker, I rise in opposition to this motion; although I do not oppose the motion.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. First of all, let me thank the gentleman from California (Mr. NUNES) for his interest in this bill. And let me also point out, I don't know whether he saw this morning in one of the major newspapers, the headline was ''Drought Conditions Hit California Earlier Than Usual.'' Certainly California has a problem. But not only California, but 40 States by the Year 2013 are going to be experiencing droughts and other problems with water. That's why this bill is so very important.

Now, the gentleman from California, not being a member of our committee, understandably, probably doesn't realize how we work in a collaborative, bipartisan fashion, and how that, during the hearing of this bill, Mr. ROHRABACHER, also from California, presented an amendment almost identical to this, and it was accepted unanimously by our committee. Additionally, there are other ongoing studies.

But I do clearly agree that this is an issue of concern. And I think putting an exclamation point is perfectly fine. And for that reason, we will accept this amendment or, rather, this motion to recommit to reinforce the amendment that Mr. ROHRABACHER already has put in and is part of the text of this amendment.

I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I agree with his decision to accept this amendment.

I just want to say that it's not as easy as my colleague from California has suggested. This is a long, statewide water system that serves many different interests. You can turn on the pumps as he says. The pumps are on. You can send more water to the central valley and move the unemployment to the farmers in the delta region, to the farmworkers in the delta region. We've already unemployed thousands of fishermen, thousands of shoreside businesses. We've spent hundreds of millions of dollars in disaster relief because this system does not have enough water in it. In fact, what has happened over the last several years is more water was taken illegally from the northern areas.

He says that the Secretary announced nothing to help the people in the central valley. Finally, after years of discussion, we were able to fund the in-delta barriers that we think will release additional water, protect the fish, and allow us to use the delta more efficiently.

Finally, after years of discussion, we put the money into the removal of the dam in Mr. HERGER's district that will benefit downstream users.

Finally, after many, many years of asking for water recycling, water reuse, $126 million was put in for the cities in Southern California so they can start the process of recycling, reusing water and taking the pressure off the central valley farmers, taking the pressure off of the delta areas.

That's the kind of coordinated activity that has finally begun under the Obama administration. It simply didn't happen under the previous administration. There were no new water recycling projects of any significance. There was a fooling around with the science. We've lost months during this drought of going back and trying to redo the science.

We saw what happened when Klamath decided he knew more about the science than the people on the Klamath River and the fish and wildlife agencies. We had the largest salmon kill in the history of the West Coast, and you ended up spending hundreds of millions of dollars to help out farmers, to help out fishermen, to help out small businesses all over Northern California, Oregon and Washington.

We will accept this amendment, but we won't accept the recitation of history.

Mr. GORDON of Tennessee. Mr. Speaker, I reclaim my time.

Mr. Speaker, I yield to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker and Members, welcome to the world of water in California. This is a very serious issue. Sadly, it has been a confrontational issue for more decades than I would care to describe to you, but I am pleased that the gentleman from California offered the amendment. And I want to thank Chairman GORDON for accepting the amendment because it does underline the serious nature of drought conditions, not just in California. We had them in Georgia just recently in the last 2 years. The fact is that water in our country and water around the world is one of the most precious resources that we have, and that's why this bill is important.

□ 1345

That's why we need to use all the water management tools in our water toolbox. We can recite our version of past history. I have differences with my colleague Congressman MILLER on a number of those issues. I have differences with a number of my colleagues from California who have tried to bring consensus together and who are under difficult circumstances to balance the needs for farmers, the needs for urban water use and to restore the environment.

I want to thank the chairman for adopting this amendment, and I want to thank my colleague for offering it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit H.R. 1145 will be followed by 5-minute votes on passage of H.R. 1145, if ordered, and suspension of the rules with regard to H.R. 1139.

The vote was taken by electronic device, and there were—ayes 392, noes 28, not voting 12, as follows:

[Roll No. 204]

AYES—392

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)

Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
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 (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—28

Altmire
Baldwin
Braley (IA)
Carson (IN)
Clarke
Clay
Conyers
Dingell
Edwards (MD)
Fattah
Hinchey
Hirono
Holt
Honda
Kilpatrick (MI)
Kucinich
Lee (CA)
Miller (MI)
Nadler (NY)
Schakowsky
Stark
Tsongas
Velázquez
Waters
Watson
Waxman
Woolsey
Wu

NOT VOTING—12

Bonner
Engel
Green, Gene
Harper
Hastings (WA)
Jackson (IL)
Moran (KS)
Reyes
Scott (VA)
Slaughter
Smith (TX)
Wasserman Schultz

□ 1404

Ms. VELÁZQUEZ and Ms. KILPATRICK of Michigan changed their vote from ''aye'' to ''no.''

Mr. WELCH and Ms. MCCOLLUM changed their vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 204, had I been present, I would have voted "aye."

Mr. SCOTT of Virginia. Mr. Speaker, on rollcall No. 204, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 204, had I been present, I would have voted "aye."

Mr. BONNER. Mr. Speaker, on rollcall No. 204, I was unavoidably detained due to committee meeting. Had I been present, I would have voted "aye."

Mr. HASTINGS of Washington. Mr. Speaker, on rollcall No. 204, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 1145, back to the House with an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. GORDON of Tennessee:

At the end of the bill, add the following new section:

SEC. _____. REPORTS TO CONGRESS.

(a) REPORT ON BARRIERS.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report that—

(1) identifies from each agency on the interagency committee established under section 2(b) the statutory or regulatory barriers—

(A) that prevent the use of technology, technique, data collection method, or model considered under this Act; and

(B) that, due to such barrier to using such technology, technique, method, or model, contribute to the loss of jobs in rural or agricultural economies dependent on the greater availability of water resources in the United States;

(2) identifies the long-term consequences on job losses of such barriers that continue to be in effect; and

(3) recommends steps to remove such barriers.

(b) REPORT ON IMPACTS.—Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report that—

(1) identifies the economic impacts of water diversions for water supply, conservation for fish species (including the Delta smelt), and water quality impairment in the San Joaquin Valley of California; and

(2) recommends steps to mitigate such economic impacts to preserve the water-dependent rural economy.

Mr. GORDON from Tennessee (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading of the amendment.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to 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. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 10, not voting 9, as follows:

[Roll No. 205]

YEAS—413

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

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

NAYS—10

Broun (GA)
Culberson
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
Miller (MI)
Poe (TX)
Shadegg

NOT VOTING—9

Baird
Boehner
Harper
Jackson (IL)
Linder
Moran (KS)
Paul
Reyes
Smith (TX)

□ 1413

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COPS IMPROVEMENTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1139, as amended, 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 York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1139, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 342, nays 78, not voting 12, as follows:

[Roll No. 206]

YEAS—342

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
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)
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—78

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett
Bishop (UT)
Blackburn
Blunt
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Camp
Campbell
Cantor
Carter
Coble
Cole
Conaway
Culberson
Deal (GA)
Dreier
Duncan
Ehlers
Fallin
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Hastings (WA)
Hensarling
Herger
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Pitts
Price (GA)
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Sullivan
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—12

Boehner
Clyburn
Doyle
Harper
Jackson (IL)
Linder
Maffei
Moran (KS)
Reyes
Shimkus
Smith (TX)
Stark

□ 1422

Mr. RYAN of Wisconsin changed his vote from ''yea'' to ''nay.''

Mr. COFFMAN of Colorado changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF THE TREASURY

Mr. FRANK of Massachusetts, from the Committee on Financial Services, submitted a privileged report (Rept. No. 111–84) on the resolution (H. Res. 251) directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG), which was referred to the House Calendar and ordered to be printed.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1145, NATIONAL WATER RESEARCH AND DEVELOPMENT INITIATIVE ACT OF 2009

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1145, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 247.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 247.

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.

WATER RESOURCES IN AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today I rise to add my support to H.R. 1145, the bill that we just discussed on the floor of the House, that requires the President to establish an agency that addresses the question of the increasing lack of water resources in the United States of America. In the recognition of Earth Day that occurred yesterday, where we are looking to green our country and green this Earth, we also must ensure that we have the water that is necessary for this Nation.

I will introduce a water bill that will also take into consideration the lack of water around the world. I am also very much appreciative of the language in the bill that looks at questions of areas that have had disasters, such as my area in Houston, and homes that have suffered from flooding, such as the White Oak area in Houston.

This is a good step. We need an expanded water bill to help all of the world. And certainly we need to pay tribute to the concept of greening this Earth and protecting this Earth—its water resources and its green resources—to make this a better place for all of us to live.

CONGRESS MUST COME TOGETHER

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

Mr. CAO. Madam Speaker, I come before the House today to express the views of a freshman Congressman whose knowledge and experience of the workings of Capitol Hill have spanned a little more than 3 months.

While I am greatly honored to be a Member of this governing body and cherish the friendship and support I have received from my colleagues, I would like to use this forum to express a concern: how we operate as a governing body.

Aristotle said, ''Virtue is the mean between two extremes.'' This definition of virtuous state of character was appropriate over 2,000 years ago, and it continues to be true today.

Virtuous character, properly exercised, is to react to circumstances in the appropriate way and to the appropriate degree. I believe that we, as Members of Congress, must govern from a political spectrum that resonates the mean, and not the two extremes.

What are these two extremes? Left-wing liberalism, whose governing stance simply focuses on the immediate, with little attention to moral implications and burdens on future generations, and right-wing conservatism, whose rhetoric seeks to inflame rather than inform.

The future of America is too important for this body to be embattled and impeded by radical ideologies and political maneuvering.

The SPEAKER pro tempore (Ms. FUDGE). The time of the gentleman has expired.

Mr. GOHMERT. Madam Speaker, I rise to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 1 minute.

There was no objection.

Mr. GOHMERT. Thank you, Madam Speaker, and I would yield my minute to my friend from Louisiana.

Mr. CAO. Thank you very much.

We must remember who we represent as Members of Congress—the average American whose language does not reflect the extremes, but who simply asks, how will I pay my bills? How can I raise my children to be successful and moral citizens? And how can I worship and express freely my religious faith?

Our public policy today, depending on who is in power, tends to reflect a limited political agenda, which gets the country in trouble in one manner or another. While history is our mentor, we must look at the state of our Nation today and address our shared problems through the cumulative knowledge we have acquired as we continue to progress and evolve as a Nation.

Neither liberals nor conservatives can relive their past. We, as a governing body, must use all of our knowledge and tools that we have to address the problems of a dynamic and evolving national or global society in the appropriate way and to the appropriate degree. This, of course, requires a delicate balancing act where all Members of Congress are invited to the discussion table—and not as liberals or conservatives, but as problem solvers there to address the human needs of the average American.

NATIONAL DAY OF SILENCE

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

Mr. FARR. Madam Speaker, I rise today in observance of National Day of Silence.

Last Friday, April 17, marked the 13th annual National Day of Silence, a day where students throughout the country follow in the footsteps of the great civil rights advocates like Mahatma Gandhi and spend the day in civil disobedience. These students remain silent for one day to bring attention to and highlight the discrimination some of their peers endure by speaking out about sexual orientation and their personal gender identity.

When asked to explain why they will participate in a National Day of Silence, some of the young people in my district said, ''We stand up and stand out by not speaking out on that day.''

The Day of Silence is a day to acknowledge the roads already traveled and the ones soon to be traveled to show how far we have come and how much further we have to go. The Day of Silence brings attention to the oppression that queer youth face from their peers and their classroom, and is a reminder that we still have much work to do.

I commend all my constituents who observe the Day of Silence. Though the nationally observed Day of Silence has passed this year, I would ask my colleagues to take a moment of silence

today to reflect what we can do for our LGBT youth to make their lives better, to make their schools safer, and to end discrimination.

□ 1430

ADJOURNMENT TO MONDAY, APRIL 27, 2009

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

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 WOMEN OF AFGHANISTAN

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

Ms. WOOLSEY. Madam Speaker, I applaud the Obama administration for focusing on the human face of our Afghanistan policy. Rather than going with a policy based on military might alone, the administration is supporting an expansion of the surge of diplomats, of development officials, of humanitarian needs and experts.

The economic, political, and social needs are great in Afghanistan. A recent report released by Women for Women International found a ''bleak and frightening picture for life'' in Afghanistan. According to reports, Madam Speaker, 80 percent of Afghan women are affected by domestic violence, over 60 percent of marriages are forced, and half of all girls are married before the age of 16. Despite this focus on the needs of women and girls in Afghanistan, the situation remains grim.

Like many women in conflict, the drive for security and stability remains strong among the women in Afghanistan. Despite the fact that Afghan women are more likely to be impoverished, uneducated, and excluded from health service than men, polls indicate that Afghan women are optimistic about their future. Like women everywhere, they want to play a role in decision making at every single level of society.

Through the recent poll by Women for Women International, the voice of the Afghan woman can be heard. When asked what the biggest problem is that they face in daily life, the top response was lack of important commodities. Again, it's the basics, food and supplies, that Afghan women want for their families. When asked what the government should fix, they answered security and peace first. When asked what were the biggest health care and education problems, women overwhelmingly pointed to insufficient resources and funding. It's clear that the mothers, Madam Speaker, in Afghanistan want all that mothers want around the world: to provide for the basic needs of their families. They want their children to be well. They want their children to be well fed, well educated, and safe.

While I remain concerned about the increase in our military presence, I am hopeful that the administration's diplomatic surge can help the people of Afghanistan, particularly the women. Along with our international partners, we must work to address the pressing immediate needs of all Afghanis.

Madam Speaker, the use of smart power in the place of military force will send a clear message that the United States promotes diplomacy and humanitarian relief over war.

THE BATTLE OF THE WILDERNESS VERSUS WAL-MART

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

Mr. POE of Texas. Madam Speaker, it does us well to remember our American history.

Over 145 years ago, this country was engaged in a great Civil War, from the North and from the South. And during that war between the States, several battles took place not far from this Capital. One took place over in Orange County, Virginia. It's called the Battle of the Wilderness. It had the sixth highest number of casualties on both sides during that conflict.

Just to put it in perspective, it occurred on May 5 through May 7 in 1864, 145 years ago. There were 160,000 troops involved in that battle: 100,000 from the North, 60,000 from the South. That's the number of troops today we have in all of Iraq and all of Afghanistan put together. During that 3-day battle, 29,000 casualties: 18,000 from the Union, 8,000 from the Confederates.

The battle was so fierce, Madam Speaker, that in the wilderness, the woods, where this battle took place during those 3 days, it was so heated, literally, that the woods caught on fire and many soldiers from the North and from the South that were wounded burned to death. Two of the States had the highest casualties, one in the North and one in the South. The highest in the North was from Vermont. The Vermonters sustained 78 percent casualties. In the South the Texas Brigade sustained over 60 percent casualties. On the first day of the battle, the Union troops were able to move the Southern troops back. The second day General Robert E. Lee sent the Texas troops in the middle, and he said that Texans always moved them. Be that as it may, the casualties were high on both sides.

I bring this attention to the House today and to you, Madam Speaker, because all of these casualties, all of these troops that engaged in that battle were Americans and we should not forget that. And that is why we have the Battle of the Wilderness battlefield today. About 900,000 Americans a year go to this battlefield in Orange County, Virginia.

But now we have a problem. The corporation called Wal-Mart wants to build a Wal-Mart on this sacred, hallowed ground.

I have a map of the Wilderness battlefield. It's outlined here. But you see right up here in the northeastern portion where this X is, that's where Wal-Mart wants to profit from these 900,000 people coming into Orange County every year. They have the legal right. The county fathers have said they can build in this location. But we would hope that Wal-Mart would change their mind. And I say ''we'' because Mr. WELCH, the good man from Vermont, and I have written Wal-Mart and we have asked them to do the right thing and locate this Wal-Mart 3 miles away from the battlefield.

Now, Madam Speaker, I'm not sure what Wal-Mart's intentions are, but I can tell you their corporate model down in Texas. They build a Wal-Mart. They build it from property line to property line. They lay that asphalt. They build one of those beautiful stores, and a few years later, they abandon that property and move down the road and build another Wal-Mart. I don't know if that's their plan here or not, but be that as it may, they should not build this Wal-Mart in this location.

We've written Wal-Mart. We have received no written response from them. Military historians from all over the world have asked Wal-Mart don't build on this battlefield because that's a part of American history. So far they continue to deal with this and say they're going to.

I support property rights. I support the idea of a corporation making money. No question about it. They now have the legal right to move here. But now they need to make the American decision to do what's best for America and not what's best for this corporation.

Madam Speaker, this land, like other battlefields in our country, is consecrated with the blood of Americans; 29,000. Many are still buried there and known only to God. And we owe them the right to keep this battlefield preserved for history and not to have a corporation like Wal-Mart come in and lay asphalt over their graves.

So we are asking Wal-Mart to do the right thing. Put your Wal-Mart somewhere else, 3 miles down the road, so that this battlefield can be preserved for American history.

Madam Speaker, I will include in the RECORD a letter that Congressman PETER WELCH from Vermont and I have sent to Wal-Mart.

Madam Speaker, it is our hope and our desire that we as Americans preserve the heritage of this country, save this sacred land, and have corporations do the right thing, not only don't build here but maybe donate some of their corporate money to save this land.

And that's just the way it is.

WASHINGTON, DC, *February 25, 2009.*

MICHAEL T. DUKE,

President and Chief Executive Officer, Wal-Mart Stores, Inc., 702 SW 8th Street, Bentonville, AR.

DEAR MR. DUKE: We write to you with profound disappointment in your company's decision to locate a new store near The Wilderness battlefield in Virginia and urge your immediate reconsideration.

While we may represent different political parties and states on opposing sides of the Civil War, we stand united in our support of respecting hallowed ground such as The Wilderness battlefield. The Wilderness, as well as other battlegrounds throughout the United States, represents the great struggles and sacrifices our soldiers made to defend freedoms they cherished deeply enough to risk their lives. Four thousand men on both sides died and twenty thousand were wounded during this battle in the spring of 1864. These lands and lands near them should always be spared from commercial development. Further, the Civil War Sites Advisory Commission, formed by Congress to protect the historical significance of our nation's Civil War sites, has defined your proposed land for development as part of The Wilderness battlefield.

There are countless other locations your company could consider for a more responsibly sited development in this region. We feel the definition of corporate responsibility must always extend to respecting storied lands and respecting a community's natural landscape and surroundings when choosing a site for a store. Those values should not be eroded for the sake of commercial gain.

We urge you to listen to feedback you've received from groups close to The Wilderness battlefield and others who care deeply about keeping this nation's history and lands preserved and look elsewhere for development. We look forward to your response.

Sincerely,

TED POE,
Member of Congress, Texas.

PETER WELCH,
Member of Congress, Vermont.

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.)

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

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

RECOGNIZING ST. LUKE'S HOSPITAL SCHOOL OF NURSING ON THE 125TH ANNIVERSARY OF ITS FOUNDING

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

Mr. DENT. Madam Speaker, I rise today to recognize St. Luke's Hospital School of Nursing on the auspicious occasion of the 125th anniversary of its founding. For well over a century, St. Luke's has provided hands-on, quality training to professionals entering the world of medicine.

On October 17, 1884, St. Luke's Hospital School of Nursing opened its doors to its first class of individuals eager and dedicated to caring for the wellness of others. At the time when the school was founded, only a handful of similar institutions existed in the United States, placing St. Luke's at the cutting edge of health care training. As the country's oldest hospital-based school of nursing in continuous operation, St. Luke's continues a well-established tradition of excellence that began 125 years ago.

The impact that St. Luke's Hospital School of Nursing has had on American life is pronounced. During America's greatest time of need, the school provided education and training for the U.S. Cadet Nurse Corps, giving brave young women the skills they needed to provide medical assistance to American and Allied troops in World War II. When the United States suffered a national shortage of nurses in the late 1960s, again St. Luke's answered its Nation's call by hiring a recruitment director to actively work towards attracting qualified individuals to the nursing profession.

St. Luke's has consistently promoted the virtues of selflessness and caring for others. Year after year the School of Nursing provides training to nearly 100 nurses, a profession that is widely needed yet often underappreciated. The hard work, dedication, and caring of nurses trained by St. Luke's are a great asset to the high quality of care enjoyed by patients in America's hospitals.

Madam Speaker, in closing, I would like to extend my congratulations and heartfelt thanks to St. Luke's as well as its tremendous faculty, staff, students, and alumni that have carried on the school's proud legacy. May St. Luke's Hospital School of Nursing's next 125 years be as benevolent and inspiring as the last.

□ 1445

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

(Mr. YARMUTH 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 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 gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY of Connecticut 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 Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas 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 Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE 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 California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF 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.)

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

(Mr. HUNTER 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 Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER 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 Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

(Mr. NEUGEBAUER 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 Louisiana (Mr. CAO) is recognized for 5 minutes.

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

NOBODY FAVORS HATE CRIMES

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

Mr. GOHMERT. Madam Speaker, yesterday and today in the full Judiciary Committee we have been taking up a bill called, by most people, the hate crimes act. It sounds like something that everybody would be for. You know, who favors hate? Nobody. Perhaps the only kind of hate we should be in favor of is the hatred with which we hate hate. But that's not what it's about. It is about creating new law, new crimes that are duplicates of what's in every State in the Union.

Now, there are 45 States that already have hate crimes bills, but even there, most are unnecessary. The case that you often hear that is a reason we need hate crimes is the James Byrd case, where this poor gentleman, African-American, was dragged to death.

Now, I would be in favor of allowing the victim's family to pick the terrain and the manner of dragging the defendants once they are convicted, but that's not allowed. The death penalty amendment was even voted down.

So there's no enhancements, nothing that would affect the poster cases that are constantly raised as a reason to have the hate crime laws. And, in fact, when we hear over and over there's these epidemics of hate crimes that we have to stop, actually, there were nearly a million assaults in America in 2007; 242 assaults included some kind of bodily injury in which there was some motive attributed to bias or hatred because of a selected group, 242.

Again, there was a killing of a poor young man named Nicholas West, killed because he was a homosexual. His perpetrators were not charged under a hate crimes law, they were charged under a capital murder law for kidnapping. And they have already got the death penalty, just like the worst two perpetrators in James Byrd's situation. So what is this about? Well, perhaps it's about trying to create a special class of protected people who maybe shouldn't have protection.

One of the last amendments we made today was going to—at least in this definition the term ''sexual orientation'' is included. We kept trying to confine it to things that were not just an aberration, and even the amendment to at least exclude pedophiles from the protected class was voted down on a strict party line.

Every Democrat there voted to protect pedophiles and every Republican voted to exclude them, at least, from the definition of sexual orientation. We were told, well, there is a definition in one of the other laws about sexual orientation, and it confined it to heterosexuality and homosexuality.

It's not in this law. It's not there. There is no reference to another law. So as a former appellate judge I would be left in reviewing the law to say well, what is the plain meaning? You can consider other definitions.

Well, some judge will do the right thing that a judge is supposed to do and say, hmm, sexual orientation, it means what it says. It's however you are oriented sexually. If that's towards child—and the diagnostics statistics manual has about 30 different types of sexual orientation. So that includes voyeurism, it includes the pedophilia, it includes things like exhibitionism. It includes necrophilia for corpses and all these horrible things.

But even under this law, since exhibitionists are not excluded—and I have had women tell me they have had people flash themselves, men flash themselves, and they immediately reacted and hit them with a purse.

Under that scenario, under this law, the exhibitionist committed a misdemeanor and the woman that hit him with her purse committed a new Federal felony under the hate crimes law.

That is absurd. We don't need this law. There is no reason for it. We even tried to include in here specifically the kinds of churches that were invaded and attacked for supporting the California marriage amendment, and that was voted down on a straight party line. There should be no special classes.

And the other thing here that would silence Christian ministers and eventually rabbis or imams from quoting the Bible, the Tanach or Koran where it condemns homosexuality, because under this bill if a minister, a rabbi, imam quotes from those scriptures and says homosexuality is an aberration—or whatever language they use, that it is wrong, it hurts society—and some nut hears them and goes out, commits a crime of violence, then under 18 U.S.C. (2)(a) they could be arrested, charged as a principal.

This was a bad bill, and it was a bad day for the law.

THE PROGRESSIVE MESSAGE

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

Mr. ELLISON. I am here with the Progressive Caucus, that caucus that brings to the people of the United States every week a progressive vision for America.

I am very honored to be joined by our Chair tonight, the only one who continues to fight week in week out every day for peace in our world who has the longest running record of 5-minute speeches for peace, LYNN WOOLSEY.

Let me yield to the gentlelady for a welcome this evening.

Ms. WOOLSEY. Thank you, Mr. ELLISON, for your great leadership on The Progressive Message, which is the message of average, normal American people, and we know it. And we are proud to speak it, because there is nothing like the issues that we stand for with the Progressive Caucus, our progressive promise, that hits home to the American people like what we are promising to work on.

Tonight, we are going to talk about our Earth, I believe. Thank you for bringing that to us.

But also thank you for recognizing my, I believe, 309 5-minute speeches on the floor regarding Iraq and peace in general, and Afghanistan, now that we are looking like we don't know when we are going to get out of there.

We can talk about saving the Earth, but if we destroy it with war, then we won't have an Earth to save. So thank you for doing this tonight.

Mr. ELLISON. Thank you. Let me just say that you are right. And I do want to commend you, I don't know if anyone has a longer running number of 5-minute speeches on any issue than you do, so I am proud to know that the longest-running series of 5-minute speeches is on the subject of peace, is on the subject of Iraq, and is by a dedicated and progressive leader such as yourself.

Madam Speaker, we want to welcome folks to The Progressive Message and let people know that they can always plug into the Progressive Caucus. The e-mail address is cpc.grijalva.house.gov where people, I hope, will communicate. It's very important that we stay in touch and that this is The Progressive Message.

Tonight, you are right, the subject is clean energy jobs and our Earth. Let's start out with just a few basics.

The progressive energy policy, global climate change and green jobs, has to be made up of a few essential components. The fact is that U.S. energy policy is everyone's business.

U.S. energy policy touches nearly every aspect of American life, our homes, our natural environment and, most importantly, our economy and the Earth itself.

Last year Americans spent $400 billion buying oil outside of the United States. This is a tremendous expenditure on our economy and sends dollars outside of our economy. And that means that last year American families spent about $3,000 apiece on fossil fuels that contribute to the disastrous changes in our global climate.

I think it's important to point out that we are here now, we are approaching the first 100 days of the new administration. Haven't been here long, but we have been here strong. There is no doubt that energy policy will be a major component of the next 2 years, and it's critical to point out that the Democratic Caucus and the Progressive Caucus are here to lead the way on this discussion.

I would like to stay positive, but we have to make sure that we have a good record, and the record requires that we revisit some of the things that have been proposed over the last 8 years that have not been so good.

One, the Republican plan has not been a good plan. This plan, people contend, that efforts to curb greenhouse gas emissions are perilous and will

cause undue hardship for Americans in the midst of a recession. The fact is if we don't do something about this global crisis, greenhouse gas emissions, we are all going to be in much more trouble than we are right now.

Right now, in fact, is a good time to deal with the crisis in our economy. It's a chance to rebuild, it's a chance to strengthen, it's a time to invest in infrastructure.

I think, Chairwoman WOOLSEY, it's just a good time to point out that it was during the Civil War that Abraham Lincoln made the decision we are going to have a railroad span the United States. It was during the 1930s, the Depression, that we saw rural electrification be a major commitment of the United States Government under Franklin Delano Roosevelt. It was under Eisenhower, a recession, where we talked about the interstate highway system that we now enjoy today.

In fact, at times like this, it's no time to shrink, no time to be afraid, but it's a time to be bold. Let's not go for any naysayers or fearmongers; let's move forward.

Is this a time to be bold, is this a time to shrink and be afraid, or is it a time to be bold and grab on to a new energy policy?

Ms. WOOLSEY. Well, first of all, Madam Speaker, thank you for being here with us tonight also. We honor you.

You know, as cochair of the congressional Progressive Caucus with RÁUL GRIJALVA, it's really an honor to be here and represent the Progressive Caucus and people of this country and the people of my district.

And we are doing this right now because it's Earth Day—yesterday was Earth Day, I believe, but we couldn't do this yesterday.

So before we get into the question you asked me, Congressman, let's talk about Earth Day and how it happened. I think it's good for people to remember that Earth Day is a day designed to promote awareness and foster appreciation for our environment.

□ 1500

Now, yesterday, yes, that is right, it was yesterday, it was the 29th anniversary of the very first celebration. That celebration was determined, and over the 29 years we have recognized on Earth Day something that we should be recognizing every single day and every minute of our lives, that we have a need for a healthy environment and we have to work to protect it. It won't happen on its own because we are working very hard, it appears, to destroy our environment. So we have a lot of work to do.

So, let's talk about what are the roots of Earth Day itself. Although the specific day was set by former U.S. Senator Gaylord Nelson of Wisconsin, his motivation came from the horrific oil spill that engulfed Santa Barbara and the California coast in 1969. That was such a horrible experience for all of us in California. Earth Day is the perfect time, and he knew it, to highlight that event and to work to ensure that oil spills never happened again. Of course, over 29 years there have been other oil spills, but he was so sincere that he put Earth Day together to emphasize no more oil spills.

So many in our country who don't have a strong connection to Santa Barbara oil knew how important it was to California, and they come to our districts and they learn over and over again what a disaster like that will do. And it could happen in their areas too. It could happen on the Great Lakes. It certainly could happen on the Atlantic coast, down in the Gulf of Florida.

So everybody pays attention, particularly to the oceans. But there is more to Earth Day than our oceans. It is our air, it is our water, it is our trees, and Earth Day has become the basis for what we know we must be doing to solve global warming.

But happy birthday Earth Day yesterday.

Mr. ELLISON. I thank the gentlelady for that important recognition. In fact, it is our appreciation and gratitude for this beautiful Earth that we live on that drives our dedication. We are not really here from the Progressive Caucus talking about what we are against. We are talking about what we are for. And we are for a clean Earth, in which everyone can breathe, can drink, can live and enjoy this wonderful planet that we have, and not just human beings, but all creation. I think it is very important that you set us on the right trajectory for that.

I think as we are looking back and remembering this 29th anniversary of Earth Day, it is important to remember that the course of action we have been following has not been one that has been helpful. In fact, it has brought us to a very difficult situation.

We have seen the energy plan over the last 8 years essentially be made up of tax breaks for oil companies. ''Drill, drill, drill,'' remember that one?

Ms. WOOLSEY. I remember that one.

Mr. ELLISON. Yes, you had better believe we heard that one, which resulted in more pollution which taxpayers have to clean up, and no fundamental investment in a green energy economy like the investment we have been talking about, the investment in an Earth Day to commemorate and rededicate our commitment, the investment in our economy over the centuries, as progressive leaders like Lincoln and FDR made those important investments I referred to a moment ago. There has been no investment in a green energy economy, that will lessen our dependence on oil and reduce global climate change, and, perhaps most importantly, create jobs.

You know, Earth Day, Earth Day is a wonderful time to have this conversation about American clean energy jobs, because Earth Day is not simply about fighting pollution. It is also about enhancing our natural world and our existence in it. It is about development along the lines that are smart and green, clean and renewable. We can do both.

I will say that I do appreciate some of our Republican colleagues, and I respect them all and enjoy them a lot, but I think it is important to point out that their vision was on display on ''Sunday Morning Talk'' when one of the Republican leaders said that he dismissed as ''almost comical'' the idea that carbon dioxide is a carcinogen and that it is harmful to our environment. The proof and evidence was that, you know, that carbon dioxide must be safe because humans exhale it and cows deposit it. That is not a definition of whether it is a carcinogen or a harmful substance. Of course, we do have a science gap, and we can do an hour on that.

But I think it is important to point out that we are not only in commemoration of Earth Day talking about fighting pollution; we are talking about enhancing our world, our green planet, the only one we have, by the way. And, again, as you know very well, the gentlelady from California knows, our Chair of the Progressive Caucus, if we acidify our oceans and if we overheat our planet, the planet will still continue to exist. We just won't be able to live on it. So that is very important to point out.

I think the Progressive plan, and I want to hand it back to the gentlelady right now, is to talk about the importance of a progressive vision for energy policy. I would ask the gentlelady from California, do you believe we need a progressive vision for a progressive energy policy?

Ms. WOOLSEY. Well, we need nothing less than a progressive vision. We need to be bold. You asked me that a little bit earlier. And there is no tiptoeing around this.

I have been on the House Science Committee since I was elected in 1992, sworn in in 1993. I am on the Energy Subcommittee. And in my time here we have never had a hearing with scientists that say global warming does not exist, that it is a dream, that it is a myth. Good science has proven where we are today.

Scientists have been so careful, because that is who they are. They have to prove their point before they come out and say science says global warming is something we have to deal with or else, and we have got this much more time and we need to take these kinds of actions.

Mr. ELLISON. If the gentlelady will yield for a question, you have a lot of experience in Congress. You have been here for a little while, right?

Ms. WOOLSEY. This is my ninth term.

Mr. ELLISON. Ninth term, that means 18 years. In all the time you have been here on this committee, have you ever heard any credible scientist say that global warming does not exist

or that human beings are not contributing to global warming? Have you ever heard anything like that?

Ms. WOOLSEY. Never. Never. I have heard Members on the other side of the aisle on the Science Committee saying that global warming is a myth and pooh-poohing it. It is just something that makes no sense to me, because it is real, and if we don't do something about it soon, the effects are going to be irreversible, and we know that.

Now, here in Congress we get elected every 2 years. Well, we are not going to fix this in 2 years, but we had better start fixing it for our grandchildren. I have five grandchildren, the oldest is 9 and the youngest is 2.

I have four children, and three families have children. So one night one of the families and I were having dinner and we were talking about global warming, and my grandson, then I believe he was 8, he might have been 7, just about came across the table. My grandkids call me ''Amah,'' and he said, ''Amah,'' his eyes were this big, ''do you know about the polar bears?'' And we had a total conversation about what was happening up in Greenland.

Since then I have been to Greenland. I have seen the ice melt. It is not healthy. I have been to the South Pole. I have seen the shift at the South Pole of the science stations, the ones that are built out of ice. They shift every year, and they are shifting at greater speeds. I have seen the penguins that are having a hard time getting from their ice blocks back to land so that they can feed and breed. It is happening, and we cannot deny it. Not just for us, because we are stupid if we don't do it, but for your children and for my grandchildren. Hopefully, their children will have a nice, clean, safe world to live in.

So do we have to be bold? Does it need to be progressive? Yes. And I don't mean progressive that it is our way or no way. I mean progressive in that we are not afraid to do the right thing. We are not afraid to fight. So that we if we have cap-and-trade, we also ensure that we have benefits for the people that are going to be paying for this in the long run, and that we reinvest in alternative energies, that we know that we have an industry, a green industry that must be the new industry for the United States of America. Because if we don't take advantage of the needs, world needs, that it is going to be our science, it is going to be our engineers, it is going to be our technicians that come up with the solutions, if we let the jobs to put all this together go overseas, what a mistake we will be making, because we will buy this stuff, because we are going to make our world cleaner.

Mr. ELLISON. Well, if the gentlelady will yield back, let me say that part of the progressive vision is to implement provisions of a renewable electricity standard which will create over 300,000 jobs, implement an energy efficient resource standard so we can get energy savings to create over 222,000 new jobs by 2020. By cutting waste, we save money. The renewable electricity standard alone will result in nearly $100 billion in savings for consumers and businesses by 2030. Efficiency savings, the energy efficiency resource standard will result in nearly $170 billion in utility bill savings by 2020.

Opponents of that change that Americans are demanding are not going to be the ones who are remembered finally by history. The ones who oppose efficiency and renewable energy, these are the same folks who are in danger of directing U.S. energy policy. They have ignored global climate change, as you and I have talked about. They have ignored acidification of the ocean, overheating of our planet. They have widened tax loopholes for polluting industries and they have made minimal advances in new, clean energy techniques.

Madam Speaker, the will of the American public is being represented in Congress and the White House now, and we need the American people to continue to demand responsible energy policy, climate change policy that creates jobs and cannot be outsourced. As the gentlelady from California, LYNN WOOLSEY, was just talking about, somebody will come up with the great ideas to green our world. Will they be here? Only if we make the proper investments. Only if we become innovative and maintain our position as innovator.

I yield back to the gentlelady.

Ms. WOOLSEY. Well, you know, I have to confess that I have lived a very privileged life as I raised my four kids in a nice home. It wasn't a palace or a mansion or anything, but it was nice. We were always warm and we had windows open and we had a sprinkler system in my yard.

I feel like I have been part of the problem. I know I have. We eat meat, which uses up so much of our good Earth and our air, and we will probably keep doing a lot of that. But as individuals, as humans, we have to change the way we live and we have to be willing to invest. And I believe, and we are not supposed to use the word, but we have to get a little accustomed to some sacrifice. We need to decide whether we need grass or we need landscaping that survives on little or no water. We have to make these decisions ourselves.

And I don't think we should all have to get incentives to do this. I think that the incentives need to go to industry so they will build the big products, so they will build the solar systems, the wind systems. In our district, we have geothermal, and we need to help in all those areas.

So as individuals some sacrifice will come along. Mostly that sacrifice will be changing the way we do things. That is hard. Nobody likes to change. But we change now, or it will be too late.

Mr. ELLISON. Well, I would point out though that the sacrifices that you are referring to are not always just giving up something. Sometimes these sacrifices involve getting something.

For example, let's just say if you were to get out of that habit of driving three blocks to the grocery store, you might view that as a sacrifice, but you will save money on gas and you will reduce your waistline.

□ 1515

Mr. ELLISON. If you ride a bike to work, and we promote, as Congress, if we promote nonmotorized transportation, this will reduce our obesity, increase our green and renewable program. Some of these things are things that we think of as a sacrifice but really are not.

If we shut off the television, you know, we might talk to each other and get to know each other a little bit better. If we just pull the plugs out when we leave the house, we can get rid of that ghost energy drain that steals energy when we're not even using these appliances.

So these are just changes that you're speaking of that will definitely enhance our quality of life.

But I want to mention that we have a bill called the American Clean Energy and Security Act which does do some very important things. It creates jobs that cannot be shipped overseas. It reduces our dependence on foreign oil, increases production of clean and renewable energy sources, cracks down on heavy polluters, and gives American entrepreneurs and innovators, as you mentioned your role on the Science Committee, what they need to stay competitive in the global economy.

The fact is that this bill, this ACES bill, invests in American jobs, reduces our dependency on foreign oil and does a lot of important things that we need, as Americans. And so I'm thinking that, you know, it's important that citizens, individuals like you and I, do better. But it's also important that the Congress take action. Individual citizens, pull those plugs out, walk, do things, do more walking, riding your bike, doing things like that. But also, we have, as a Congress, a societal responsibility that we cannot just relegate to the individual citizen. In fact, government often will signal better behavior and more green and renewable and Earth-friendly behavior that citizens can partake of.

So I yield back to the gentlelady.

Ms. WOOLSEY. Actually, one of the things, under JIM OBERSTAR's leadership, he is the Chair of the Transportation Authorization Committee, under his tutelage, we have invested a lot in nonmotorized transportation, because it's hard to ask the children to walk to school when their roadways are full of cars and there are no sidewalks. It's hard to ask people to ride bicycles when there are no safe bicycle paths.

Actually, Marin County, in my district, is one of the model programs in his program, and it's certainly proving itself out. You know, California gets a

lot of criticism because we use a lot of energy. But, you know, per capita we use less than any other State in the country, and that's because we actually get conservation and we live conservation. We actually, in most areas, walk our talk in that regard.

Now, the Progressive Caucus is absolutely ready to fully participate in this debate about good ideas so that we can ensure any change in the way we treat carbon will be done to maximize the benefits to the environment, minimize the impact on our constituents, and transform our economy with new energy technologies. Our feet are on the ground. We're ready to go. But what we are going to want is bold decisions and bold resources and bold support so that we aren't tiptoeing along and pretending it isn't happening. We're going to work with the Obama administration. We're going to work with our leadership, and we are going to work with both sides of the aisle to ensure that what we're talking about is real and doable and supported.

Mr. ELLISON. Well, that's very important. And I want to thank you for those observations. The Progressive Caucus needs good ideas, too. We are being fully engaged in this energy debate that's going on. We are not shrinking from this debate at all. And if people want to offer some advice, there is a Web site that we have, and folks can give us their views, cpc.grijalva.gov—GRIJALVA is the name of our other co-chair—because we do want to have people say here's what you should do.

One of the things that it means to be progressive is to be open-minded and try to gather in ideas from all places, to be grassroots, to gather in views and opinions from multiple sources. We don't claim a monopoly on good ideas, but we do have values that we uphold here of a progressive type.

I want to just say, as we prepare to, in the next 5 to 7 minutes, hand it over to our Republican colleagues, that it's important that we do debunk a few myths, though. I mean, I've heard it said that the progressive support of cap-and-trade, isn't that just an energy tax? Well, we believe that it's not.

First off, the Democratic plan is to repower America with clean energy and jobs. As for capping global warming pollution, the Democratic plan is simple. It makes polluters pay, and helps green companies prosper so they can hire more workers. It's time that the American solution we put in place to successfully fight acid rain in 1990, after which time electricity rates fell 10 percent and the U.S. economy added 16 million new jobs. It's important to point out that the acid rain solution had bipartisan support and was signed by the first President Bush.

It's true also—I mean, another attack item. Won't Democrats' energy tax raise electricity rates even though President Obama said cap-and-trade will make energy prices increase?

Saving consumers money is not a tax. Saving business money is not a tax. Sending $400 billion a year abroad, now, that is the kind of tax that we do want to avoid and help the American people not have to pay.

The Democratic plan declares energy independence and puts America on a path to economic recovery. President Obama spoke of transitioning to a clean energy economy that will create jobs, make our homes and buildings and vehicles more efficient, and protect consumers. In his inaugural address, he said we will harness the sun and the wind and the soil to fuel our cars and our factories.

We believe that this is the right direction. Although the Progressive Caucus will not simply adopt or parrot any policy, we will put forth a progressive policy and argue for those changes as the energy policy moves forward. We will be part of this conversation, fully participating in it, and ask that members of the public and the progressive community stand up and come forward to be part of this important energy policy.

So, before we wrap up, I just want to offer our co-chair an opportunity to comment on our subject tonight. And after that we'll conclude.

Ms. WOOLSEY. First of all, I want to thank you, Congressman ELLISON, for these really informative Congressional Progressive Caucus dialogues that you have hosted every week ever since we came back into Congress this session.

I want to say something about cap-and-trade, just so that those who are listening to us know how, what we think it means. And you said it. We already have cap-and-trade in this country. Not with carbon, but with ''NO_X and SO_x,'' which is better known as the pollutants that cause acid rain. It's been happening since 1990. And guess what? It works.

So therefore, to explain the cap, it means we set a limit on the amount of carbon that large producers can put into the atmosphere. Then, over time, we reduce that number so people are allowed to produce less and less carbon until we get the reductions we need to avoid devastating climate change.

The trade part means that the government issues credits for carbon emitters under the previously established cap. I know that's complicated, but it'll be easier to understand when it all gets laid out in front of people. These credits can then be bought, sold and traded, which means this operates under a free market system.

Now, frankly, I'm just absolutely confused why so many Republicans are upset about a system that works on the principles of the free market. But I think once all of that is debunked, people will be able to better embrace it, particularly if we have some benefits, cap trade and dividends that come back to individuals and to industry and ensure that the cost of it is a benefit to the people who are paying those costs, because big industry is not going to be the only one that pays for it. I mean, they're benefiting from what they're producing. We are too, but they are. But it's going to cost everybody more. It just does. That's all there is to it, so they want to see some benefit from it.

And so let's work on this together. Let's make sure that the investment in clean technology helps all people; that utility bills can come down, and other programs will be made in effect so that we are investing in our future, not our past.

Mr. ELLISON. That's an excellent word, Congresswoman WOOLSEY. You again have been a great champion of a progressive message. You have been talking about a progressive promise. You've been talking about a progressive message. You have been lifting up the banner of progressive politics in this Congress, and we all want to thank you for your tremendous leadership, not to mention your 309 consecutive speeches in favor of peace.

Tonight we've been talking about American clean energy and jobs. This is the symbol of a windmill. We can harness the wind and the sun. We can harness the natural world to live in harmony with the planet, not simply use it and exploit it like so much of an endless commodity, but to truly use it in a way that will allow humanity to live in harmony with the natural world and to create jobs and to make our needs met.

We talked about, tonight, the need for individuals to do things; is that right, Congresswoman WOOLSEY? Individuals should step forward. We do need to walk, not necessarily ride. We do need to promote transit. We do need to promote smart growth, livable communities. We need to do all these things. We should try to get a hybrid car, or not even take a car. Just walk or use nonmotorized transportation. We should pull out those plugs that we just leave sitting in the wall all day when we're not even at home.

But it is also on the responsibility of government to take decisive action, to make the investments that we need in those bike paths, to promote a cap-and-trade system that surely reduces our carbon footprint and takes the proceeds from those programs and puts them back into renewable energy and helps ameliorate the cost to low-income individuals of meeting this important task.

We need to do these things. We need to have a bold, committed program which gets the carbon footprint much, much lower so we can live on this planet.

But finally, we need to remember that, in honor of Earth Day, that this Earth is something that we come from, not something that we are here to exploit. Even from a religious standpoint, we are the trustees of this Earth and have a responsibility to take good care of it. And I want to commend all those congregations, Congregations Caring for Creation, other groups like that doing good work, citizens out there doing good work, people concerned about the environmental justice aspects of this question of energy policy,

making sure that low-income communities, communities of color, are in the middle of this fight for this clean renewable world that we're coming into and are participating fully. Not green for some, green for all, right?

And so, with that, we just want to thank everybody. Here's our Web site. We want to know what you think. We care about your opinion. Check back with us next week at the Congressional Progressive Caucus, the progressive message, hear about the progressive promise, and give us your ideas.

□ 1530

PRESIDENT OBAMA'S ENERGY PLAN

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

Mr. WHITFIELD. Thank you, Madam Speaker.

Yesterday was Earth Day, and people around this country and around the world celebrated this great planet that we live on, and all of us, whether we're Democrats, Republicans or Independents, are committed to protecting this climate for the well-being of future generations.

I think most of us would also agree that one of the major issues facing the entire world today relates to the strength of the world's economy and the loss of jobs that is taking place around the world. We know that, right here in America, our unemployment rate is up to about 8.6 percent at this time. Last month, it was about 8.1 percent. In my home State of Kentucky, we have some counties with unemployment of about 15 percent; and I understand that in the State of Michigan, where we've had the automobile difficulties, the unemployment rate in that State is around 15 percent. So as we talk about strengthening the economy, the two most important policies relating to that are tax policy, number one, and energy policy, number two.

It has already been pointed out today by many people that the U.S. Congress is in the process of considering a comprehensive energy bill that would bring about dramatic changes in the way America produces energy. Now, when we talk about energy, of course there are two aspects of it.

Number one, we're talking about: How do we fuel our transportation needs? Everyone knows that we do import a lot of foreign oil, because we're consuming about 22 million barrels of oil a day, and we're not producing that much oil in America. Worldwide, we're consuming about 85 million barrels of oil a day. By the way, that's about what the total production of oil is worldwide, around 85 million barrels of oil a day. So that's one aspect of this energy issue.

A second part of it is: How do you produce electricity? That's vitally important as we find ourselves in America competing with other countries around the world. In America, we happen to be very fortunate in that we have a 250-year supply of coal. It's our most abundant resource. By the way, not only is it our most abundant resource, but it is also the most economical way to produce electricity.

In my home State of Kentucky, for example, 90 percent of all of the electricity produced in Kentucky is produced with coal, and that's why, in Kentucky, we have some of the lowest electrical rates in the world—between 4 and 5 cents per kilowatt hour. In California, Massachusetts and in other States where they don't really favor the use of coal, they're paying in the neighborhood of 14 cents and 15 cents per kilowatt hour. Now, we recognize—and it goes without saying—that coal is a fuel that produces carbon dioxide and other emissions, and we know that climate change is one of the most important issues facing America today.

One of the great things about our democracy is we can sit around, and we can have debates about the issues. I think it's important for the American people to hear those debates because, as we discuss the emissions of carbon dioxide, we oftentimes listen to the United Nations International Climate Change Panel. That is the scientific group that does the most studies and that does projections about global warming. They use complicated models to predict what the future will hold, and they do core drillings in the ice panels of the North and South Poles to determine how the weather has been in the last thousands of years. We know that there are patterns of heating and warming and heating and warming.

One thing that I would like to point out this evening, because we've heard a lot about global warming—and we have had extensive hearings on energy and on global warming and on climate change. One thing that I would point out to you is that everyone says emphatically that the models cannot predict with any accuracy what the temperature is going to be anywhere in the world 100 years from now. Witnesses have also been very clear in their testimony that, when the United Nations International Climate Change Panel issues a press release from the review of their models that they're predicting on particular issues, they formally take the worst case scenario, and that is what's released to the international news media. So when we read stories in the international news media, there seems to be a tendency to scare people about what's going on with global warming. I think it's important that we recognize that.

One of the leading environmentalists, who was called ''Mr. Green'' at one time in Europe, is a fellow named Bjorn Lomborg. He is a respected scientist, and he wrote a book called ''The Skeptical Environmentalist.'' In that book, he went into great detail about the flaws in the models that are being used to project future climate change. I point that out because I've heard many times that the scientific evidence is indisputable and that it cannot be contradicted. I would like the American people to know that I've sat in on many hearings on this issue, and I've heard scientists disagree on this issue, but the important thing is we need to debate it. The American people will finally make their decision about it. They make those decisions in elections, and they vote for whomever they want to vote, and they listen to the arguments, and they decide what they think is in their best interest. That's the way it should be, but I want to get back to coal for just a minute.

In this energy bill that's being considered in the U.S. Congress today, one big part of that is called cap-and-trade, and it plays a prominent part also in President Obama's budget because, in his budget, he indicated that he anticipates revenue from cap-and-trade in the amount of about $657 billion over 10 years from selling permits to entities so that they can emit carbon dioxide.

Now, I think it's also important to remember that when Peter Orszag, the chairman of the Office of Management and Budget in the Obama White House, testified before Congress, he said that that figure may very well be conservative, that it could be twice or maybe three times that amount. So it could be anywhere from $657 billion to $1.7 trillion in cost to implement cap-and-trade, and of course, cap-and-trade is designed to have people pay for emitting carbon dioxide into the atmosphere.

Now, when people pay that much money to do it, every witness that I've heard—and everyone would almost agree—has said that electricity rates are going to go up, and maybe that's not all bad, because we know that if we're going to have a cleaner environment, we're going to have to pay more.

Just on the cap-and-trade aspect of this which relates specifically to coal, I would like to remind everyone that the European Union initiated a cap-and-trade system 4 or 5 years ago. I may not be exactly right on that. Maybe it was 3 or 4 years ago or 4 or 5 years ago. Last year, they acknowledged that they had more carbon dioxide emissions than they'd had before they implemented cap-and-trade. Now, to be fair, they indicated also when they testified before the Congress that they think that they have fixed that problem and that they feel more confident as they move forward; but this cap-and-trade system is a prominent part in the Obama energy plan that is now before the United States Congress. There's another aspect of it that bothers me.

If you'll recall, I talked about one of the major problems facing all of us today, which is the economy—trying to restore jobs, getting people back to work, getting those stock values back up in their pension plans and retirement plans. In order to do that, America has to be competitive with other

countries. They have to be able to produce products at a competitive price that will sell all around the world. What's one of the biggest competitors of America today? To what country have we lost a lot of jobs over the last 3, 4, 5 years? That country is China. When we've met with the Chinese, they've pointed out, and they've been very proud of the fact that they are bringing on line a new coal-powered plant to produce electricity, a new one every 2 weeks. Now, it's hard to imagine that they would be building that many new coal-powered plants. By the way, most of them don't have scrubbers. They're not capturing the CO_2 emissions because, like in America and like in Europe, the technology is not there.

Now, there are plenty of pilot test projects around. There is one commercial application or two to capture carbon dioxide emissions—one in Canada and one in Norway—but the Chinese are making it very clear that they want to produce more electricity with coal because it is the most economical way to produce electricity; and, therefore, they can produce more products at less cost.

I'll tell you something else they're doing, too. A lot of people in America may say we ought to do this, but they put a cap on the price of fuel that they pay for their transportation needs. Of course, as a result of putting that cap on the fuel, their government buyers, when they're out buying oil in the open market, buy the highest sulfur content oil available because it is the cheapest. What does that do? That pollutes even more.

So as we debate this energy policy just on the cap-and-trade aspect of it, we've got to keep in mind: If we in America act unilaterally, are we going to place ourselves at a disadvantage? Is it going to be more difficult for us to build plants, to create jobs and to produce products that are competitive in the world marketplace? I would submit to you that the answer to that is, yes, it will place us at a disadvantage to do it unilaterally. So I think that's an important thing that we need to discuss as we move forward.

Now, another matter that plays a prominent place in the energy plan being advocated by our respected friends on the other side of the aisle, by our Democrat friends—and I might say that many of the Democrats are very much concerned about it as well—relates to renewable mandates. In America today, 51 percent of our electricity is produced by coal. About 20 percent is produced by nuclear power, and less than 2 percent is produced by renewable. When I'm talking about renewable, there are all sorts of renewable—there's biomass, ethanol, all sorts of things—but I'm talking primarily here about wind power and solar because that plays a prominent role in the renewable mandate being proposed in the energy bill that's now before the Congress.

The energy bill says that by the year 2025—it's either 2020 or 2025—they want 20 percent of all electricity to be produced by renewable energy. In fact, when President Obama was in Europe recently—he's such a great speaker and inspiring fellow—he got up, and he talked specifically about a number of countries. One of the countries he talked about was Spain. He said Spain has been so effective in increasing its production of electricity with renewables, with renewable energy. He said America should be looking to Spain and that we need to get out in front the way Spain has. Spain is no smarter than we are. They're just more bold. They're investing. They're requiring investment in nuclear energy.

□ 1545

I mean, not in nuclear energy, but in production of electricity. And that's precisely what this energy bill is going to do. It's going to dictate 20 percent of the electricity be produced with renewables.

And if it is not produced with renewables, then they are producing a 5-cent-per-kilowatt penalty. And I can tell you what. I think most people who are experts in energy will tell you it's virtually impossible to produce 20 percent of our electricity with renewables by the year 2020 or the year 2025 for a lot of different reasons.

First of all, in States in the Southeast, we've seen repeatedly maps of the Southeast, not only the Southeast but Missouri, Kentucky, Tennessee, Alabama, Mississippi, Georgia, Florida, Ohio, Michigan. They do not have the wind power to produce this electricity. And we have a very antiquated grid system today. So you're going to have to dramatically increase the capacity of this grid system if you go to renewables to bring in renewables produced by other parts of the country into the Southeast, particularly.

But one of the primary arguments that we hear from our respected friends on the other side of the aisle is that, look, let's not be concerned about this because as we move into green technology, we're going to create thousands of green jobs. And those jobs will be what will propel America into the future. And none of us in Congress would object to that. And we know that there will be some green jobs created. But, you know, we oftentimes do projections based on models, and models frequently are determined by what you put in, what information you put into those models. But when you use empirical data, hard-core facts of what has happened, you come up with some interesting conclusions.

Now, I have talked about Spain, and there is a gentleman in Spain named Gabriel Alvarez. He's a Ph.D. and he's at the University of Juan Carlos in Spain.

He did a research project, and it's about 45 pages. It's right here. And he particularly looked at this issue of creating new jobs with green technology. And he came up with a conclusion that he goes into great detail about that for every one job created by green technology, Spain lost 2.2 jobs in traditional industries. Now, is that the kind of tradeoff that America wants? Yeah. We would like to create green jobs, but we don't want to do it if we lose other jobs. And that is precisely what his study shows quite clearly.

And he also goes into a great deal of detail in this study about the amount of money that would be invested in—that was invested in renewable energy in Spain. And that's precisely what they are trying to do in the energy bill: government money to subsidize renewable energies.

And so I think that America, as we debate this energy bill, we need to move forward very carefully because we don't want to unilaterally place ourselves at a competitive disadvantage on the coal sector by using, by implementing a cap-and-trade system that's going to penalize only Americans and raise their electricity rates.

And we also don't want to lose 2.2 jobs for every one job created with green technology if we had the same experience that they did in Spain—and there are reasons to believe that we will, according to this study.

Now, yesterday, we had a hearing about this and we had the Secretary of Energy there and we had the administrator of the EPA there. And they are the ones that have the task of developing this energy policy for America. And when I asked them the question—because they and others had been talking about all of the new green jobs that had been created. When I had asked them if they had even seen this study, both of them said ''no.'' And so we asked them, well, we think we ought to look at this study because before America adopts an energy policy that will affect every man, woman and child in this country, every business in this country, every automobile driver in this country, what would the impact of it be? So we need detailed studies so that we get both sides of the issue, we said in these hearings. And to be truthful, we all wish that what is being said would be true, that yes, we can automatically go to green and forget coal and forget nuclear. But it is impossible to do.

So instead of looking through rose-colored glasses, let's be realistic as we move forward so we can make and give the American people the opportunity for the best decision that can be made.

Now, on this map right here, there are a lot of red dots. And these red dots represent a nuclear power plant that is currently operating in America. And there are about 109 of them scattered throughout our country. And as I mentioned earlier, about 20 percent of our electricity is produced by nuclear. But it's very sad that in this energy bill that I have been discussing—it's over 657 pages, by the way—it relates to everything. It relates to air conditioners in your car. It relates to appliances in

your home. It relates to efficiencies in building products. It relates to cap-and-trade, a smart grid, technology, global warming, all of those things.

But when you have something that's producing 20 percent of the electricity in America like nuclear, you would think there would be something in this energy bill about nuclear, particularly since we haven't had any nuclear power plants built in a long time because of the complex permitting process that makes it virtually impossible to build one. But there is not one item in this new energy bill about nuclear energy.

And one thing I think is quite clear to the American people and should be clear to all of us, because we know that in the next—by the year 2035, the demand for electricity in America is going to increase by 35 percent and maybe more, and particularly, if we turn the economy around.

So in order to meet that demand, we're going to have to have everything that we have access to. We're going to have to have coal—and there were a lot of people that did not want to use coal and it's going to be impossible. We are going to have to use coal. And that's why developing this technology of carbon capture and sequestration is so vitally important.

And I might say that there is a professor at MIT that is one of the few individuals who actually wrote his dissertation on carbon capture and sequestration. And he's working with a group in the Northeast that is planning to build a $5 billion carbon capture and sequestration facility to store carbon dioxide in the ocean floor. And it's that kind of innovative technology that we're going to have to have in order to meet our energy needs.

But back to nuclear for just a moment.

As you know, any time you produce nuclear energy, you have some spent fuel, and there are some real problems with spent fuel, so there has got to be a way to store it. And back in, I think it was 1982, the Congress passed a bill that imposed an excise fee on every producer of nuclear energy in America. And the purpose of that was to build a facility in Nevada called Yucca Mountain in which they would store this spent fuel.

But the American taxpayer has already spent $9 billion on Yucca Mountain. And if it were allowed to be continued within the next 3 or 4 years, it would be licensed, and then 4 or 5, 10 years after that, they could start moving this spent fuel to Yucca Mountain.

So where is this spent fuel right now? Well, the spent fuel right now is located at each one of these 109 sites in America. Where you have a nuclear power plant, you have spent fuel because there is no other place, there is no other place to put it. No other place to take it.

Now, I think the American people would find it interesting—because I don't think most of them really know that a lot of these nuclear power plants, because they have contractual arrangements with the Federal Government, that they could store that spent fuel at Yucca Mountain. And by the way, President Obama did not put any money in his budget for Yucca Mountain. And so there were a lot of stories going around soon after the budget came out that Yucca Mountain had been put on hold; we didn't know if they were going to continue to build it or try to get the license for it so we can start storing this material or not.

So I suppose it's going to be up to the appropriators in the Congress to decide if they are going to put any money into Yucca Mountain. But we spent that $9 billion, and because the government had contracts with these nuclear energy producers to take that spent fuel and was not able to fulfill its obligation, what do you think the nuclear energy plants did? They did what any of us would do. They filed a lawsuit because of a breach of that contract.

And as a result of that contract, the U.S. Government right now has a liability to pay those nuclear power plants in the neighborhood of $7 billion. And that's only for a period of time. And after that, if there is not some mechanism in place to take care of this stored—this spent fuel, there are going to be other lawsuits and there is going to be more money that's going to have to be paid by the American taxpayer.

Now, you know there are a lot of other countries that produce nuclear energy. In fact, in France, which is oftentimes viewed as the green country, most of their electricity is produced by nuclear energy. And France has it, Russia has it, Japan has it, Great Britain has it. A lot of countries have it.

But in America, one of the techniques and one of the things that you can do to minimize the amount of the spent fuel is to reprocess it. And it is a technology that is fully developed and is being used today in France and Japan and other countries around the world. Now, the advantage of reprocessing is that you reduce even more the amount of waste that you have at the end.

But in America, we don't reprocess. And why? Because when Jimmy Carter was President, he made a decision—and I am not criticizing his decision because I don't truthfully know all of the facts that went into his decision, and I am sure he had good reason for his decision—but he signed an Executive order that prohibited reprocessing of spent fuel in America.

□ 1600

But every other country in the world is doing it, with the exception of Canada, and that's because they use heavy water reactors in Canada and in America we use light water reactors.

But the reason that I am disappointed in the energy bill—there is nothing about nuclear—is because this is an issue that the American people and the American Congress must revisit and, that is, reprocessing spent fuel because we can drastically reduce the amount of waste.

We also need to expedite the permitting process so that we can produce more nuclear power plants, because it can be done safely, it can be done cleanly, and it is a strategy that we should pursue. Because, as I indicated earlier, we are most dependent upon coal, next nuclear, next we get down to renewables and ethanol and biomass, and all sorts of things.

But I wanted to take this time this evening to just go over this whole process of the dilemma that we face in nuclear, the potential dilemma that we face if a cap-and-trade system is adopted, because it will make us less competitive with countries like China and India, who are building more and more coal power plants; the less competitive it will make us if we implement this renewable mandate that 20 percent of electricity has to be produced by renewables, when the experience in Spain has been for every job created in the renewable industry, green jobs, they lost 2.2 jobs.

So as we move forward, we have many challenges facing our country, no greater challenge than in energy. And all of us respect the wisdom of the American people if they know the facts, and so I think it's our obligation, as Members of Congress and Members of the Senate and President Obama, to go out and talk about these issues, get the facts out there, and let the American people decide. And I think, once they know all these facts, they will recognize that we will have to continue using coal.

We have a 250-year supply, our most abundant resource. We have the pilot projects already working that can help capture carbon dioxide and even use the captured carbon dioxide to put into oil wells to produce more oil. If we are going to be less dependent on foreign oil, we have to produce more oil in America.

That gets me back to tax policy, because one of the difficult issues in President Obama's tax policy is that I understand he wants to do away with the oil depletion allowance. He wants to change some inventory rules. He wants to change some other tax breaks for small independent producers, which makes it more difficult to produce more oil in America.

So those are issues facing us. And with that, Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of illness.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. NEUGEBAUER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, April 27.

Mr. DENT, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, April 30.

Mr. JONES, for 5 minutes, April 30.

Mr. BURTON of Indiana, for 5 minutes, April 29 and 30.

Mr. CAO, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. CON. RES. 18. Concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. WHITFIELD. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, April 27, 2009, at 12:30 p.m., for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh ''Joseph'' Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson-Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. ''Hank'' Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Luján, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J. J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S. P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL–03), Mike Rogers (MI–08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sańchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. ''Bobby'' Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1330. A letter from the Acting Assistant Deputy Secretary, Department of Education, transmitting the Department's final rule — Readiness and Emergency Management Schools — Catalog of Federal Domestic Assistance (CFDA) Number 84.184E. received April 14, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Education and Labor.

1331. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 002-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

1332. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with South Korea (Transmittal No. DDTC 152-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1333. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 021-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1334. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with the Republic of Korea (Transmittal No. DDTC 008-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1335. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 012-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1336. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Sweden (Transmittal No. DDTC 150-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1337. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Israel (Transmittal No. DDTC 151-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1338. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting correspondence from the legislature of the Province of Batangas, Republic of the Philippines; to the Committee on Foreign Affairs.

1339. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Portugal (Transmittal No. RSAT-08-1775); to the Committee on Foreign Affairs.

1340. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed transfer of defense articles or defense services to Canada (Transmittal No. DDTC 129-08); to the Committee on Foreign Affairs.

1341. A letter from the Assistant Director, Policy, Department of the Treasury, transmitting the Department's final rule — Weapons of Mass Destruction Proliferators Sanctions Regulations — received April 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1342. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-011, American Recovery and Reinvestment Act of 2009 (The Recovery Act)—GAO/IG Access [FAC 2005-32; FAR Case 2009-011; Item V; Docket 2009-0012, Sequence 1] (RIN: 9000-AL20) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1343. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-010, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Publicizing Contract Actions [FAC 2005-32; FAR Case 2009-010; Item III; Docket 2009-0010, Sequence 1] (RIN: 9000-AL24) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1344. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-012, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Whistleblower Protections [FAC 2005-32; FAR Case 2009-012; Item II; Docket 2009-0009, Sequence 1] (RIN: 9000-AL19) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1345. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-008, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Buy American Requirements for Construction Material [FAC 2005-32; FAR Case 2009-008; Item I; Docket 2009-0008, Sequence 1] (RIN: 9000-AL22) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1346. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2009-009, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Reporting Requirements [FAC 2005-32; FAR Case 2009-009; Item IV; Docket 2009-0011; Sequence 1] (RIN: 9000-AL21) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1347. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circlar 2005-32; Introduction [Docket FAR-2009-0001, Sequence 3] received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1348. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-026, GAO Access to Contractor Employees [FAC 2005-32; FAR Case 2008-026; Item VI; Docket 2009-0013, Sequence 1] (RIN: 9000-AL25) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1349. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-32; Small Entity Compliance Guide [Docket FAR-2009-0002, Sequence 3] received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1350. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, ''Government Performance and Results Act Annual Report to the President and Congress-Fiscal Year 2008, pursuant to 31 U.S.C. 1116; to the Committee on Oversight and Government Reform.

1351. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Identify the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and to Revise the List of Endangered and Threatened Wildlife. [FWS-R6-ES-2008-0008 92220-1113-0000; ABC Code: C6] (RIN: 1018-AW37) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1352. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report on designating a class of employees from Hood Building, Cambridge, Massachusetts, pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

1353. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report on designating a class of employees from Westinghouse Atomic Power Development Plant East Pittsburgh, Pennsylvania, pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

1354. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone [Docket No.: USCG-2007-0074] (RIN: 1625-AA87) received April 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1355. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0046] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1356. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone; Baltimore Captain of the Port Zone [Docket No.: USCG-2008-0129] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1357. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Coast Guard Base San Juan, San Juan Harbor, Puerto Rico [Docket No.: USCG-2008-0440] (RIN: 1625-AA87) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1358. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York [Docket No.: USCG-2008-0155] (RIN: 1625-AA01) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1359. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, Florida [Docket No.: USCG-2008-0411] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1360. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Underwater Object, Massachusetts

Bay, MA. [Docket No.: USCG-2008-1272] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1361. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saugus River, Lynn, MA [Docket No.: USCG-2008-1026] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1362. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Air Station San Francisco Airborne Use of Force Judgmental Training Flights [Docket No.: USCG-2009-0063] (RIN: 1625-AA00) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1363. A letter from the Project Counsel, Department of Homeland Security, transmitting the Department's final rule — Consolidation of Merchant Mariner Qualification Credentials [Docket No.: USCG-2006-24371] (RIN: 1625-AB02) received April 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1364. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Environmental Impact Statement for the Dallas Floodway Extension in Texas; (H. Doc. No. 111–33); to the Committee on Transportation and Infrastructure and ordered to be printed.

1365. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the feasibility study with integrated environmental assessment on the Peoria Riverfront Development in Illinois; (H. Doc. No. 111–34); to the Committee on Transportation and Infrastructure and ordered to be printed.

1366. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the integrated feasibility report and environmental impact statement for the South River, Raritan River Basin Hurricane and Storm Damage Reduction and Ecosystem Restoration; (H. Doc. No. 111–35); to the Committee on Transportation and Infrastructure and ordered to be printed.

1367. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Premium assistance for COBRA benefits [Notice 2009-27] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1368. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — ARRA Update to Annual Indexing Revenue Procedures (Rev. Proc. 2009-21) received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1369. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified School Construction Bond Allocations for 2009 [Notice 2009-35] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1370. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Zone Academy Bond Allocations for 2008 and 2009 [Notice 2009-30] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1371. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Premium assistance for COBRA benefits [Notice 2009-27] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1372. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Build America Bonds and Direct Payment Subsidy Implementation [Notice 2009-26] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1373. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Certain Section 263A Rules Relating to Property Acquired for Resale [Notice 2009-25] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1374. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Energy Conservation Bond Allocations for 2009 [Notice 2009-29] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1375. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Gasification Project Program [Notice 2009-23] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1746. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency (Rept. 111–83). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. House Resolution 251. Resolution directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG) (Rept. 111–84). Referred to the House Calendar.

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. REHBERG (for himself and Mr. THOMPSON of California):

H.R. 2058. A bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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. FOSTER:

H.R. 2059. A bill to amend title 10, United States Code, to provide for the payment of monthly annuities under the Survivor Benefit Plan to a supplemental or special needs trust established for the sole benefit of a disabled dependent child of a participant in the Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. LARSON of Connecticut (for himself, Mr. MILLER of North Carolina, Mr. HARE, Mr. WU, Ms. EDWARDS of Maryland, Mr. HONDA, Mr. HIMES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. EHLERS, Mr. SESTAK, Ms. KILPATRICK of Michigan, Mr. SABLAN, Mrs. NAPOLITANO, Ms. MARKEY of Colorado, Mr. ROSS, Ms. MATSUI, Ms. BORDALLO, Mr. MCGOVERN, and Mr. SMITH of Washington):

H.R. 2060. A bill to provide grants to community colleges to improve the accessibility of computer labs and to provide information technology training for both students and members of the public seeking to improve their computer literacy and information technology skills; to the Committee on Education and Labor.

By Mr. BOOZMAN (for himself and Mr. KING of Iowa):

H.R. 2061. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. FARR, Mr. GEORGE MILLER of California, and Mr. WU):

H.R. 2062. A bill to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; to the Committee on Natural Resources.

By Mr. WILSON of South Carolina:

H.R. 2063. A bill to amend the Emergency Economic Stabilization Act of 2008 to use repaid Troubled Asset Relief Program funds to pay down the public debt, and for other purposes; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 2064. A bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. CONNOLLY of Virginia, Mr. CARNAHAN, Mr. FARR, Mr. GRIJALVA, Ms. HIRONO, Ms. LEE of California, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. SESTAK, Ms. WOOLSEY, Ms. WATSON, Mr. BERMAN, Mr. PALLONE, and Mr. HARE):

H.R. 2065. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 2066. A bill to amend the Public Health Service Act to promote mental and behavioral health services for underserved populations; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Mr. YARMUTH, and Mr. MCGOVERN):

H.R. 2067. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Education and Labor.

By Mr. THOMPSON of California (for himself, Mr. STUPAK, Mr. TERRY, and Mr. SAM JOHNSON of Texas):

H.R. 2068. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development

of telehealth networks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. HOEKSTRA:

H.R. 2069. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of new motor vehicles; to the Committee on Ways and Means.

By Ms. CLARKE (for herself, Mrs. LOWEY, Mr. THOMPSON of Mississippi, Mr. HOLT, and Mr. LANGEVIN):

H.R. 2070. A bill to amend the Homeland Security Act of 2002 to secure domestic sources of radiological materials that could be used to make a radiological dispersion device against access by terrorists, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE:

H.R. 2071. A bill to require that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included so that respondents may indicate Caribbean extraction or descent; to the Committee on Oversight and Government Reform.

By Mrs. BACHMANN (for herself, Mr. COOPER, Mr. PITTS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. LAMBORN, Mr. BARTLETT, Mrs. BLACKBURN, Mr. HERGER, Mr. PENCE, Mrs. EMERSON, Mr. PAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, Mr. CANTOR, Mr. SAM JOHNSON of Texas, Mr. BROWN of South Carolina, Ms. FALLIN, Mr. MARCHANT, Mr. CAMPBELL, and Mr. KING of Iowa):

H.R. 2072. A bill to authorize States to use funds provided for the Chafee Foster Care Independence Program to provide vouchers to cover tuition costs at private schools, and transportation costs to and from public schools, of foster children of all ages; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 2073. A bill to amend title 23, United States Code, to permit the State of West Virginia to allow the operation of certain vehicles for the hauling of coal and coal by-products on Interstate Route 77 in Kanawha County, West Virginia; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself, Ms. LINDA T. SÁNCHEZ of California, Mr. POLIS of Colorado, Ms. KILROY, Ms. CLARKE, Mr. RANGEL, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Mr. SERRANO, Mr. HARE, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. MICHAUD, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. FARR, Mr. CONYERS, Ms. BORDALLO, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, Mr. KENNEDY, Mrs. LOWEY, Ms. BALDWIN, and Mr. HASTINGS of Florida):

H.R. 2074. A bill to provide effective employment, training, and career and technical education programs and to address barriers that result from family responsibilities, and to encourage and support individuals to enter nontraditional occupational fields; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 2075. A bill to amend title 13, United States Code, to require that, for purposes of any decennial census, any individual who is incarcerated as of the date on which such census is taken shall be attributed to the place that was such individual's last usual place of residence before such individual's incarceration began; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA (for himself, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mrs. CAPPS, Mr. BLUMENAUER, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. ORTIZ, and Ms. ROYBAL-ALLARD):

H.R. 2076. A bill to provide for the establishment of a border protection strategy for the international land borders of the United States, to address the ecological and environmental impacts of border security infrastructure, measures, and activities along the international land borders of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Armed Services, and Agriculture, 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. GUTIERREZ (for himself, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. GRIJALVA, and Mr. ROTHMAN of New Jersey):

H.R. 2077. A bill to amend the Worker Adjustment and Retraining Notification Act to require notifications under that Act for mass layoffs that occur at more than one site of an employer and to increase penalties for violation of the Act; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself and Mr. GRIJALVA):

H.R. 2078. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and Labor.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. HONDA, Ms. MATSUI, Mr. WU, Mr. SABLAN, Ms. RICHARDSON, Mr. SCOTT of Virginia, and Mr. AL GREEN of Texas):

H.R. 2079. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Honouliuli Internment Camp site in the State of Hawaii, to determine the suitability and feasibility of establishing a unit of the National Park System; to the Committee on Natural Resources.

By Mr. HODES:

H.R. 2080. A bill to amend the Internal Revenue Code of 1986 to extend the credit for nonbusiness energy property and to include biomass heating appliances in energy-efficient building property; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. POLIS of Colorado, Mr. KIND, Ms. SUTTON, Mr. BAIRD, Mr. SOUDER, Mr. HINCHEY, Mr. INSLEE, Ms. HIRONO, Ms. BORDALLO, Mr. CARNAHAN, Mr. SESTAK, and Mrs. CAPPS):

H.R. 2081. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership between the Department of Education and the National Park Service to provide educational opportunities for students and teachers; to the Committee on Education and Labor.

By Mr. HOLT:

H.R. 2082. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require States to accept absentee ballots of overseas military and civilian voters which are submitted by the voter to a provider of express mail services not later than the day before the date of the election involved for transmission to the appropriate State election official, to require the Secretary of Defense to reimburse overseas military voters for the costs of using a provider of express mail services to transmit the ballot to the official, and for other purposes; to the Committee on House Administration.

By Mr. HUNTER (for himself, Mr. POE of Texas, Mr. BILBRAY, Mr. MARCHANT, Mr. ROYCE, Mr. CAMPBELL, Mr. ROHRABACHER, Mr. ALEXANDER, Mr. CALVERT, Mr. AKIN, Mr. GARY G. MILLER of California, and Mr. FRANKS of Arizona):

H.R. 2083. A bill to secure smuggling routes on the U.S.-Mexico border, better prevent the smuggling of narcotics and weapons across the border, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Mr. STEARNS, and Mr. MCGOVERN):

H.R. 2084. A bill to increase awareness of and research on autoimmune diseases, which are a major women's health problem, affect as many as 23.5 million Americans, and encompass more than 100 interrelated diseases, such as lupus, multiple sclerosis, rheumatoid arthritis, Sjogren's syndrome, polymyositis, pemphigus, myasthenia gravis, Wegener's granulomatosis, psoriasis, celiac disease, autoimmune platelet disorders, scleroderma, alopecia areata, vitiligo, autoimmune thyroid disease, and sarcoidosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. OBERSTAR, Mr. ELLISON, Mr. STARK, Mr. MCDERMOTT, Mr. PAYNE, Mr. RUSH, Mr. FATTAH, Ms. BALDWIN, Mr. MCGOVERN, and Mr. HOLT):

H.R. 2085. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2086. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing spices, flavoring, or coloring derived from meat, poultry, or other animal products (including insects) bear labeling stating that fact and their names; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2087. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2088. A bill to require the Food and Drug Administration to finalize a standard for broad-spectrum protection in sunscreen products, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. ACKERMAN, Mr. BERMAN, and Mr. HIGGINS):

H.R. 2089. A bill to authorize the Secretary of Education to award grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and Labor.

By Mr. MCHUGH (for himself, Mrs. MALONEY, Mr. ARCURI, Mr. CHAFFETZ, Mr. MASSA, Mr. LEE of New York, Mr. SERRANO, Mr. HIGGINS, Mr. MCMAHON, Mr. ISRAEL, Mr. KING of New York, Mrs. LOWEY, Mr. ENGEL, and Mr. HALL of New York):

H.R. 2090. A bill to designate the facility of the United States Postal Service located at

431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia:

H.R. 2091. A bill to amend the Internal Revenue Code of 1986 to impose a retail tax on single-use carryout bags, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2092. A bill to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PALLONE (for himself, Mr. ACKERMAN, Mr. ADLER of New Jersey, Mr. BERMAN, Mr. BILBRAY, Mr. BISHOP of New York, Ms. BORDALLO, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. HALL of New York, Ms. HARMAN, Mr. ISRAEL, Mr. KING of New York, Mr. KIRK, Mr. KLEIN of Florida, Mrs. LOWEY, Mrs. MALONEY, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. ROTHMAN of New Jersey, Mr. SERRANO, Mr. SESTAK, Mr. WAXMAN, and Mr. WEINER):

H.R. 2093. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mr. MORAN of Kansas, and Mr. YOUNG of Alaska):

H.R. 2094. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. PAYNE (for himself, Mr. COHEN, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. BISHOP of Georgia, Ms. CLARKE, Mr. RUSH, and Mrs. CHRISTENSEN):

H.R. 2095. A bill to authorize grants for programs that provide support services to exonerees; to the Committee on the Judiciary.

By Mr. POMEROY (for himself, Mr. BOUSTANY, Ms. SCHWARTZ, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2096. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Ways and Means.

By Mr. RUPPERSBERGER (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. SARBANES, Mr. KRATOVIL, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, Mr. BARTLETT, Ms. BORDALLO, Mr. BISHOP of Utah, Mr. MCCAUL, Mr. BOCCIERI, Mr. BILIRAKIS, Mr. SHUSTER, Mrs. TAUSCHER, Mr. CHANDLER, Mrs. MILLER of Michigan, Mr. WU, Ms. KILPATRICK of Michigan, Mr. ROTHMAN of New Jersey, Mrs. MYRICK, Mr. OBEY, Mr. SNYDER, Mr. YOUNG of Florida, Mr. CALVERT, Mr. COBLE, and Mr. PITTS):

H.R. 2097. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Financial Services.

By Mr. TANNER (for himself, Mr. LARSON of Connecticut, and Mr. BOUSTANY):

H.R. 2098. A bill to amend the Internal Revenue Code of 1986 to extend the look-through treatment of payments between related controlled foreign corporations; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. SHULER, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. BOREN, and Mr. KENNEDY):

H.R. 2099. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself and Mr. BLUNT):

H. Con. Res. 105. Concurrent resolution expressing support for designation of the week beginning on the second Saturday in May as ''National Travel and Tourism Week''; to the Committee on Energy and Commerce.

By Mr. BRIGHT (for himself and Mr. TERRY):

H. Con. Res. 106. Concurrent resolution expressing the sense of Congress in support of a single national fuel economy standard; to the Committee on Energy and Commerce.

By Ms. LEE of California (for herself, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Ms. BALDWIN, and Mrs. CHRISTENSEN):

H. Con. Res. 107. Concurrent resolution supporting the goals and ideals of ''National STD Awareness Month''; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Ms. BALDWIN, and Mrs. BIGGERT):

H. Con. Res. 108. Concurrent resolution expressing the sense of Congress that the Shi 'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed; to the Committee on Foreign Affairs.

By Mr. HALL of Texas (for himself, Mr. SKELTON, Mr. ROSS, Mr. WALDEN, Mr. AKIN, Mr. LARSEN of Washington, Mr. DUNCAN, Mr. EDWARDS of Texas, Mr. DANIEL E. LUNGREN of California, Mr. RODRIGUEZ, Mr. EHLERS, Mr. MURTHA, Mr. BLUNT, Mrs. EMERSON, Ms. BORDALLO, Mrs. BLACKBURN, Mr. CARNAHAN, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. COBLE, Mr. ETHERIDGE, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. HUNTER, Mr. JONES, Mr. OLSON, Mr. LATTA, Mr. KING of New York, Mr. JORDAN of Ohio, Mr. MARCHANT, Mr. DELAHUNT, Mr. LAMBORN, Mr. COURTNEY, Mr. MARSHALL, Mr. MCMAHON, Mr. CHAFFETZ, Mr. FORTENBERRY, Mr. SESTAK, Mr. ACKERMAN, Mr. BARTON of Texas, Mr. CALVERT, Mr. PUTNAM, Mr. WOLF, Mr. SESSIONS, Mr. THOMPSON of Pennsylvania, Mr. PERRIELLO, Ms. WATSON, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. BURGESS, Mr. CLEAVER, Mr. DENT, Mr. HOLT, Mr. ROHRABACHER, Mr. ROYCE, Mr. NEAL of Massachusetts, Mr. SCHIFF, Mr. GINGREY of Georgia, Mr. BISHOP of Georgia, Mr. CAO, Mrs. BONO MACK, Mr. GOHMERT, Mr. MORAN of Kansas, Mr. PETRI, Mr. KISSELL, Mr. CONAWAY, Mr. SIMPSON, Mr. REYES, and Mr. RUSH):

H. Res. 356. A resolution expressing support for the designation of February 8, 2010, as ''Boy Scouts of Scouts of America Day'', in celebration of the Nation's largest youth scouting organization's 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. HINOJOSA (for himself, Mr. BACA, Mrs. BACHMANN, Mr. BACHUS, Mr. BECERRA, Mrs. BIGGERT, Mr. BILBRAY, Mr. CAMPBELL, Mrs. CAPITO, Mr. CAPUANO, Mr. CARDOZA, Mr. CASTLE, Mr. CONYERS, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Kentucky, Mr. DREIER, Mr. EHLERS, Ms. FUDGE, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. BARRETT of South Carolina, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HIMES, Mr. HODES, Ms. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Mr. KING of New York, Mr. LEE of New York, Mr. LEWIS of Georgia, Mr. LUJÁN, Mr. MARCHANT, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCHENRY, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. MURTHA, Mrs. NAPOLITANO, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PIERLUISI, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSKAM, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. SABLAN, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. SESSIONS, Mr. SIRES, Ms. VELÁZQUEZ, Ms. WATSON, Mr. MANZULLO, Mr. PAULSEN, and Mr. HENSARLING):

H. Res. 357. A resolution supporting the goals and ideals of Financial Literacy Month 2009, and for other purposes; to the Committee on Financial Services.

By Ms. GINNY BROWN-WAITE of Florida:

H. Res. 358. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H. Res. 359. A resolution providing for the consideration of the resolution (H. Res. 251) directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG); to the Committee on Rules.

By Mr. ROE of Tennessee (for himself, Ms. BORDALLO, Mr. GINGREY of Georgia, Mr. WAMP, Mr. JONES, Mr. CALVERT, Mr. CHAFFETZ, Mr. LATTA, Mr. GORDON of Tennessee, Mr. SCALISE, Mr. BOOZMAN, Mr. LAMBORN, Ms. GRANGER, Mr. BILBRAY, Mr. ALEXANDER, and Mr. BUYER):

H. Res. 360. A resolution urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers on Memorial Day; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 361. A resolution recognizing the historical significance of Historic Virginia Key Beach Park of Miami, Florida; to the Committee on Natural Resources.

By Ms. WATSON (for herself, Ms. BORDALLO, Mr. CAO, Ms. CASTOR of Florida, Mr. COSTA, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS

of Florida, Mr. LARSEN of Washington, Ms. LEE of California, Mr. MICHAUD, Mr. PIERLUISI, Mr. REYES, Mr. SERRANO, Mr. SESTAK, Mr. SMITH of Washington, Mr. SIRES, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. KILDEE, Ms. WATERS, Ms. WASSERMAN SCHULTZ, Mr. ELLISON, Mr. CONNOLLY of Virginia, Mr. GUTHRIE, Mr. CROWLEY, Ms. MATSUI, Mr. FARR, Mr. DELAHUNT, Mrs. TAUSCHER, and Mr. GRAYSON):

H. Res. 362. A resolution expressing the support of the House of Representatives for the goals and ideals of the National School Lunch Program; to the Committee on Education and Labor.

By Ms. WOOLSEY (for herself, Ms. LEE of California, Mr. MARKEY of Massachusetts, Mr. CONYERS, and Ms. MOORE of Wisconsin):

H. Res. 363. A resolution calling for the adoption of a smart security platform for the 21st century; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. LEE of New York, Mr. AL GREEN of Texas, Mr. POSEY, Ms. MATSUI, Mr. ETHERIDGE, and Mr. DOYLE.

H.R. 23: Mr. KENNEDY, Mr. GOHMERT, Mr. MCGOVERN, Mr. MARCHANT, Ms. ROYBAL-ALLARD, Mr. LATOURETTE, and Mr. SESTAK.

H.R. 47: Ms. MOORE of Wisconsin.

H.R. 52: Mr. FRANK of Massachusetts.

H.R. 98: Mrs. MYRICK and Mr. ALTMIRE.

H.R. 104: Mr. CAPUANO, Ms. EDWARDS of Maryland, Ms. KAPTUR, Mrs. DAVIS of California, Mr. INSLEE, Mr. ANDREWS, Mr. AL GREEN of Texas, Mr. FARR, Mr. SCHIFF, Mr. HARE, Mr. MORAN of Virginia, and Ms. WATERS.

H.R. 111: Mr. TURNER.

H.R. 144: Mr. SABLAN, Mr. SIRES, and Mr. PAYNE.

H.R. 182: Ms. CLARKE.

H.R. 197: Mr. BACHUS, Mr. SHULER, and Mr. YOUNG of Alaska.

H.R. 205: Mr. SENSENBRENNER and Mr. LUCAS.

H.R. 223: Mr. VISCLOSKY.

H.R. 265: Mr. LEWIS of Georgia.

H.R. 272: Mr. SHULER, Mr. BONNER, Mr. TURNER, and Mr. NYE.

H.R. 273: Mr. DAVIS of Alabama.

H.R. 275: Mr. ROYCE, Ms. FOXX, Mr. BOOZMAN, and Ms. JENKINS.

H.R. 301: Ms. JENKINS.

H.R. 422: Mr. ISRAEL, Mr. RYAN of Ohio, and Mrs. TAUSCHER.

H.R. 430: Mr. ALEXANDER.

H.R. 433: Mr. KAGEN and Mr. PAULSEN.

H.R. 442: Mr. COLE.

H.R. 444: Mr. WAMP, Mr. KING of New York, Mr. BUTTERFIELD, and Mr. ALEXANDER.

H.R. 463: Mr. HASTINGS of Florida and Mr. CASTLE.

H.R. 475: Mr. MCDERMOTT.

H.R. 482: Mr. PAULSEN.

H.R. 510: Mr. TIM MURPHY of Pennsylvania and Mr. COURTNEY.

H.R. 521: Mr. PASTOR of Arizona.

H.R. 564: Ms. CLARKE.

H.R. 626: Mr. PASTOR of Arizona.

H.R. 627: Mr. PIERLUISI, Mr. TONKO, Mr. QUIGLEY, Mr. LARSON of Connecticut, Mr. NADLER of New York, Mr. BARROW, Mr. CONNOLLY of Virginia, Ms. FUDGE, and Mr. TEAGUE.

H.R. 644: Mr. MITCHELL, Mr. ROTHMAN of New Jersey, Mr. DOGGETT, and Mr. COHEN.

H.R. 653: Mr. KILDEE.

H.R. 734: Mr. THOMPSON of Pennsylvania, Mr. MANZULLO, Mr. PLATTS, Mrs. DAHLKEMPER, Mr. MARKEY of Massachusetts, Mr. HASTINGS of Florida, and Mr. SCHIFF.

H.R. 739: Mr. GRIJALVA and Mrs. MALONEY.

H.R. 745: Mr. FORBES.

H.R. 764: Mr. CULBERSON.

H.R. 785: Mr. GRIFFITH.

H.R. 795: Mr. OLVER, Mr. MOORE of Kansas, Mr. WEXLER, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. KAPTUR, and Mr. NYE.

H.R. 796: Mr. BISHOP of Utah, Ms. SLAUGHTER, Mr. LATOURETTE, Mr. TIM MURPHY of Pennsylvania, Mrs. MCCARTHY of New York, Mr. DOYLE, and Mr. MORAN of Virginia.

H.R. 816: Mr. INSLEE, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MARKEY of Colorado, Mrs. CAPITO, and Mr. ELLSWORTH.

H.R. 836: Mr. SCOTT of Georgia, Mr. LATOURETTE, Mr. MCCLINTOCK, Mr. PUTNAM, Mr. GARY G. MILLER of California, Mr. WELCH, Mrs. SCHMIDT, Mr. DRIEHAUS, Mr. HERGER, Mr. PAYNE, Mrs. LUMMIS, Mr. MCMAHON, Mr. SOUDER, Mr. WEXLER, Mr. HINOJOSA, Mr. LEE of New York, Mrs. MILLER of Michigan, and Mr. HONDA.

H.R. 840: Mr. PASTOR of Arizona, Ms. NORTON, Mr. TIERNEY, and Mr. MORAN of Virginia.

H.R. 872: Mr. CONNOLLY of Virginia.

H.R. 873: Mr. PASTOR of Arizona.

H.R. 885: Mr. SCHIFF.

H.R. 886: Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. CUMMINGS, and Mr. PAUL.

H.R. 890: Mr. LANCE, Ms. WOOLSEY, Mr. SESTAK, Mr. PERRIELLO, and Ms. LEE of California.

H.R. 916: Ms. DEGETTE.

H.R. 959: Mr. MURTHA and Mr. BRADY of Pennsylvania.

H.R. 978: Ms. RICHARDSON.

H.R. 984: Mr. HINCHEY.

H.R. 995: Mr. BOREN, Mr. MCGOVERN, Ms. SHEA-PORTER, and Mr. MCDERMOTT.

H.R. 1016: Mr. PASTOR of Arizona, Mr. DONNELLY of Indiana, and Mr. LARSEN of Washington.

H.R. 1020: Ms. WOOLSEY, Ms. MOORE of Wisconsin, Ms. DELAURO, Ms. PINGREE of Maine, Mr. BISHOP of New York, Mr. SMITH of Washington, Mr. RYAN of Ohio, Mr. KANJORSKI, Mrs. CHRISTENSEN, Mr. MCGOVERN, and Mr. ELLISON.

H.R. 1021: Mr. POSEY.

H.R. 1024: Mr. SMITH of Washington.

H.R. 1032: Ms. FALLIN.

H.R. 1059: Mr. DUNCAN, Mr. CAO, and Mr. ROE of Tennessee.

H.R. 1069: Mr. MORAN of Kansas and Mr. HUNTER.

H.R. 1074: Mr. BURTON of Indiana and Mr. JONES.

H.R. 1118: Mr. FLEMING.

H.R. 1132: Mr. MASSA, Mr. BURTON of Indiana, Mr. ALTMIRE, Mr. REHBERG, Mr. YOUNG of Alaska, Mr. MARIO DIAZ-BALART of Florida, Ms. GRANGER, Mr. DUNCAN, Mr. TIAHRT, Mr. MICA, Mr. KIRK, Mr. MCHENRY, Mr. BLUNT, Mr. TIM MURPHY of Pennsylvania, Mrs. TAUSCHER, Mr. GRAVES, Mr. GUTIERREZ, and Mr. ROSS.

H.R. 1136: Mr. NYE, Mr. CLEAVER, and Ms. DEGETTE.

H.R. 1142: Ms. BALDWIN.

H.R. 1159: Mr. WEXLER.

H.R. 1180: Mr. BURTON of Indiana, Mr. JONES, Ms. GRANGER, Mr. GOHMERT, and Mr. GARRETT of New Jersey.

H.R. 1182: Mr. SESSIONS and Mr. MARCHANT.

H.R. 1189: Mr. ALEXANDER.

H.R. 1199: Mr. GARY G. MILLER of California.

H.R. 1204: Mr. KAGEN, Ms. HERSETH SANDLIN, and Ms. ROYBAL-ALLARD.

H.R. 1207: Ms. JENKINS, Mr. GOHMERT, Mr. INGLIS, Ms. KAPTUR, and Mr. JOHNSON of Illinois.

H.R. 1209: Mr. MCCOTTER.

H.R. 1210: Ms. HERSETH SANDLIN and Mr. PASTOR of Arizona.

H.R. 1215: Mr. POLIS of Colorado, Mr. STARK, Mr. ELLISON, and Ms. WOOLSEY.

H.R. 1220: Mr. NEUGEBAUER and Mr. PITTS.

H.R. 1228: Mr. TIAHRT.

H.R. 1238: Mr. POSEY.

H.R. 1247: Mr. DAVIS of Illinois, Mr. WEXLER, and Mr. AL GREEN of Texas.

H.R. 1249: Ms. CASTOR of Florida.

H.R. 1250: Mrs. BACHMANN.

H.R. 1255: Mr. CAO, Mr. BOOZMAN, and Mr. LEWIS of Georgia.

H.R. 1285: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1302: Mr. BOOZMAN.

H.R. 1308: Mr. YOUNG of Alaska, Mr. SMITH of Washington, and Mr. STARK.

H.R. 1319: Mrs. BLACKBURN.

H.R. 1326: Mr. HINCHEY.

H.R. 1332: Mr. KING of New York and Ms. MARKEY of Colorado.

H.R. 1337: Mr. OLVER.

H.R. 1346: Mr. VISCLOSKY, Mr. MELANCON, and Mr. GERLACH.

H.R. 1351: Mr. THOMPSON of California.

H.R. 1352: Mr. BOOZMAN, Mr. MANZULLO, and Mr. ALTMIRE.

H.R. 1361: Ms. KILPATRICK of Michigan, Mr. KENNEDY, and Mr. FILNER.

H.R. 1378: Ms. BALDWIN and Ms. ESHOO.

H.R. 1382: Mr. HALL of New York.

H.R. 1409: Mr. QUIGLEY.

H.R. 1412: Ms. WOOLSEY and Mr. BISHOP of Georgia.

H.R. 1426: Ms. JENKINS.

H.R. 1431: Mr. CHAFFETZ, Mr. SOUDER, Mr. CASSIDY, Mr. WESTMORELAND, Mr. CONAWAY, Mrs. BACHMANN, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Ms. FALLIN, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. GARRETT of New Jersey, Mr. ROHRABACHER, Mr. NUNES, and Mr. SIMPSON.

H.R. 1441: Mr. BURGESS.

H.R. 1449: Mr. DAVIS of Tennessee and Mr. PRICE of Georgia.

H.R. 1454: Mr. FORTENBERRY and Mr. GONZALEZ.

H.R. 1459: Mr. PAUL.

H.R. 1479: Mr. CARNAHAN, Ms. CLARKE, Mr. CONYERS, and Mr. CUMMINGS.

H.R. 1505: Ms. SCHAKOWSKY and Mr. FORBES.

H.R. 1521: Mr. ALTMIRE and Ms. CLARKE.

H.R. 1547: Mr. CHANDLER, Mr. FORTENBERRY, Mr. REHBERG, Mr. WILSON of Ohio, Mr. TIAHRT, Mr. PLATTS, Mr. CLAY, Mr. BISHOP of Georgia, Ms. DEGETTE, Ms. TITUS, Mr. BUTTERFIELD, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. SCOTT of Georgia, Mr. AL GREEN of Texas, Mr. GRAYSON, and Mr. WATT.

H.R. 1548: Ms. SCHWARTZ and Mr. MCMAHON.

H.R. 1550: Mr. AL GREEN of Texas and Mr. HALL of New York.

H.R. 1551: Ms. DEGETTE and Mr. COHEN.

H.R. 1557: Mr. MCINTYRE.

H.R. 1558: Mr. MURPHY of Connecticut.

H.R. 1584: Mr. BISHOP of New York.

H.R. 1604: Mr. SESTAK, Mr. BLUMENAUER, and Mr. HIGGINS.

H.R. 1606: Mrs. CHRISTENSEN.

H.R. 1612: Mr. LEWIS of Georgia.

H.R. 1618: Mrs. MALONEY.

H.R. 1623: Mr. WOLF.

H.R. 1625: Mr. ROGERS of Kentucky.

H.R. 1633: Ms. BORDALLO, Mr. PETERS, and Mr. CUMMINGS.

H.R. 1643: Mr. JACKSON of Illinois, Mr. MOORE of Kansas, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. CONNOLLY of Virginia, Mr. CARSON of Indiana, and Mr. MCGOVERN.

H.R. 1666: Mr. MCDERMOTT and Mr. CONNOLLY of Virginia.

H.R. 1678: Mr. BROUN of Georgia and Mr. RUSH.

H.R. 1688: Mr. ALTMIRE, Mr. PLATTS, and Mr. WELCH.

H.R. 1692: Mr. GERLACH and Mr. TIAHRT.

H.R. 1708: Mr. HINCHEY, Mr. KUCINICH, and Mr. SCHRADER.

H.R. 1712: Mr. FLEMING and Mr. ALEXANDER.

H.R. 1717: Mr. CAMP.

H.R. 1728: Ms. SUTTON, Mr. MEEK of Florida, and Mr. BACA.

H.R. 1733: Mr. ORTIZ and Mr. MICHAUD.

H.R. 1740: Mr. PAULSEN, Mr. BACHUS, Mr. KAGEN, and Mr. HELLER.

H.R. 1741: Mr. GRIJALVA.

H.R. 1744: Mr. SHIMKUS, Mr. SCHOCK, Mr. BERRY, Mr. KIRK, Mr. TERRY, and Mr. ETHERIDGE.

H.R. 1748: Mr. MOORE of Kansas and Mr. WALZ.

H.R. 1751: Mr. REYES.

H.R. 1758: Mr. HARE.

H.R. 1775: Mr. ROSS, Mr. COSTELLO, Mr. PERRIELLO, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. SABLAN, and Ms. MATSUI.

H.R. 1782: Mr. CUMMINGS.

H.R. 1800: Ms. SCHAKOWSKY.

H.R. 1802: Mr. FLEMING.

H.R. 1829: Ms. SCHWARTZ, Mr. WEXLER, and Mr. DENT.

H.R. 1835: Mr. MCINTYRE.

H.R. 1836: Mr. MCINTYRE.

H.R. 1844: Mr. WITTMAN.

H.R. 1869: Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. MATSUI, Mr. GRIJALVA, Mr. SABLAN, Mr. PIERLUISI, Ms. DELAURO, Mr. LOEBSACK, Mr. FARR, and Mr. OLVER.

H.R. 1870: Ms. LEE of California.

H.R. 1881: Ms. ROYBAL-ALLARD, Mr. CONNOLLY of Virginia, Mr. LEWIS of Georgia, Mr. PIERLUISI, Mr. NADLER of New York, Mrs. MALONEY, Mr. JOHNSON of Georgia, Ms. CORRINE BROWN of Florida, Mr. ABERCROMBIE, Mr. SMITH of Washington, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. SCHIFF, and Mr. DINGELL.

H.R. 1894: Mr. HASTINGS of Florida, Mrs. DAHLKEMPER, and Mr. ALTMIRE.

H.R. 1910: Mr. MCMAHON, Mr. MASSA, and Ms. ESHOO.

H.R. 1912: Mr. MCMAHON, Mr. MASSA, and Mr. KIND.

H.R. 1913: Mr. LANGEVIN, Mr. KLEIN of Florida, Mr. SHERMAN, Ms. PINGREE of Maine, Mr. INSLEE, Mr. SNYDER, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. DOYLE, Ms. HARMAN, Mr. ROTHMAN of New Jersey, Mr. COOPER, Mr. HINCHEY, and Mr. MCDERMOTT.

H.R. 1920: Mr. BURTON of Indiana, and Mr. SCHOCK.

H.R. 1933: Mr. MCINTYRE.

H.R. 1941: Mr. CHAFFETZ and Ms. BERKLEY.

H.R. 1964: Mr. KING of New York.

H.R. 1993: Mr. NYE, Mr. SKELTON, and Ms. TITUS.

H.R. 2003: Mr. MCDERMOTT and Mr. GRAYSON.

H.R. 2038: Mr. CAMPBELL and Mr. HIMES.

H.R. 2047: Ms. GIFFORDS.

H.R. 2049: Mr. LARSON of Connecticut and Mr. SESSIONS.

H.J. Res. 42: Mr. BLUNT, Mr. MCINTYRE, Mr. ROGERS of Alabama, Mr. MCHUGH, Mr. DUNCAN, Mr. ROONEY, Mr. MILLER of Florida, and Mr. GOODLATTE.

H. Con. Res. 20: Mr. GRIJALVA and Mr. YARMUTH.

H. Con. Res. 49: Mr. BOREN, Mr. ROGERS of Michigan, Mr. MARCHANT, Mr. VISCLOSKY, Mr. PENCE, Mr. KISSELL, Mr. LEWIS of Georgia, Mr. OLSON, Mr. BARTLETT, and Ms. MARKEY of Colorado.

H. Con. Res. 102: Mr. HASTINGS of Florida, Ms. BORDALLO, Mr. GRAYSON, and Mr. MEEKS of New York.

H. Res. 22: Mr. DELAHUNT.

H. Res. 44: Mr. JONES.

H. Res. 85: Mr. CAMPBELL.

H. Res. 109: Mr. CARDOZA.

H. Res. 111: Mr. GRIFFITH, Mr. STEARNS, Mr. LATTA, Mr. KISSELL, Mr. FLEMING, and Mr. MILLER of North Carolina.

H. Res. 133: Mr. CONNOLLY of Virginia, Mr. BACA, Mr. ROTHMAN of New Jersey, Mr. SESTAK, and Mr. TONKO.

H. Res. 199: Mr. LAMBORN and Mr. MCKEON.

H. Res. 204: Mr. DOGGETT, Mr. MCCAUL, Mrs. BLACKBURN, Mr. SULLIVAN, Mr. STUPAK, Mr. BUTTERFIELD, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 215: Mr. ABERCROMBIE and Mr. AL GREEN of Texas.

H. Res. 230: Mr. PASTOR of Arizona.

H. Res. 249: Mr. MCHUGH.

H. Res. 252: Mr. ANDREWS, Mr. FARR, Ms. DEGETTE, Mr. RANGEL, Mr. HOYER, Mr. COURTNEY, and Mr. BARTLETT.

H. Res. 260: Mr. GORDON of Tennessee, Mr. DEFAZIO, Mr. BERMAN, and Mr. ALEXANDER.

H. Res. 283: Mr. ALTMIRE.

H. Res. 299: Mr. TIERNEY, Mr. CAPUANO, Mr. KUCINICH, Mr. DRIEHAUS, Mr. FATTAH, Mr. OLVER, Mr. GUTIERREZ, Mr. HODES, Mr. HONDA, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. ORTIZ, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. SPEIER, Ms. TSONGAS, Ms. WATSON, Mr. WELCH, Mr. HASTINGS of Florida, Mr. CUELLAR, Mr. SERRANO, Mr. BUTTERFIELD, Mr. MCHUGH, and Mr. FLEMING.

H. Res. 300: Mr. BOSWELL, Mr. HALL of Texas, Ms. JACKSON-LEE of Texas, Mr. MCCARTHY of California, and Mr. SERRANO.

H. Res. 311: Mr. MCDERMOTT and Mr. KAGEN.

H. Res. 321: Mrs. NAPOLITANO, and Mr. LUJÁN.

H. Res. 331: Ms. BORDALLO, Mr. MITCHELL, Mr. ORTIZ, Ms. CORRINE BROWN of Florida, Ms. MATSUI, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mr. WEINER, Mr. FILNER, and Mr. MORAN of Virginia.

H. Res. 333: Ms. BALDWIN, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MICHAUD.

H. Res. 337: Mr. CASSIDY, Mr. FRANKS of Arizona, Mr. SIMPSON, Mr. ROE of Tennessee, Mr. LEE of New York, Ms. CLARKE, Ms. HIRONO, Mr. MARIO DIAZ-BALART of Florida, Ms. SLAUGHTER, Mr. SNYDER, Ms. FALLIN, and Ms. SPEIER.

H. Res. 341: Ms. HIRONO, Mr. CARSON of Indiana, Mr. CONNOLLY of Virginia, Mr. BRALEY of Iowa, Mr. MCMAHON, Ms. KILROY, Mr. ELLSWORTH, Mr. MASSA, Mr. POLIS of Colorado, Mr. ROSS, Mr. KAGEN, Mr. BERRY, Mrs. KIRKPATRICK of Arizona, Mr. TOWNS, Mr. LYNCH, Mr. BUTTERFIELD, Mr. PETERSON, Mr. BOYD, and Mr. QUIGLEY.

H. Res. 342: Mr. BOUSTANY, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mr. ADERHOLT, Mr. EHLERS, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. LINCOLN DIAZ-BALART of Florida, Ms. LORETTA SANCHEZ of California, Ms. BORDALLO, Mr. CARNEY, Mr. OLSON, Mr. HONDA, Mr. BILIRAKIS, Mr. HUNTER, Mr. POSEY, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. ABERCROMBIE, Mr. CALVERT, Mr. LEWIS of California, Mr. MCKEON, Mr. BACHUS, Mr. ROE of Tennessee, Mr. PAULSEN, Mr. LUETKEMEYER, Mr. YOUNG of Florida, Mr. TIBERI, Mr. DENT, Mr. HENSARLING, Mr. THORNBERRY, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. NEUGEBAUER, Mr. CULBERSON, Mr. POE of Texas, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. MILLER of Florida, Mr. FORBES, Mr. HELLER, Mr. LATTA, Mr. HARPER, Mrs. LUMMIS, Mr. DREIER, Mr. SENSENBRENNER, Mr. ROONEY, Mr. AUSTRIA, Mr. ROYCE, Mr. ROSKAM, Mr. COSTA, Mr. LANCE, Ms. FOXX, Mr. WOLF, Mr. GUTHRIE, Mr. BONNER, Mr. CASSIDY, Mr. FLEMING, Mr. ALEXANDER, Mr. REHBERG, Mr. CHAFFETZ, Mr. SCALISE, Ms. ROYBAL-ALLARD, Mr. SABLAN, Mr. AL GREEN of Texas, and Mrs. EMERSON.

H. Res. 353: Mr. COHEN, Mr. PRICE of North Carolina, and Mr. HONDA.

PETITIONS, ETC.

Under clause 3 of rule XII,

33. The SPEAKER presented a petition of the San Francisco Immigrant Rights Commission, relative to Resolution #09-00004 supporting the passage of the Uniting American Families Act authored by Senators Leahy (D-VT) and Representative Nadler (D-NY); which was referred to the Committee on the Judiciary.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, APRIL 23, 2009 No. 60

Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Loving Lord, who rules the raging of the sea, make us aware of how near You are to us at all times. May this knowledge bring us peace and inspire us to look to You for guidance. Refresh our Senators with Your spirit. Quicken their thinking and reinforce their judgment. Empower them to conserve and strengthen the best and holiest of our American heritage. Lord, help them to remember that righteousness exalts a nation but sin will destroy any people. In all their labors, inspire our lawmakers to fulfill Your purposes.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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, April 23, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 1664

Mr. REID. Madam President, it is my belief that H.R. 1664 is due for a second reading and is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

Mr. REID. Madam President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of S. 386, the Fraud Enforcement and Recovery Act. There are currently six amendments pending. One of those amendments is a second-degree amendment.

When the Senate resumes consideration of this bill this morning—I assume there will be no morning business, so whenever Senator MCCONNELL and I finish—Senator LEAHY will be here to work with the manager on the Republican side and Republicans and Democrats on a time to vote on pending amendments. Those votes, we hope, will occur this morning.

As I announced earlier, we are going to turn to the House message with respect to the budget resolution, which is basically an apparatus to get us to conference on this matter, and we will do that sometime this afternoon. Senator MCCONNELL and I have to go to the White House this afternoon, so we will have all that worked out before we go down there. Senators should be prepared for votes in relation to the motions to instruct conferees this afternoon.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. REID. Madam President, at this time, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 56, the nomination of Thomas L. Strickland to be Assistant Secretary for Fish and Wildlife; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to this nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, let me say to my good friend the majority leader, there is at least one Member on my side who is not yet prepared to clear this matter. Therefore, I must, for the moment, object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, we understood that the ranking member of the Environment and Public Works Committee—the committee that reported this—was the individual holding this up, so I talked to Senator INHOFE.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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We had a good conversation. I called him back and he said he had no problem with Mr. Strickland. Obviously, this has been rolling around and somebody else has put a snag on it.

I would now ask my friend, the Republican leader, if I ask unanimous consent for 4 hours of debate on this individual, would there be an objection to this?

Mr. MCCONNELL. Madam President, I would say to my friend, the majority leader, that I am not able, at this particular time, to enter into an agreement on this nomination.

Mr. REID. Madam President, that is very unfortunate, but I understand.

I now ask unanimous consent, as in executive session, that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 62, the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that there be 5 hours of debate with respect to this nomination, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to a vote on confirmation of Kathleen Sebelius; that upon confirmation, the normal procedure of the Senate be followed and that following that we resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, this nomination came out of committee yesterday. It was fairly contentious. It was not a party-line vote, but a number of Members on my side opposed the nomination. So at least for today, I am not able to enter into a consent agreement on a time specific to consider the nomination of Governor Sebelius. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, we need not quibble on the time. It came out Tuesday or Wednesday, and I understand people may want to look at this more closely. That is fine. It appears to me it wouldn't do me any good or the Senate any good to ask for more time at this time. No matter what time I set aside, the Republican leader couldn't agree now?

Mr. MCCONNELL. I would say to my friend, the majority leader, I cannot today agree to a time specific for consideration of this nomination.

Mr. REID. Madam President, we have another individual who we feel should be approved, David Hayes, to be Deputy Secretary of the Interior. I would ask my friend, the Republican leader, if we suggested 3 hours of debate under the conditions I outlined for the other two, is the Republican leader in a position to agree to have this nomination?

Mr. MCCONNELL. Madam President, I would say to my good friend, the majority leader, not at this time.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HOLOCAUST DAYS OF REMEMBRANCE

Mr. MCCONNELL. Madam President, later this morning, President Obama will speak at a Days of Remembrance ceremony here in the Capitol Rotunda—an annual event that was established by Congress as a living memorial to the victims of the Holocaust. Throughout the week, Louisville, Lexington, and other communities in Kentucky and the Nation have held events to commemorate this solemn occasion.

As we remember the terrible sufferings of the Jewish people and all others who have suffered and who continue to suffer at the hands of hatred and intolerance, we spread one of the most enduring lessons of the Holocaust—that evil exists in the world and it is the responsibility of free and just nations to protect the innocent by speaking for all those who cannot speak for themselves.

The theme of the 2009 Days of Remembrance is ''Never Again: What You Do Matters.'' Those words should serve as a reminder to all of us that anti-Semitism and other forms of religious hatred are as real today as they were in the middle of the last century and that the best way to honor the victims of the Holocaust is for us to work toward building a more hopeful and a more peaceful world.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 386, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid amendment No. 984, to increase funding for certain HUD programs to assist individuals to better withstand the current mortgage crisis.

Inhofe amendment No. 996 (to amendment No. 984), to amend title 4, United States Code, to declare English as the national language of the Government of the United States.

Vitter amendment No. 991, to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Boxer amendment No. 1000, to authorize monies for the special inspector general for the Troubled Asset Relief Program to audit and investigate recipients of nonrecourse Federal loans under the Public Private Investment Program and the Term Asset Loan Facility.

Kyl amendment No. 986, to limit the amount that may be deducted from proceeds due to the United States under the False Claims Act for purposes of compensating private intervenors to the greater of $50,000,000 or 300 percent of the expenses and cost of the intervenor.

Coburn amendment No. 982, to authorize the use of TARP funds to cover the costs of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is considering S. 386, to which six amendments are pending.

Mr. LEAHY. I thank the Chair.

Madam President, yesterday, when we were finally allowed to proceed to the Fraud Enforcement and Recovery Act, we began making real progress. Ten amendments were offered during the course of the day, four amendments were adopted, and six remain pending. I believe, had we not stopped voting at 5 o'clock, we could have finished the bill and passed it last night. As things stand, we hope to dispose of the six remaining amendments through the course of this morning. We should complete Senate consideration of the bill without further delay.

I should note that the number of Senators who have cosponsored this bill continue to grow—now at 17 Senators. Most of the Senators who offered amendments yesterday praised the underlying bill. I think we have only one pending amendment that regards the underlying bill; only one that actually directly relates to it. Senator GRASSLEY will speak to that amendment. Most of the amendments that have been offered, almost all the remaining amendments pending, aren't within the jurisdiction of the Judiciary Committee, they are within the jurisdiction of the Banking Committee, and I look forward to the leadership of that committee—the committee of jurisdiction—with respect to guidance on those amendments.

In my view, it would have been better if Senators had withheld their amendments and waited to offer them on the housing and banking legislation that is going to be considered next week by the Senate. Then you would have at least had a bill that was relevant to the amendments. But, of course, every Senator can do whatever he or she wants to. Now, the banking/housing amendments that have been added to this Judiciary bill will complicate passage and enactment of what everyone agrees is needed—the fraud enforcement legislation. I think that is unfortunate.

Among the examples are amendments affecting the use of TARP funds.

Modifying the Troubled Asset Relief Program is a complicated matter. I wish it were not complicating this bill. I have no problem with such amendments being on a bill that actually relates to TARP, but this one does not. Indeed, in the 6 weeks, the month and a half since the fraud enforcement bill was reported by the Judiciary Committee, my staff and I reached out to Senators and no one raised these TARP issues. Had they, we would have engaged with Chairman DODD and Senator SHELBY and tried to work them out as best we could in the proper setting.

The Obama administration has reformed the TARP process. It is doing its best to get a handle on the use of these funds. I intend to look to their views and to those of Chairman DODD, but I believe complicating passage of this fraud enforcement bill with those issues is not helpful. Nonetheless, we will do what we have to in order to complete this process.

The Obama administration's Statement of Administration Policy expresses their strong support for enactment of the underlying fraud enforcement bill. They note:

> Its provisions would provide Federal investigators and prosecutors with significant new criminal and civil tools and resources that would assist in holding accountable those who committed financial fraud.

To give an idea, the Justice Department, the FBI, the Secret Service, the Special Inspector General for the TARP, law enforcement officers, good government advocates—all support the underlying bill. The New York Times wrote last weekend:

> Senators should not be asking if the expenditure on fraud enforcement called for in this bill is affordable, but whether it is enough.

Fraud has damaged our economy. It has wrecked the lives and life savings of thousands of hardworking Americans. That is why this bill should not be complicated with a lot of extraneous material that is not in the jurisdiction of this bill. We have people around this country facing economic crises. They are preyed upon by some of these mortgage fraud groups. They promise to help them out of any kind of a mortgage difficulty they have and then they steal their retirement accounts. They steal the money they may have saved for their children to go to college. They steal the equity in their homes. Then they disappear, so people are left with no homes, no equity, no retirement accounts. If they saved money for their children to go to college, there is no money there, and the people who have committed the fraud get away.

On those occasions when sometimes they are chased down, they may actually face a fine. But if they have stolen $200 million and get a $10 million fine—big deal. It is the cost of doing business. But if we have very tough legislation that allows the Justice Department and others to go in right at the get-go, to be able to go in and go after these people and make it very clear: If you are involved in this kind of fraud, if you are involved in this kind of theft, you are not going to get a fine, you are going to go to prison, then they are going to pay attention.

I can tell you from my own experience as a prosecutor, I know fines in this kind of fraud situation do not serve as much of a deterrent. But if we are able to send in the police to arrest these people, and they know they are going to spend years behind bars, then they start paying attention. That is the only thing that really does it, and that is the only thing that is going to protect these Americans, American taxpayers, honest, hardworking men and women—the only thing that is going to protect them from losing everything they have in a downturn in the economy.

We should pass this bill without further delay. We should move to the task of helping law enforcement find and hold accountable those who engage in such fraudulent conduct. This should be fairly easy. We can pass this bill and say: We are against crime, we are against fraud, we want the good guys to win, we want the bad guys to go to jail. It is as simple as that. That is why there are Republicans and Democrats who support this—across the political spectrum.

Strengthening fraud enforcement is a key priority for President Obama. During the campaign the President promised to ''crack down on mortgage fraud professionals found guilty of fraud by increasing enforcement and creating new criminal penalties.''

The President made good in his promise in his budget, calling on FBI agents ''to investigate mortgage fraud and white collar crime,'' and more Federal prosecutors and civil attorneys ''to protect investors, the market, and the Federal Government's investment of resources in the financial crisis, and the American public.''

As taxpayers, we all have a stake in this. If these people are able to get away with their fraud, if they are able to get away with siphoning off this money, we taxpayers pay the bill in the long run. Those who are hit with the fraud pay far more than that. They may pay with their life savings, with their homes, with everything they have ever worked for.

This bipartisan Fraud Enforcement and Recovery Act is a chance to authorize the necessary additional resources to detect, fight, and deter fraud that robs the American people and the American taxpayers of their funds. Investing resources in detecting and deterring fraud yields dividends for the American people. That is what this bill would do, and we should pass it without further delay.

I want my colleagues to know, at some point, if people are not here to offer amendments, we will call up and vote on the amendments that are pending and then go to final passage. I know the Democratic and Republican leaders talked about a budget matter that has to come up that will probably take us into the evening. I am trying to save the time of all Senators, so I urge Senators to come because at some point everything that is pending is going to be called up and is going to be voted on up or down. I would at least like to have the Senators on the floor who are sponsoring them. Then we will go to final passage.

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. THUNE. Madam 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.

AMENDMENT NO. 1002

Mr. THUNE. Madam President, I ask unanimous consent that amendment No. 1002 to the bill be brought up and made pending.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 1002.

Mr. THUNE. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction)
>
> At the end of the bill, add the following:

TITLE II—DEBT REDUCTION PRIORITY ACT

SEC. 21. SHORT TITLE.

This title may be cited as the ''Debt Reduction Priority Act''.

SEC. 22. FINDINGS.

Congress finds the following:

(1) On October 7, 2008, Congress established the Troubled Assets Relief Program (TARP) as part of the Emergency Economic Stabilization Act (Public 110-343; 122 Stat. 3765) and allocated $700,000,000,000 for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

(2) The Department of Treasury, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program (CPP) rather than purchasing toxic assets.

(3) Lending by financial institutions was not noticeably increased with the implementation of the CPP and the expenditure of $250,000,000,000 of TARP funds, despite the goal of the program.

(4) The recipients of amounts under the CPP are now faced with additional restrictions related to accepting those funds.

(5) A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the

Department of Treasury and the Department has begun the process of accepting receipt of such funds.

(6) The Department of the Treasury should not unilaterally determine how these returned funds are spent in the future and the Congress should play a role in any determination of future spending of funds returned through the TARP.

SEC. 23. DEBT REDUCTION.

(a) IN GENERAL.—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

"SEC. 137. DEBT REDUCTION.

''Not later than 30 days after the date of enactment of this section, the Secretary of the Treasury shall deposit any amounts received by the Secretary for repayment of financial assistance or for payment of any interest on the receipt of such financial assistance by an entity that has received financial assistance under the TARP or any program enacted by the Secretary under the authorities granted to the Secretary under this Act, including the Capital Purchase Program, in the Public Debt Reduction Payment Account established under section 3114 of title 31, United States Code.''.

SEC. 24. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 3114. Public Debt Reduction Payment Account

''(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').

''(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

''(c) There shall be deposited in the account any amounts which are received by the Secretary of the Treasury pursuant to section 137 of the Emergency Economic Stabilization Act of 2008. The funds deposited to this account shall remain available until expended.

''(d) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

''(e) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

''3114. Public debt reduction payment account''.

SEC. 25. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting ''minus the aggregate amounts deposited into the Public Debt Reduction Payment Account pursuant to section 3114(c)'' before '', outstanding at one time''.

SEC. 26. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 27. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

Mr. THUNE. Madam President, on October 7, 2008, Congress passed the Troubled Asset Relief Program as part of the Emergency Economic Stabilization Act—or TARP—and allocated $700 billion for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

The Department of Treasury, without consultation from Congress, changed the purpose of the TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program rather than purchasing toxic assets.

Financial lending was not increased with the implementation of CPP, and the expenditure of $218 billion of TARP funds disputes the goal of the program. Those receiving funding through the CPP are now faced with additional restrictions related to accepting that funding.

A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the Department of Treasury, and Treasury has begun the process of accepting receipt of those funds. However, because of the financial stress test Treasury is currently conducting, it is possible that Treasury will restrict banks from returning funds they received from the CPP.

In his testimony before the TARP Congressional Oversight Panel on April 21, 2009, earlier this week, Secretary Geithner stated that Treasury estimates $134.6 billion of TARP funds are still available. What is important about that figure is he includes $25 billion which they expect to receive back from banks under CPP. Geithner also stated that he believed $25 billion is a conservative number, and private analysts predict more will be returned.

Section 120 of the Emergency Stabilization Act terminated the authority for TARP funds on December 31, 2009, and the Secretary can request an extension to the deadline not later than 2 years after enactment. Keep in mind that this restriction only applies to Treasury's issuance of new loans and does not cover the reuse of previously issued assistance that was returned to the Treasury.

Essentially, to summarize what my amendment does, it requires Treasury to use any of the funds that are recovered through TARP to reduce the national debt. Basically, this amendment prevents the Treasury from reallocating money for other purposes. The amendment establishes the public debt reduction payment account and requires Treasury to deposit any amounts received from repayment of financial assistance through TARP into this account. The Secretary of the Treasury must use the money in the public debt reduction payment account to pay, redeem, or buy any Government obligation included in the public debt. The obligations paid, redeemed, or bought are canceled and cannot be reissued. In addition, the statutory debt limit is automatically reduced by any amount equal to funds that are deposited in this account.

I think the amendment is very straightforward, and it really is directed at ensuring that the taxpayer dollars that were allocated for the TARP program, which, as I said before, was about $700 billion last fall, much of which has been expended but much of which now is in the process of being repaid, assuming, again, the mechanism is put in place to allow the Treasury to take receipt of funds that banks wish to repay, TARP funds which they wish to repay—with that money coming into the Treasury—and as I said before, Secretary Geithner earlier this week indicated that it would probably be about $25 billion, at least that we know of now, and there are predictions that it could be much more, that money comes back into the Treasury and could be recycled, reused—what we want to do and what my amendment does is it ensures that those TARP funds that are repaid by banks actually go to reduce the public debt.

We know we have incurred an enormous amount of debt. In fact, the inspector general, Neil Barofsky, stated in his quarterly report to Congress that 12 separate programs are being funded under TARP, involving up to $3 trillion of Government and public funds. Amazingly, that is equivalent to the size of the entire Federal budget. This is certainly not what I believe Congress intended or was told, for that matter, the funding would be used for. So Congress needs to have a role in this. If the administration wants additional authority under TARP, they should come here. Congress retains, under the Constitution, the power of the purse.

What this amendment simply does is directs those funds that come back in as a result of repayments by banks of TARP funds into the Federal Treasury, that those funds go toward reducing the Federal debt, which, as we all know, based on the budget that was passed a couple of weeks ago, is going to double in 5 years and triple in 10, at a rate of $1 trillion a year. The average deficit over the next 10 years, by the end of the 10-year period, will amount to $17 trillion. The very least we can do for the taxpayers of this country is ensure that TARP funds that are repaid by banks, the taxpayer dollars that were extended to help recapitalize the banks, when those are no longer necessary and banks give that money back to the Treasury, Treasury receives that, that those funds not be recycled, reused, go to some discretionary program to fund other programs of Government, but that they be used to reduce the Federal debt. I believe the taxpayers deserve that. This amendment, No. 1002, would do that. So I would hope my colleagues will support it and, in my view, make it very clear that tax dollars expended under TARP, when repaid, are going to go to debt reduction and not be used for some other Federal Government program.

That is what the amendment does. I would urge my colleagues to support it.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank my friend from South Dakota for his courtesy in talking to me first about the amendment. As I pointed out to him, these are matters before the Banking Committee. The Judiciary Committee has really got nothing to do with it, the same as many of these. I will wait for Senator DODD and Senator SHELBY to respond; I will not.

I am going to make a unanimous consent request. I have notified both sides of this. There is a Boxer-Snowe amendment No. 1000. I ask unanimous consent that at 10:50—I realize it is going to be objected to, but I am trying to save both Republicans and Democrats from being here until 2 o'clock tomorrow morning because of the bill that comes up after this. I ask unanimous consent—and if this is objected to, I will repeat the request later on—that at 10:50 the pending business be set aside, the Boxer-Snowe amendment No. 1000 be brought up, there be 8 minutes of debate evenly divided before a vote, and that it then be in order to go to a rollcall vote on the amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. LEAHY. I have been advised that there would be an objection because they have not heard from the Banking Committee, from Senator DODD and Senator SHELBY. I would urge them to come to the floor so we can move forward, as most of the amendments pending or about to be pending have absolutely nothing to do with the jurisdiction of the Judiciary Committee, have nothing to do with the jurisdiction of the bill on the floor, have everything to do with a bill that is coming up next week from the Banking Committee. So I would urge the Banking Committee to come to the floor and speak to the amendments that are all within the jurisdiction of their committee.

I mention this because if we don't, the other alternative is to accept everything and go immediately to final passage. I don't think that would be responsible because then the fraud bill that virtually everybody in this body, Republicans and Democrats, supports is going to die because it won't go past the other body. I realize every Senator has a right to offer any amendment he or she wants, but at some point we have to be realistic. If we are against the people who are committing fraud on the American taxpayers, something for which all of us have made speeches that we are in favor of stopping them—newspapers from the right to the left have editorialized in favor of stopping them—let's be honest and actually pass a bill that does it. The message amendments should wait until an appropriate bill that has something to do with them.

I am also trying to help Senators. We are going to complete this bill before we go to budget matters. We can complete it easily by noon. As Senators know, I have supported Republican amendments that came up yesterday. They have all been accepted, including an amendment by Senator GRASSLEY and myself. But we want to complete this legislation. I am perfectly willing to stay here all night long to finish this and the budget. But every hour we take on this is an hour longer on the budget. It is somewhat frustrating that Senators who have a concern can't find time to show up on the floor. Senators from both sides of the aisle don't have time to show up on the floor on a bill which we were notified 3 weeks ago was going to be on the floor at this time. I urge them to do so. Because as soon as these amendments are disposed of one way or the other, we will go to final passage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I appreciate the observations of the Senator from Vermont. It is a bill that is broadly supported. I understand the objection he will raise with respect to his committee's jurisdiction and what the bill covers.

With regard to my amendment, there is a connection between the underlying bill and what we are trying to accomplish. I previously referenced the inspector general's report about 12 separate programs being funded under TARP that involve up to $3 trillion in government and public funds. Bear in mind, this report spans 247 pages. In that report, it says the very character of the bailout program makes it ''inherently vulnerable to fraud, waste, and abuse, including significant issues related to conflicts of interest facing fund managers, collusion between participants, and vulnerabilities to money laundering.''

I believe this amendment is related to the underlying bill which deals with fraud recovery. The inspector general's report bears that out.

Mr. LEAHY. Madam President, while the Senator from South Dakota is in the Chamber, if I may ask him a question, we also have amendment No. 982 offered by Senator COBURN which allows the unused TARP funds to pay for the Fraud Enforcement and Recovery Act. I ask the Senator if the Coburn amendment and his amendment are mutually exclusive?

Mr. THUNE. In response, Madam President, to the Senator from Vermont, my amendment would prevent funds from being reused, recycled, that were directed to debt reduction. I guess my short answer, without having reviewed the Coburn amendment carefully, would be, I suspect, that they are probably mutually exclusive.

Mr. LEAHY. I thank the Senator. I have read it carefully, and that was my conclusion. This is a matter more in line with the Banking Committee, and I will let them speak to it. This is unprecedented, that we have amendments on bills, whether this one or others, that are mutually exclusive. I did note that. I thank my friend from South Dakota for his comments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 994

Mr. DEMINT. I ask unanimous consent to set aside the pending amendment and call up amendment No. 994.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 994.

Mr. DEMINT. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of Troubled Asset Relief Program funds for the purchase of common stock, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON USE OF TARP FUNDS.

Notwithstanding any other provision of law, on and after April 22, 2009, no funds made available to carry out the Troubled Asset Relief Program may be used for the acquisition of ownership of the common stock of any financial institution assisted under title I of the Emergency Economic Stabilization Act of 2008, either directly or through a conversion of preferred stock or future direct capital purchases.

Mr. DEMINT. Madam President, our economy has shed 3.3 million jobs in the last 5 months. The Dow Jones is down 25 percent since September. When the bank bailout or TARP was conceived, it was conceived, ironically, to save the market. We had been told by both President Bush and President Obama that we needed this massive spending in order to get the financial markets working again and the economy moving. It has been 6 months since Congress gave away $700 billion to the Bush administration with essentially no strings attached. The Obama administration has, unfortunately, continued conducting massive and risky experiments in central planning since taking control of the TARP in January. We need to remember that we have yet to use this money the way it was promised.

We were told, when this money was requested during the last months of the Bush administration, that if we didn't have all this money to buy the toxic assets, the world financial market would collapse. I am afraid we were not told the truth. Clearly, the world financial market did not collapse, although it continues to have trouble. But we did not buy up any of the toxic assets, and the world financial market didn't collapse. The Bush administration—and now the Obama administration—set about figuring out different ways to use the money rather than admitting the ideas they had were not right.

Sixteen of the 19 banks that received the largest amounts of this TARP money are loaning less now than they did when the money was provided. We received a report this week that the design of the TARP was ripe for corruption, waste, and fraud. There are already a number of cases in the media that this is happening. Yet we continue to toy with this money in ways that are unprecedented. Now the Obama administration has announced President Obama is going to use the money in a totally different way. We need to look at what they are proposing.

What our economy needs now more than anything else is certainty, certainty that the Government will not undo contracts retroactively, which we are talking about doing here, certainty that spending will be brought under control to avoid future tax increases and runaway inflation, and certainty that failure will not be rewarded by a government bailout. Of course, there has been anything but certainty from our Government in the last several months. Government intervention has become the norm rather than the exception.

Now we understand the Treasury Department has concocted a new scheme to convert these loans, which are preferred stock in certain banks, into common equity in order to increase those banks' capital. This is only a paper change. We move it from a debt to an asset, and we say we have done something. The problem is, when the Government has common stock in banks, it owns banks. It would likely have positions on the board. The taxpayer, who is making this money available, is at risk. If a bank goes under, the common stock is gone. So we are taking what was some security for taxpayers and shifting it to another place. We are crossing a dangerous line where the Government owns and controls banks and insurance companies, auto companies, a line we have never crossed before as a country, a country based on free markets, not central planning by government.

The American people are starting to send us a signal that they are concerned, alarmed by the amount of spending, all these bailouts, the rewarding of failure, the debt we are creating. We saw about a million Americans last week in numerous tea parties across the country take to the streets, hold up their signs, express to their elected officials that we need to stop this out-of-control spending and waste going on in Washington. Loaning banks money temporarily is one thing. It is something I oppose because I have seen government operate long enough to know that it can't do it effectively. It can't do it without waste and fraud and corruption.

Our own Treasury Department has now told us that. We can't put this much money out there without bad things happening. We need to let the market work. If we have banks that are too sick to succeed, then we need to allow them to fail while we protect the depositors in that bank.

The amendment I offer focuses attention on the idea of government owning banks. It is pretty simple. It would prohibit the Government from converting TARP loans to common stock. We have heard of other amendments that would allow banks to give this money back and allow the money to go to paying down debt. This is not a slush fund that we created for politicians to play with, to scheme in different ways on how we could come up with new ways to spend money we don't have. It is all borrowed money. If it is not needed the way it was intended, it needs to come back to the taxpayer rather than what is happening now. The idea that we are going to have the Federal Government actually own stock in banks, insurance companies, and other private companies is an idea we need to stay away from.

I hope all of my colleagues will support this amendment that simply prohibits our Government from converting what was supposed to be loans, what was promised to be loans, what was promised to be used to buy bad assets so banks could loan again, it would prohibit this money from being used for common stock and ownership in the banking system.

I thank the Chair for the time and encourage my colleagues to support the amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

AMENDMENT NO. 983

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 983 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 983.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Inspector General of the Federal Housing Finance Agency to investigate and report on the activities of Fannie Mae and Freddie Mac that may have contributed to the current mortgage crisis)

At the appropriate place, insert the following:

SEC. _____. IG REPORT ON ACTIVITIES OF FANNIE MAE AND FREDDIE MAC.

Not later than 18 months after the date of enactment of this Act, the Inspector General of the Federal Housing Finance Agency shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the following:

(1) When did the Federal National Mortgage Association (in this section referred to as ''Fannie Mae'') and the Federal Home Loan Mortgage Corporation (in this section referred to as ''Freddie Mac'') begin buying large quantities of subprime and Alt-A mortgages? In what years did Fannie Mae and Freddie Mac purchase the largest number of subprime and Alt-A mortgages?

(2) To what extent were the purchase of subprime and Alt-A mortgages by Fannie Mae and Freddie Mac induced by Congressional action or Executive Order?

(3) To what extent were the purchase of large quantities of subprime and Alt-A mortgages by Fannie Mae and Freddie Mac induced by the Department of Housing and Urban Development affordable housing regulations issued in 1995?

(4) What actions by Fannie Mae and Freddie Mac contributed to the overvaluation of mortgage-backed securities?

(5) What political contributions were made by Fannie Mae and Freddie Mac on behalf of a political candidate or to a separate segregated legal fund described in section 316(b)(2)(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)(c)) between 1990 and 2008?

(6) What lobbying expenditures, as such term is defined in section 4911(c)(1) of the Internal Revenue Code of 1986, were made by Fannie Mae and Freddie Mac between 1990 and 2008?

(7) What contributions were made by Fannie Mae and Freddie Mac to any organization described under section 501(c) of the

Internal Revenue Code of 1986 between 1990 and 2008?

Mr. COBURN. Mr. President, I appreciate the chairman giving me this time to offer this amendment. We have adopted an Isakson amendment. We have a McCain-Dorgan amendment. This is a similar amendment, but I think it gets to the root of the problem. It does not cost very much, and it actually will tell us something we need to know.

The underlying assumption with the bill is that fraud is the primary, if not the sole, cause of this crisis. That may be true. We do not know that. But what we do not know is how much we as Members of Congress played and the extent to which we played a role in helping create this crisis. This is a fairly straightforward amendment that asks the IG to come give us information so we get the answers to the question about our own role in the evolution of the problems we find today.

What we do know is the GSEs undertook an unprecedented assumption of subprime and all-day loans, and those need to be investigated—the extent of them, the amount. We also know they invested more than $1 trillion in those loans. But what we do not know is the volume, the timing. What we do not know is the impact of the significant amount of lobbying by these GSEs and what effect that had on policies and procedures both within the administration and the Congress.

For example, when did Freddie and Fannie begin to purchase large quantities of subprime and all-day loans? In what years were those types of purchases the highest? To what extent were these purchases induced by congressional action or executive order? To what extent were those purchases induced by the Department of Housing and Urban Development affordable housing regulations issued in 1995? What actions by Fannie and Freddie contributed to the overvaluation of mortgage-backed securities?

The amendment also looks to the possibility that congressional action could have contributed to the risky changes in behavior of Fannie and Freddie. What we know is, between the 2000 and 2008 election cycles, GSEs and their employees contributed more than $14.6 million to the funds of both Senators and representatives. We also know Fannie spent $79.5 million in that period and Freddie spent $94.9 million in that period on lobbying Congress. Mr. President, $170 million was spent lobbying Congress making them the 20th and 13th largest lobbying spenders in the country.

This amendment will assure and ensure that some of the toughest questions are asked regarding the GSEs'—Fannie Mae's and Freddie Mac's—special relationships with Congress and whether any conflict created by those relationships influenced the GSEs' behavior, especially to the taxpayers' detriment.

It requires the inspector general to study what political contributions were made, what lobbying expenditures were made, what contributions were made to any other lobbying organization.

It is a compromise step. It is something we already have the people in place for. It is something they have the access to the numbers for. We ought to be able to get that.

We have a mess. Usually, as a physician when I have a mess, I start thinking back: What did I do before? And what caused part of the mess? Where was I wrong in my diagnosis of the signs, symptoms, and history? And then what do I do about it?

If we do not look through the IG at these things, then it is highly unlikely—no matter how many commissions we put together because commissions are going to ask for this anyway—but we are going to ask for it as a special report from the IG under this amendment.

There are a lot of additional considerations, and I will not take time on the floor at this time to do that. But if you want to have a transparent Congress, this is the first question we have to ask: How much were we involved? How effective were the lobbying efforts to change things that were detrimental? Maybe they were positive. But the fact is, we ought to know those things.

The idea is we will be transparent with the American people, both in terms of the lobbying efforts, the contributions they made, and the timing—not just for Congress but also the executive branch; where we look at the actions of both of those—so the American people can see the culpability. Where is it? I happen to believe it is right here in this body, us. We allowed this to happen. I think the onus of the blame needs to be here rather than pointing at other people.

That is not to distract from the idea that we ought to go after fraud. But the biggest fraud is to deny the fact that we had some culpability, and this amendment is designed to measure how much culpability we had by using the IG, the inspector general, to tell us this very specific information.

With that, I yield the floor.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam 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. LEAHY. Madam President, I was distracted in another conversation. Senator COBURN left the floor. I wished to speak to him about his amendment because it appears to have already been covered in the Isakson-Conrad amendment. I would like to ask if he also feels that way. I would hope he might come back to the floor so we could discuss that.

I also wish to notify the other side I am about to renew my unanimous consent request for a vote on the Boxer amendment. I will not until they have time to talk to the Republican side. There is no Republican on the floor right now. But in a few minutes, I will renew my request for a rollcall vote on that amendment.

In the meantime, Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Madam 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.

AMENDMENTS NOS. 986, 987, 988, AND 989

Mr. KYL. Madam President, I have an amendment pending—I believe the number is amendment No. 989—and I wish to speak to that amendment and three other amendments which differ only in the amount of a cap on recoveries. The amendments pending are amendments Nos. 989, 988, and 987. Madam President, 986 is the pending amendment. So we will get this straightened out.

Let me speak to the issue first generally, and then I will engage my colleague in a couple of unanimous consent requests that may resolve the issue. If not, then we can vote on the final one.

The point of these amendments is to limit the amount that can be deducted from the money that is due to the Government under the False Claims Act as compensation for what are called private realtors. A private realtor is a whistleblower or an investigator who goes to court with evidence that the Government has been defrauded and is entitled to money under the False Claims Act. In order to encourage these private parties to come forward, the False Claims Act not only entitles these private realtors to recover from the defendant their costs and expenses for investigating and pressing the claims but also allows the private realtor to receive a portion of the proceeds due to the United States.

I think we would all agree it is right and proper that the private realtors be compensated for exposing incidents for which the Federal Government has been defrauded. Such actions have saved the Government billions of dollars over the years.

Unfortunately, the formula for compensating private realtors uses a percentage range to award a portion of the Government's recovery to the realtor. The law allows the private realtor to collect up to 30 percent of the proceeds that are due to the Government.

Now, when this formula was first set back in 1986, I don't think any of us contemplated that the massive billion-dollar recoveries we have seen today would allow this kind of recovery to the private parties as well. So although

I think we all agree whistleblowers deserve to be compensated when they save the Government money, I would also think we could agree there has to be some limit; that they don't deserve to be grossly overcompensated, especially when that compensation comes at the expense of the Federal Treasury.

Let me note a few cases. I will put this entire statement in the RECORD which has a lot of other cases as well, but my colleagues will get the idea from just a few that I will mention.

Private realtors shared $95 million as their share of a $559 million civil settlement paid to the United States by TAP Pharmaceutical Products. Private realtors shared $78 million as their share of a $438 million Federal settlement paid to the United States by Eli Lilly. A private realtor will receive $47.8 million as his share of a recently announced $325 million settlement paid to the Government by Northrop. Another will share $46.4 million as their share of a $375 million settlement paid to the United States by Cephelon. There are several more of these cases, all in the $30-, $40-, $50 million range, for payments that have been made to the Government as a result of this law.

The point is, when they are sharing in that much of the proceeds, they are denying the taxpayers the benefit of the False Claims Act which was, of course, intended to benefit the Treasury and not to significantly benefit these private realtors.

So, again, it is fair to generously compensate them when they help expose malfeasance that has cost the Federal Government money. We want them to receive an incentive to blow the whistle on fraud or corruption. However, the amounts I have described—$95 million in just one case, for example—are wildly in excess of what is necessary to spur such whistleblowing. These amounts all come at the expense of the Treasury.

Let me indicate the kind of savings the Government could achieve under this amendment.

The first request I will make today would cap the private realtor recovery at either $5 million or 300 percent of the expenses and costs in investigating and proving fraud against the Government. In other words, it is sort of a triple damages: for the amount of money they put into it, there is, in effect, a 400-percent recovery; they get 100 percent of their expenses, plus another 300 percent above that. It seems to me this provides more than adequate incentive for the whistleblowers who become aware of fraud and therefore expose it.

In the eight cases I have described in my statement, five of which I mentioned, private realtors received more than $427 million at the expense of the Government. When just one case awards the private realtors $95 million, the numbers add up pretty quickly. So under this request I will make in just a moment, these same private realtors would still have received a grand total of at least $40 million from the Government. Under my amendment, the Government would have been able to keep an additional $387 million. So think about it. This amendment would have saved the Government $387 million.

So let me conclude at this point. I have been advised there are very few law firms—but some law firms—that specialize in these cases. Obviously, they are fighting the amendment because quite a little cottage industry has grown. But I would note to my colleagues if my recommendation is not accepted—if my colleagues conclude that $5 million is not enough for the Government to pay a whistleblower—then what I would suggest is we make that amount higher, and I will offer subsequent requests to support a higher amount.

I wish to note as well there will inevitably be new cases in which outsized awards are paid at the expense of the Government's recovery. For example, just last week, a False Claims Act suit against Quest Diagnostics resulted in a $302 million recovery for the Federal Government, but out of that amount, the Government was forced to pay $45 million to the private realtor. Had my amendment been law, the private realtor would still have received at least $5 million for exposing the fraud, but the Treasury would have received, and therefore saved, an additional $40 million.

So let me ask, rather than having a vote on each of these four amendments—and I have discussed this with the chairman of the Judiciary Committee and we have had a genial discussion; and I suspect I know, at least the first couple of times, the fate of my unanimous consent requests. Nonetheless, amendment No. 989 would provide a $5 million cap.

I would therefore ask unanimous consent that amendment No. 989 be considered and that the Senate be on record as supporting amendment No. 989 with the $5 million cap.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEAHY. Madam President, I will object, and I will just take a moment to explain.

First off, I would note, as he typically does, the Senator from Arizona came and talked to me before and was very straightforward with what he was going to do.

This talks about recoveries available under the False Claims Act. I think the Senate expert on the False Claims Act is Senator GRASSLEY, a senior member of the Senate Judiciary Committee. Senator GRASSLEY opposes this, as do I. I know there are going to be other amounts the distinguished Republican leader is going to bring up, but my reason in opposing them—and he has explained each one of them to me ahead of time, so there is no surprise—but I will oppose them because I believe without whistleblowers, a lot of these billions of dollars in fraud that have been found wouldn't have been found. Without the whistleblowers, the Government—the American taxpayers—wouldn't recover so much.

The False Claims Act—and, again, Senator GRASSLEY and others were the leaders in putting that together—has brought back more than $22 billion into the U.S. Treasury.

Now, it has a balanced approach in providing incentives for said whistleblowers. They share in such recoveries if it is warranted and if it is approved by the judge. A judge has to approve it. It has worked out very well. Rather than there being an arbitrary cap, I would rather leave it to the judge to make the determination. Simply saying, well, we will limit it to three times the cost, then I worry about seeing a padding of expenses. I think it is very well balanced the way it is, including having a judge make the final decision.

I think one of the things we all agree upon—I am sure the Senator from Arizona and I agree—is that we have to find fraud, we have to root it out, and we have to bring those who commit fraud to justice. What I am thinking about, as Senator GRASSLEY has pointed out in the past, as have I, we have to give an incentive to the whistleblowers to bring the case. After all, we have seen all too often a whistleblower will alert us to the fraud, and the first thing that happens is they lose their job. They often risk retaliation. In fact, if they are turning in their coworkers or their supervisors and bringing out the fraud, this could be life-altering. It could actually change their professional career, often for the worse. They are looked at as the bad guys, but they are not the bad guys; they are the good guys. We ought to reward them.

I will vote against it in this case. I object to considering it. I know the Senator from Arizona is going to have further amendments, but I just want him to know—and I want my colleagues to know what I have told him privately. I commend him for—as we have always done in cases we have had—talking to me ahead of time, as I have with him when I have had amendments or matters that may involve him.

So I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The request has been made. Is there objection?

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I appreciate the points made by the chairman of the Judiciary Committee. There does need to be a reward, and there is some subjective judgment in what kind of a cap is appropriate for the reasons that he pointed out. As a result, reasonable people could differ as to whether a $5 million cap would be too much.

For that reason, I indicated if the chairman thought it was too much, I would suggest doubling the amount to a $10 million cap which might be appropriate. That is actually encompassed in amendment No. 988.

So at this time I ask unanimous consent that amendment No. 988 be considered pending and be adopted by unanimous consent, setting a $10 million cap on these recoveries.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, as I indicated to my friend earlier, I would object to that, and I do object.

The PRESIDING OFFICER. Objection is heard.

The minority whip.

Mr. KYL. Mr. President, as I said, I think it is going to be a little harder to object to a $20 million cap, but at this time let me ask—again, this is subjective. How much of a reward is enough to cause people to come forward? Given that we have this cottage industry of firms that has found they can make a lot of money on these cases, it seems to me there is adequate reward for whistleblowers who usually—and I am sure the chairman would agree—usually come forward simply because they see something that is wrong and they have the moral courage to come forward and say: We don't think this practice is right. And they usually don't do it for the financial reward. The law firms that are involved do very well out of this.

So my last unanimous consent request would be to consider amendment No. 987 as pending, which would set a $20 million cap on these awards.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, I hate to try to fix something that I don't think is broken. The False Claims Act has worked very well for the U.S. taxpayers. It has worked well. I know the Senator from Iowa worked so hard in putting this together in the first place. It has brought more than $22 billion back into the Treasury. The awards to whistleblowers have to be approved by a judge. I don't want to fix something that is not broken, so, therefore, I will object, and I do object.

The PRESIDING OFFICER. Objection is heard.

The minority whip.

Mr. KYL. Mr. President, finally, amendment No. 986, which is pending, sets a $50 million cap.

I certainly agree with the chairman that you don't want to fix something that is not broken. I submit that back in 1986, a long time ago, these multibillion-dollar awards were not contemplated, and times have changed. In the 20 or 30 years' passage of time, we have seen this cottage industry of litigation grow, when the kinds of awards that can be recovered—for example, a $97 million award—are simply beyond the pale. They were not contemplated. So it is broken to the extent that we have no upper limit in a case such as that.

AMENDMENT NO. 986

Therefore, I call up amendment 986, which is pending, and I request the yeas and nays on that amendment. If the chairman wishes to respond, I will withhold calling for the vote until he has responded.

The PRESIDING OFFICER. Does the Senator ask for the regular order on his amendment?

Mr. KYL. That is correct, yes.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Iowa wishes to speak on this amendment, and we will soon have a rollcall vote. I ask the Senator from Arizona and the Senator from Iowa if we could withhold for 2 minutes in order for the Senator from Wisconsin to speak on an amendment of his, and then we will go back to the amendment of the Senator from Arizona.

Mr. KYL. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

AMENDMENT NO. 990

Mr. KOHL. Mr. President, I call up my amendment No. 990.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 990.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security)

At the appropriate place, insert the following:

SEC. ___. GRANTS TO STATES FOR ENHANCED PROTECTION OF SENIORS FROM BEING MISLEAD BY FALSE DESIGNATIONS.

(a) FINDINGS.—Congress finds that—

(1) many seniors are targeted by salespersons and advisers using misleading certifications and professional designations;

(2) many certifications and professional designations used by salespersons and advisers represent limited training or expertise, and may in fact be of no value with respect to advising seniors on financial and estate planning matters, and far too often, such designations are obtained simply by attending a weekend seminar and passing an open book, multiple choice test;

(3) many seniors have lost their life savings because salespersons and advisers holding a misleading designation have steered them toward products that were unsuitable for them, given their retirement needs and life expectancies;

(4) seniors have a right to clearly know whether they are working with a qualified adviser who understands the products and is working in their best interest or a self-interested salesperson or adviser advocating particular products; and

(5) many existing State laws and enforcement measures addressing the use of certifications, professional designations, and suitability standards in selling financial products to seniors are inadequate to protect senior investors from salespersons and advisers using such designations.

(b) DEFINITIONS.—As used in this section—

(1) the term ''misleading designation''—

(A) means the use of a purported certification, professional designation, or other credential, that indicates or implies that a salesperson or adviser has special certification or training in advising or servicing seniors; and

(B) does not include any legitimate certification, professional designation, license, or other credential, if—

(i) it has been offered by an academic institution having regional accreditation; or

(ii) it meets the standards for certifications, licenses, and professional designations outlined by the North American Securities Administrators Association (in this section referred to as the ''NASAA'') Model Rule on the Use of Senior-Specific Certifications and Professional Designations, or it was issued by or obtained from any State;

(2) the term ''financial product'' means securities, insurance products (including insurance products which pay a return, whether fixed or variable), and bank and loan products;

(3) the term ''misleading or fraudulent marketing'' means the use of a misleading designation in selling or advising a senior in the sale of a financial product;

(4) the term ''senior'' means any individual who has attained the age of 62 or older; and

(5) the term ''State'' means each of the 50 States, the District of Columbia, and the unincorporated territories of Puerto Rico and the U.S. Virgin Islands.

(c) GRANT PROGRAM.—The Attorney General of the United States (in this section referred to as the ''Attorney General'')—

(1) shall establish a program in accordance with this section to provide grants to States—

(A) to investigate and prosecute misleading and fraudulent marketing practices; or

(B) to develop educational materials and training aimed at reducing misleading and fraudulent marketing of financial products toward seniors; and

(2) may establish such performance objectives, reporting requirements, and application procedures for States and State agencies receiving grants under this section as the Attorney General determines are necessary to carry out and assess the effectiveness of the program under this section.

(d) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) by the State or the appropriate State agency designated by the State—

(1) to fund additional staff to identify, investigate, and prosecute cases involving misleading or fraudulent marketing of financial products to seniors;

(2) to fund technology, equipment, and training for regulators, prosecutors, and law enforcement in order to identify salespersons and advisers who target seniors through the use of misleading designations;

(3) to fund technology, equipment, and training for prosecutors to increase the successful prosecution of those targeting seniors with the use of misleading designations;

(4) to provide educational materials and training to regulators on the appropriateness of the use of designations by salespersons and advisers of financial products;

(5) to provide educational materials and training to seniors to increase their awareness and understanding of designations;

(6) to develop comprehensive plans to combat misleading or fraudulent marketing of financial products to seniors; and

(7) to enhance provisions of State law that could offer additional protection for seniors

against misleading or fraudulent marketing of financial products.

(e) GRANT REQUIREMENTS.—

(1) MAXIMUM.—The amount of a grant under this section may not exceed $500,000 per fiscal year per State, if all requirements of paragraphs (2), (3), (4), and (5) are met. Such amount shall be limited to $100,000 per fiscal year per State in any case in which the State meets the requirements of—

(A) paragraphs (2) and (3), but not each of paragraphs (4) and (5); or

(B) paragraphs (4) and (5), but not each of paragraphs (2) and (3).

(2) STANDARD DESIGNATION RULES FOR SECURITIES.—A State shall have adopted rules on the appropriate use of designations in the offer or sale of securities or investment advice, which shall, to the extent practicable, conform to the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations, as in effect on the date of enactment of this Act, or any successor thereto, as determined by the Attorney General.

(3) SUITABILITY RULES FOR SECURITIES.—A State shall have adopted standard rules on the suitability requirements in the sale of securities, which shall, to the extent practicable, conform to the minimum requirements on suitability imposed by self-regulatory organization rules under the securities laws (as defined in section 3 of the Securities Exchange Act of 1934), as determined by the Attorney General.

(4) STANDARD DESIGNATION RULES FOR INSURANCE PRODUCTS.—A State shall have adopted standard rules on the appropriate use of designations in the sale of insurance products, which shall, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, as in effect on the date of enactment of this Act, or any successor thereto, as determined by the Attorney General.

(5) SUITABILITY RULES FOR INSURANCE PRODUCTS.—A State shall have adopted suitability standards for the sale of annuity products, under which, at a minimum (as determined by the Attorney General)—

(A) insurers shall be responsible and liable for ensuring that sales of their annuity products meet their suitability requirements;

(B) insurers shall have an obligation to ensure that the prospective senior purchaser has sufficient information for making an informed decision about a purchase of an annuity product;

(C) the prospective senior purchaser shall be informed of the total fees, costs, and commissions associated with establishing the annuity transaction, as well as the total fees, costs, commissions, and penalties associated with the termination of the transaction or agreement; and

(D) insurers and their agents are prohibited from recommending the sale of an annuity product to a senior, if the agent fails to obtain sufficient information in order to satisfy the insurer and the agent that the transaction is suitable for the senior.

(f) APPLICATION.—To be eligible for a grant under this section, the State or appropriate State agency shall submit to the Attorney General a proposal to use the grant money to protect seniors from misleading or fraudulent marketing techniques in the offer and sale of financial products, which application shall—

(1) identify the scope of the problem;

(2) describe how the proposed program will help to protect seniors from misleading or fraudulent marketing in the sale of financial products, including, at a minimum—

(A) by proactively identifying senior victims of misleading and fraudulent marketing in the offer and sale of financial products;

(B) how the proposed program can assist in the investigation and prosecution of those using misleading or fraudulent marketing in the offer and sale of financial products to seniors; and

(C) how the proposed program can help discourage and reduce future cases of misleading or fraudulent marketing in the offer and sale of financial products to seniors; and

(3) describe how the proposed program is to be integrated with other existing State efforts.

(g) LENGTH OF PARTICIPATION.—A State receiving a grant under this section shall be provided assistance funds for a period of 3 years, after which the State may reapply for additional funding.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of the fiscal years 2010 through 2014.

Mr. KOHL. Mr. President, I speak today in support of an amendment that would protect older Americans from unscrupulous financial advisers.

In these tough economic times, seniors are discovering that their life savings have lost so much value they may not be able to fund their retirement. Desperate for advice, they look toward investment advisers for strategies to ride out this economic storm. Unfortunately, we have learned that some are placing their trust in so-called ''senior investment advisers,'' who in many cases are one step above scam artists. These individuals often have limited or no education or training though they claim titles with legitimate-sounding names.

We know that an attorney must go to school for 3 years and pass a State bar exam. A CPA must have a college degree, an additional year of study, and must pass a national exam. Neither can offer their professional services without those credentials. Seniors should be able to trust the people who invest their money. They should not be worried that the title after their adviser's name is scarcely more than a marketing ploy.

This amendment would create a new grant program to assist States in their efforts to protect seniors from misleading financial adviser designations by encouraging them to adopt provisions outlined in the North American Securities Administrators Association's and the National Association of Insurance Commissioners' model rules on the use of senior designations.

I strongly encourage my colleagues to cosponsor this amendment.

Mr. President, 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. GRASSLEY. 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. GRASSLEY. Mr. President, the first point I wish to make is that with the false claims provisions in the Leahy-Grassley bill, which deals with other provisions as well, but the False Claims Act is essential to accomplishing the overall purposes of the bill, along with other tools to do it—to get rid of fraud. We are trying to just, in this bill, in a very rifle shot way, correct some court opinions that have been detrimental and weaken the False Claims Act. That is all we are trying to accomplish in this bill that deals with bigger things as well.

What Senator KYL is bringing up is a legitimate subject of discussion because it has been brought up at other times since passage of the False Claims Act 22 years ago. I don't say it is not legitimate to discuss it. But there is broader false claims legislation in the Judiciary, and it ought to be discussed at a time when we have hearings on this subject. There have been no hearings on this.

These amendments should be reviewed by the full committee under the regular order process. That is the first point I wish to make to Senator KYL about why not to consider this amendment right now.

The second one is the point he made on how big of an award is big enough to incentivize people to turn in fraud.

Mr. LEAHY. Will the Senator yield for a unanimous consent request?

Mr. GRASSLEY. Yes.

Mr. LEAHY. Mr. President, I ask unanimous consent that the vote on the Kyl amendment, now pending, occur at 11:45 but that there be 2 minutes equally divided immediately preceding the vote. First, I make that request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I also ask unanimous consent that there not be any amendments to that amendment.

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

Mr. GRASSLEY. Mr. President, the second point I wish to make before I get to my formal remarks is on the question the Senator from Arizona raised about how big of an incentive is enough to get reported. That is a legitimate question.

Here is my experience with 22 years of the False Claims Act, dealing with whistleblowers, Government agencies listening to whistleblowers or not, the Justice Department taking a case or not taking a case, or whether the whistleblower initiates the case on their own. What I have found is that the False Claims Act does not come up early in anybody's thought process—about initiating a thought process that there might be fraud out there and somebody ought to be investigating and get to the bottom of it. Usually,

the whistleblower has ample evidence of that or they wouldn't be doing it in the first place. They jeopardize their profession and their job in Government. That isn't right, but whistleblowers who want to do the patriotic thing actually jeopardize their professional future. What I have found is they don't even know about the False Claims Act or about getting a percentage of it. They don't even know about whistleblower protection laws. They want to do the patriotic thing. They want to report fraud.

So to talk about the award being the incentive to come forward, I don't want to say that in some cases that may not be the case, but in most cases these are patriotic people knowing about the fraudulent use of taxpayer money, they think it is wrong and ought to stop, and they think it ought to stop within the agency. They don't get anywhere with the agency, so they come to other people, and eventually along the line, probably, somebody says: You need to take this to court, and you can get something out of this if you win and if you have a case. Probably the majority of them don't win. So they get nothing out of it. But they are trying to be patriotic citizens.

I think that bringing up the issue of how much of an award is big enough to get this information out should not even be a part of the debate. It is still something because we are talking about taxpayer money and what is an incentive to do this, but it ought to be discussed in a thoughtful way, not on an amendment to a bill that is trying to correct a few bad court decisions to get the False Claims Act back to its original purpose.

I thank the Senator from Vermont for letting me cooperate with him on this issue. The Senator from Vermont also recognizes that the False Claims Act is a very useful tool against fraud, which is the overall purpose of the rest of Senator LEAHY's and my bill.

The other thing you have to remember is that this has brought in $22 billion. Senator LEAHY made that very clear. There are so many court cases I can tell you about where the Government, through the Justice Department, came in and tried to belittle the whistleblower, the claimant, to reduce, or even eliminate, any access to an award; how many times judges have had to berate people in the Justice Department. I am not talking about Presidents Obama, Bush, Reagan, Bush 1, or Clinton; I am talking about several of them where you wouldn't even have a case—in other words, saying to the prosecutor and the Justice Department: Do you realize you would not even have had a case without this patriotic whistleblower coming forward?

More recently, there has been a case where the Justice Department asked not to proceed forward. The judge stepped in and said: We are going to go forward; there is something wrong here, and we are going to get to the bottom of it.

So we have $22 billion back because of patriotic Americans. Do you know what. Just because the False Claims Act has been out there, it has been a preventive to fraud, like all the other tools Senator LEAHY has in this bill that will not only help with prosecution, but the possibility of prosecution is going to be a preventive factor.

So I feel strongly that if the issue of an award limit comes up, it ought to be discussed thoroughly and thoughtfully in a tool—the False Claims Act—which has proven its worth by $22 billion and a lot of unknown preventable fraud out there. We ought to think through it thoughtfully.

I want this amendment defeated. The False Claims Act is the No. 1 tool for recovering taxpayer dollars lost to waste, fraud, and abuse. Whistleblowers who bring fraud cases on behalf of the Government, known as qui tam relators, often risk everything to uncover truth.

Currently, the False Claims Act provides a reward to whistleblowers who come forward with good-faith allegations of fraud, waste, or abuse of Government dollars.

They are allowed to file a lawsuit on behalf of the Federal Government, and the case remains under judicial seal in Federal court. The Justice Department then decides to join a case or not join a case. If the Justice Department joins a case and the case is successful, a whistleblower can recover 15 to 25 percent of the funds recovered. If the Justice Department does not join—then it is going to be a much more difficult process for the whistleblower and his or her counsel—the whistleblower can go forward with the case and if they are successful, they can recover more, somewhere between 25 and 30 percent, depending upon the judge.

While some are arguing that this represents a windfall for whistleblowers, the statistics paint a different picture.

In fact, in cases where the Department of Justice joins the whistleblower, the average share for the whistleblower is not 25 percent or 30 percent, it is 16 percent. Compare that 16 percent with the percentage it takes to administer Government generally, throughout Government—about 12 percent. Do you, Mr. President, think there are enough people in the Justice Department, enough FBI people to know where all the skeletons are buried, where all the frauds are being committed? No. This average award is not too far out of line with the average administrative costs of Government.

There have been 6,197 qui tam complaints filed since 1986 which have resulted in $13.7 billion in recoveries to the Federal Government. That averages about $2.2 million recovered for complaint filed.

In these 6,197 cases, the Government has paid qui tam whistleblowers $2.2 billion in awards. That means the average share award for a qui tam whistleblower is about $350,000. This is hardly a windfall that one would seek, particularly if one is ruining their professional career by being a whistleblower, coming forth to do what is patriotic, to do what is right. It is, in fact, an incentive that helps fuel complaints coming in.

However, if we start adding new caps to the already existing whistleblower caps, we could reduce the incentive for whistleblowers to proceed through the cases—or coming forward in the first place—that would help us then recover billions of dollars.

I wish to share the story of Tina Gonter who was a qui tam whistleblower who testified before the Judiciary Committee last year. Ms. Gonter worked closely with the Government and went undercover at the company for months collecting documents and evidence of a fraud against the Navy. She even wore a wire for the Federal agents of the Defense Department.

Ultimately, a couple of individuals went to jail as a result of Ms. Gonter's work. But the Government refused to sue the contractor for fraud. Believe that, the Government refused to sue with obvious evidence. Ms. Gonter filed a false claims case against the company, and it was not joined by our own Justice Department. The judge in that case even scolded the Justice Department and the Navy for not joining the case.

Ultimately, Ms. Gonter prevailed, and the contractor paid over $13 million to the Federal Government. Ms. Gonter received a share of that money, but had she not brought this case, the Justice Department and the Defense Department would have been satisfied with simply putting two people in jail and allowing the contractor to walk away with the money it received for providing fraudulent product to the Navy. And it is not just a case of fraudulent product to the Navy. It is a serious safety matter for the people in the military who put their lives on the line in the defense of our freedom.

That is only one example out of 6,197 that the False Claims Act provides power to get fraudulent activity under control. It is a check on the power of the Government bureaucracy to look the other way—that is what the Justice Department did in this case—and pretend that fraud did not happen on their watch. However, it is fueled by courageous whistleblowers, such as Tina Gonter, and without sufficient financial incentives to come forward and fight these cases for 5 to 10 years they can take in court, we may lose this valuable tool against fraud.

It is about recovering money, taxpayers' money. I find it ironic—I hope people are listening now because there is a conflict here between maybe people on my side of the aisle who think this is a good idea—I find it very ironic that those outside groups supporting this amendment were in staunch opposition to the idea of the Senate imposing any caps on executive compensation at companies receiving bailout funds. Now instead, they want to cap

the recovery of good-faith whistleblowers to come forward with claims of fraud at companies that are ripping off American taxpayers.

The False Claims Act works and will continue to work if we do not cut the incentives for relators to go to court. The law already has a cap for whistleblower recoveries. I urge my colleagues to oppose this amendment which is based on a couple of extreme examples from outlier cases that are not the norm.

We have $22 billion coming in under this act. Early on, we fought the defense industry to get this bill passed, and the defense industry tried to gut it after it was passed. When they could not because they did not have the proper prestige, they came to the American hospital industry to fight a front for them. That did not happen. I don't know exactly what groups are out there now backing all this. But when are you ever going to realize that in this country, the taxpayers deserve some respect? And if there is fraud in your industry, it is no holds barred on the recovery and the preventing of fraud.

I yield the floor.

Mr. LEAHY. Mr. President, I understand the senior Senator from New York has an amendment. While the senior Senator from Iowa is on the floor, I ask unanimous consent that it be in order for the Senator from New York to bring up his amendment—that the pending amendment be set aside for 5 minutes—speak on it, and if there are no objections to it, it then be accepted, and we go back to the Kyl amendment so as not to interfere with the unanimous consent agreement to have a vote on the Kyl amendment at 11:45 a.m. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, will the Senator repeat the unanimous consent request?

Mr. LEAHY. If I can get the attention of the senior Republican, my request is that the Senator from New York be allowed to bring up his amendment for 5 minutes, and at the conclusion of the 5 minutes, unless more time is requested by unanimous consent, that the matter, if it can be disposed of, be disposed of, but in any event, at the end of that time, we go back to the Kyl amendment on which there is a unanimous consent agreement for a rollcall vote at a quarter of 12.

Mr. ENSIGN. Mr. President, can I modify the request that I be recognized to call up an amendment, not to have action on it, call up an amendment, spend 5 minutes on it following the Senator from New York to get my amendment pending?

Mr. LEAHY. I so modify it. That would still leave the amount of time Senator KYL has requested prior to a vote on his amendment.

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

The Senator from New York.

AMENDMENT NO. 1006

Mr. SCHUMER. Mr. President, I thank you for recognizing me. I thank our chairman of the Judiciary Committee, Senator LEAHY, and one of our senior Republican Members, Senator GRASSLEY, for not only managing this bill but for introducing it. I am a cosponsor of the underlying bill, the Fraud Enforcement and Recovery Act, because it provides much needed tools to go after fraudsters, crooks, and thieves, and other common criminals who have taken advantage of a bad economy to rob unsuspecting Americans of their savings.

I thank Senators LEAHY, GRASSLEY, KAUFMAN, and SPECTER, and all the other cosponsors of the bill for their hard work and making sure we finally do something about financial crime.

From the beginning, however, I have been of the view that there was one major omission—a glaring omission—from this bill. The bill would authorize $165 million a year for the Department of Justice, including $75 million more for FBI agents, as well as money for prosecutors and fraud lawyers.

That is all to the good. It would also provide $30 million to the Postal Inspection Service, $30 million to the IG of the Department of HUD, $20 million for the Secret Service, all to investigate financial and mortgage fraud. But if one reads the list, one thing is missing, and that is the Securities and Exchange Commission.

Thanks to the hard work of many, including my cosponsor of this amendment, Senator SHELBY, and Senator GRASSLEY, the lead Republican sponsor of the bill, we have come up with a compromise provision. Initially, on the amendment we were going to offer, Senator GRASSLEY raised some very valid points, and we have been working in the last 2 days to come to an agreement, and I am proud to say we have.

This amendment provides $20 million for SEC enforcement. It would also give an additional $1 million to the SEC's Office of Inspector General. I am pleased to have played a role in putting together this package which will ultimately benefit the American public through safer markets and better policing of our financial system.

The authorization to the SEC is necessary for fighting exactly the kind of fraud that is covered by this bill. Leaving the SEC out of this bill is a little like fighting a war without the marines. The SEC is often the first line of enforcement before the criminal authorities get involved.

The SEC staffing decreased by 10 percent from 2005 to 2007. The agency has only begun to recover from these decreases. It is understaffed by more than 115 employees.

Shockingly, the SEC's technology budget, the budget that determines the agency's ability to analyze what went wrong in the markets and who caused it, is still only 50 percent of what it was in 2005.

We need to pass this bill now, and we need to adopt this amendment now. Literally, every day there is a new story about a new fraud that robbed guileless consumers of millions, sometimes billions, of dollars. Our authorizations for prosecutions after the S&L crisis, which I played a role in when I was in the House of Representatives, resulted from around 600 convictions and $130 million in ordered restitution between 1991 and 1995.

So far, even while the FBI is working on 2,000 mortgage fraud cases and while the SEC has opened more than three dozen investigations into subprime-backed securities, we have not provided law enforcement with the additional funds to put the bad guys before the courts and in jail, even though white-collar enforcement by the Federal Government has been dangerously depleted.

I want to point perhaps to one of the most high profile fraud cases in the history of our country—a case that was not brought soon enough—to explain why the SEC needs help, even though it also deserves criticism and even outrage for their previous actions. This is, of course, the case of Bernard Madoff and the tens of billions of dollars he stole from sophisticated and unsophisticated investors alike.

We don't know all the facts yet, but all signs point to some kind of dereliction of duty at the SEC. When we find out what went so horribly wrong, we will figure out how to fix it. But this much we know: The SEC receives hundreds of thousands of tips a year about investment fraud. We don't know why the SEC didn't catch on to the complaints of at least one brave whistleblower, Harry Markopolos, and none of us here would ever excuse it. We can acknowledge, though, that the SEC does not have sufficient technical and human resources to assess sophisticated trading patterns, complex financial instruments, and risk factors in the marketplace. When a complaint comes in, even a detailed complaint, such as the one received from Mr. Markopolos, they did not effectively triage it.

The SEC's budget has barely kept up with inflation and cost of living adjustments. It is not clear whether budget cuts caused them to let Madoff fall through the cracks, but certainly budget increases wisely spent—and I have faith that the new Chair will certainly do that—will help prevent future Madoffs from happening.

One of the things the SEC wants to do with the money we provide here is to hire people with specialized industry skills, develop systems for nationwide data centers——

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SCHUMER. I ask unanimous consent for 2 more minutes.

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

Mr. SCHUMER. One of the things the SEC wants to do with this money is to hire people with specialized industry skills, develop systems for nationwide

data searches based on tips and complaints, and include their risk modeling involving market data and intelligence.

It is incredible the chief regulator of the most sophisticated economy in the world does not have this capability. Let's help get the right cops on Wall Street and then get them the resources they need to fight crime. Everyone has to do more with less these days, but I am not in favor of less resulting in letting bad guys go free.

I thank my colleague, Senator GRASSLEY. As I said, the compromise we have come up with I think is fair because it both beefs up the SEC and deals with Senator GRASSLEY's concerns related to the inspector general. I hope that at some point—we are still awaiting a letter from the SEC—we can ask unanimous consent to move this amendment forward. It has bipartisan support.

With that, Mr. President, I yield the floor.

Mr. KAUFMAN. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. SHELBY, Mr. DODD, Mrs. FEINSTEIN, and Mr. GRAHAM, proposes an amendment numbered 1006.

Mr. SCHUMER. I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To provide additional funding to the SEC to use in enforcement proceedings)

At the appropriate place in section 3, insert the following:

(—) ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, $20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, $1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, are we now back on the Kyl amendment?

The PRESIDING OFFICER. We are, but the Senator from Nevada is to be recognized.

Mr. LEAHY. Before that happens, I thank the Senator from New York and the Senator from Iowa. They have been meeting with me and my staff for weeks on this amendment. I am glad they were able to reach agreement on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, I call for regular order with regard to the Boxer amendment, and that I be allowed to call up a second-degree amendment, No. 1003.

Mr. LEAHY. Wait a minute. Reserving the right to object, would the Senator repeat that? That is not my understanding of what he was to do. Would the Senator repeat the unanimous consent request?

Mr. ENSIGN. For the Chamber's edification, I have an amendment filed as a first-degree and I also have a second-degree. I was going to call up the second-degree amendment.

Mr. LEAHY. That was not my understanding of what the Senator was asking, so I would object.

AMENDMENT NO. 1004

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1004, which is the first-degree amendment.

Mr. LEAHY. Reserving the right to object, and I shall not object, it is my understanding that we now have about 7 minutes or 8 minutes. Then we will go off this and go back to the Kyl amendment. I want to protect the Senator from Arizona on his amendment. Even though it is one I disagree with, I want to protect his right to have that.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1004.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To impose certain requirements on public-private investment fund programs, and for other purposes)

At the end of the bill, add the following:

SEC. 5. PUBLIC-PRIVATE INVESTMENT PROGRAM.

(a) IN GENERAL.—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of subsection (b):

(1) Creates a public-private investment fund.

(2) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(A) a public-private investment fund; or

(B) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(3) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(4) Guarantees any debt or asset for purposes of a public-private investment program.

(b) REQUIREMENTS.—Any program described in subsection (a) shall—

(1) impose strict conflict of interest rules on managers of public-private investment funds that—

(A) specifically describe the extent, if any, to which such managers may—

(i) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(ii) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(B) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(C) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(2) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(3) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury;

(4) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(5) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(6) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(7) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(A) the books, documents, records, and employees of each manager of a public-private investment fund; and

(B) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(8) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(9) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(10) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(11) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(12) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(13) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(c) REPORT.—Not later than 45 days after the date of the establishment of a program

described in subsection (a), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(d) DEFINITION.—In this section, the term ''public-private investment fund'' means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

Mr. ENSIGN. Mr. President, taxpayers and politicians alike have been too long in the dark about how the Treasury has been implementing this so-called TARP program—or as most people in the country know it, the bank bailout program. The President has proposed and Treasury Secretary Geithner has proposed a new toxic asset plan that could put hundreds of billions of dollars of the taxpayers' money at risk, so we need to do this right.

The special inspector general for TARP has stated that this new toxic asset buy-back program—called the Public-Private Investment Program—is ''inherently vulnerable to fraud, waste, and abuse.'' The special IG's report outlined a number of good recommendations that are necessary to protect the taxpayers and to ensure the integrity of this new program.

My amendment would simply require that the Treasury Department implement the recommendations from this special inspector general before allocating money under this new program known as the Public-Private Investment Program.

These requirements include, very simply, No. 1, imposing strict conflict of interest rules to prevent PPIP fund managers from inappropriately using the program to benefit themselves or their clients. Common sense. Makes sense. No. 2, mandate complete transparency of this program, including public disclosure of all transactions and the current valuation of all assets. And No. 3, requiring that the fund managers who manage this program have stringent investor screening procedures, at least as rigorous as typical know-your-customer procedures found at commercial banks or retail brokerage firms to ensure investors are legitimate.

Let's put these safeguards in place. These are common sense. We are all talking about a bill in front of us that eliminates fraud and abuse. Well, there is no bigger program that we have right now than the TARP program. We need to eliminate fraud and abuse. And when the special inspector general has said this new program is ripe with fraud and abuse, we ought to protect the taxpayers.

I urge my colleagues to adopt this amendment so that the Treasury Department fulfills President Obama's promise of bringing in transparency and open government. That is what he promised upon coming in. This particular amendment will help ensure that the American people have transparency and that their interests are protected, especially their dollars are protected with this new program that literally could run into the hundreds of billions of dollars.

With that, Mr. President, I yield the floor, and I urge all of my colleagues to support this amendment. Hopefully, we won't get blocked on having a vote on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I assume the Banking Committee will talk about the amendment of the Senator from Nevada.

If I could have the attention of the Senator from Nevada, if his staff would allow me to have the attention of the Senator from Nevada for a moment, I realize we are merely constitutional impediments to the staff. I hate to interfere.

Again, this is one of a series of amendments that is not at all within the jurisdiction of the Judiciary Committee. I find it an interesting amendment, but it is within the jurisdiction of the Banking Committee. I was hoping, since there is going to be a banking bill next week, that some of these banking amendments would actually go on the Banking bill and have Judiciary amendments on the Judiciary bill. And I would assume that the discussion will be carried out by Senators DODD and SHELBY of the Banking Committee, in that there is no relationship at all to the Judiciary Committee bill.

I would add to that, of course, that the Senator from Nevada has an absolute right to bring up anything. Someone can bring up something on agriculture and price supports, I suppose. But I wish we could keep it to Judiciary matters.

Mr. President, am I correct we are now back on the Kyl amendment?

The PRESIDING OFFICER. The Senate is on the Kyl amendment.

Mr. LEAHY. I thank the Chair, and I suggest the absence of a quorum.

Mr. ENSIGN addressed the Chair.

Mr. LEAHY. I withhold that request for the Senator from Nevada.

AMENDMENT NO. 1000

Mr. ENSIGN. Mr. President, I call for regular order on the Boxer amendment.

The PRESIDING OFFICER. The amendment is pending.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thought the Kyl amendment was pending by unanimous consent.

The PRESIDING OFFICER. The Kyl amendment was pending, but the Senator has called for regular order.

Mr. ENSIGN. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1003 TO AMENDMENT NO. 1000

Mr. ENSIGN. Mr. President, I call up as my second-degree amendment No. 1003.

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

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. ENSIGN. I call up amendment No. 1003.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum. Will the Senator give up the floor?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1003 to amendment No. 1000.

The amendment is as follows:

(Purpose: To impose certain requirements on public-private investment fund programs, and for other purposes)

After page 2, line 20, add the following:

(f) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of paragraph (2):

(A) Creates a public-private investment fund.

(B) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(i) a public-private investment fund; or

(ii) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(C) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(D) Guarantees any debt or asset for purposes of a public-private investment program.

(2) REQUIREMENTS.—Any program described in paragraph (1) shall—

(A) impose strict conflict of interest rules on managers of public-private investment funds that—

(i) specifically describe the extent, if any, to which such managers may—

(I) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(II) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(ii) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(iii) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(B) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(C) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury

(D) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(E) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(F) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(G) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(i) the books, documents, records, and employees of each manager of a public-private investment fund; and

(ii) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(H) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(I) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(J) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(K) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(L) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(M) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(3) REPORT.—Not later than 45 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(4) DEFINITION.—In this subsection, the term ''public-private investment fund'' means a financial vehicle that is—

(A) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(B) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

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

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

AMENDMENT NO. 986

Mr. LEAHY. Mr. President, I understand that the Senator from Arizona and I have 2 minutes equally divided between us before the vote?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I know Senator KYL is on the way. I will say what I said before, when he was standing on the floor. I, along with Senator GRASSLEY, strongly oppose his amendment because the False Claims Act is so well put together, has a balanced approach of providing incentives for whistleblowers, and has recovered more than $22 billion for the Treasury. That is why Senator GRASSLEY and I oppose the amendment by the Senator from Arizona. Awards to whistleblowers have to be approved by judges, so there is a mechanism to handle excessive awards.

When we have something like the False Claims Act that is working as well as it is—as I said, it is one of the few things that has made money for the Federal Government. So far it has made $22 billion for the U.S. taxpayers. I hate to interfere with something that is working.

My time is up. The Senator from Arizona is on the Senate floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the purpose of this amendment is to provide a limitation of $50 million for the recovery of the whistleblowers who bring actions that result in recovery for the Government of money that otherwise would have been lost due to fraud. There needs to be a reward, and most of these whistleblowers, frankly, are not looking for money. But it seems to me, from 1986 when we did this, we never contemplated these multibillion-dollar settlements or awards, and to provide up to 30 percent of that to the people who bring the action is too much. We could save the Federal Government a lot of money if we put in a modest limitation. I would argue a $50 million award per case is a pretty liberal award. My amendment would cap the award at $50 million, and I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 15 seconds.

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

Mr. GRASSLEY. Mr. President, I would like to point out, as I did in my debate, that we have a much larger False Claims Act bill pending in the Judiciary Committee. I think what the Senator from Arizona brought up is a legitimate subject for discussion, but it ought to be discussed in the wider global issue of the False Claims Act and not in a fraud bill where we are just trying to make some very short changes in the False Claims Act.

I ask my colleagues to vote against the Kyl amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted: ''yea.''

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 61, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—31

Barrasso	Cornyn	McCain
Bennett	DeMint	McConnell
Bingaman	Ensign	Murkowski
Bond	Enzi	Sessions
Brownback	Gregg	Shelby
Bunning	Hatch	Specter
Burr	Hutchison	Thune
Chambliss	Inhofe	Vitter
Coburn	Isakson	Wicker
Cochran	Kyl	
Corker	Lugar	

NAYS—61

Akaka	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Boxer	Johanns	Risch
Brown	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lincoln	Voinovich
Crapo	Martinez	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Gillibrand	Murray	

NOT VOTING—7

Alexander	Lautenberg	Rockefeller
Durbin	Lieberman	
Kennedy	Roberts	

The amendment was rejected.

Mr. LEAHY. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, on vote No. 162, I was unavoidably detained due to my representation of the Senate at the annual Day of Remembrance Ceremony.

Had I been present for the vote, I would have voted ''nay'' on Kyl amendment No. 986 to the Fraud Enforcement and Recovery Act of 2009.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DORGAN. Will the Senator yield?

Mr. DODD. I will.

Mr. DORGAN. I ask unanimous consent to be recognized following the remarks of the Senator from Connecticut.

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

Mr. LEAHY. Madam President, if the Senator will yield for a moment, this bill would have been easily finished last night, but I understand, under the Senate schedule, we were unable to continue at that time. I hope we will finish soon so that we don't have to spend a great deal more time. We have had a large number of amendments that are basically Banking Committee amendments, and other committees, not the Judiciary Committee. We should come back to realizing that this is a Judiciary bill. Every one of us says we are against those who are stealing life savings and money set aside for kids' colleges and stealing people's homes. We all say we would love to put them in jail. We will not do it until we get the bill through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. HATCH. Madam President, if the Senator will yield for a unanimous consent request.

Mr. DODD. I will.

Mr. HATCH. I ask unanimous consent that I be permitted to call up an amendment following the remarks of Senators DODD and DORGAN.

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

Mr. DODD. Madam President, the Fraud Enforcement and Recovery Act of 2009 comes out of the Judiciary Committee. Senators LEAHY and GRASSLEY and their colleagues have worked hard to put together a strong bipartisan bill to deal with fraud. In fact, I am told that for every dollar we invest in this effort, there is roughly $15 that would accrue to the benefit of American taxpayers. I commend them for their efforts on this important piece of legislation.

However, this Judiciary Committee bill is sort of turning into a Banking Committee bill as most of the amendments being offered are within the jurisdiction of the Banking Committee. I understand the appetite of my colleagues to address some of these questions. Some of them are very good ideas, ones that I will mention in a moment and that I can support. Others are very complicated and have are technical issues, but they also could do great damage to the effort we are all principally engaged in and desirous of achieving, and that is to restore confidence and optimism in order to get our economic system back on its feet.

I thought it might be valuable, as chairman of the Banking Committee, to run through the amendments that affect the jurisdiction of the Banking Committee and to share some of my observations on ones I would be willing to support, which means we could possibly have voice votes on them and accept them as part of this bill, and others which are of concern to me and which I would oppose for reasons I will briefly explain.

On a positive note, Senator COBURN has offered amendment No. 983. This amendment would require the examination of what happened with the GSEs, Fannie Mae, Freddie Mac, the Federal Home Loan Banks.

Yesterday, we adopted a proposal, offered by Senators ISAKSON, CONRAD, and myself, to establish a commission to examine thoroughly how we got into the situation we find ourselves in. There has been a debate about whether we ought to do that with an outside commission or within the Congress. There is a legitimate debate about that. My colleague from North Dakota proposed a select committee, which was adopted last evening. Whether we adopt the select committee approach or an outside commission, in either case, the GSEs would be a part of that examination.

I make the case that the amendment of the Senator from Oklahoma may be duplicative or unnecessary. But rather than have an extended debate about that, I recommend we accept the amendment. The issues surrounding the GSEs are clearly going to be a part of the look-back. So rather than have extended debate about that, let's just accept the amendment and move on. Then the commission or the select committee can make those specific determinations. I urge that a voice vote be acceptable on that issue.

Senator KOHL has offered amendment No. 990. That amendment is designed to offer additional protections to older Americans from misleading and fraudulent marketing practices within the financial area. I commend my colleague for his amendment. We all know elderly Americans are some of the most—if not the most—vulnerable to the marketing scams that go on, either through direct mail operations or telemarketing operations. People who are alone and vulnerable in many ways are incredibly susceptible to some egregious marketing techniques. The Senator has offered an amendment that would provide additional security for those in retirement, and we can all applaud him for that effort. The amendment has been endorsed by the North American Securities Administrators, financial planners, the Consumer Federation of America, and many others. I commend Senator KOHL for that amendment and again urge my colleagues to accept it, if that is acceptable to the Senator from Wisconsin.

Senator SCHUMER has offered amendment No. 1006 which would add $20 million of authorization to the Securities and Exchange Commission in funding for 2010 and 2011. All of us can appreciate the need for additional support for the Enforcement Division. Americans are painfully aware of the Madoff scandal as well as the Stanford Ponzi schemes. We have had these agencies before our Banking Committee with hearings on how that happened, whether or not people were doing their jobs. Senator SCHUMER has suggested we provide additional resources.

Earlier this year, I requested, along with members of my committee, a billion dollars a year for the SEC in 2010, a level which we still will not reach with this additional $20 million. Many of us agree that the Securities and Exchange Commission has to have the tools and the staff to do the job. There are an awful lot of scams going on. We don't want to hear about Americans being victimized by them any longer. While there is no guarantee that with additional resources and personnel we will stop all of them, we certainly know that with additional resources and tools, we can minimize the problems that emerged with the Madoff and Stanford scandals. Senator SCHUMER has offered a very good amendment, and I urge that it be accepted.

Those three amendments are ones we can accept, and hopefully we will in order to assist our colleague from Vermont and others in moving this bill along.

Let me mention a couple of amendments with which I have some difficulty.

First, the Coburn amendment No. 982. This amendment would authorize the use of TARP funds to cover the cost of this bill. I have many problems with this amendment. First, there is a point of order against this amendment. But aside from the point of order, the purpose of TARP, which Congress passed last year, was to provide assistance to unlock our frozen financial markets in order to provide credit for small businesses; to purchase securities backed by loans from small businesses; to provide capital to banks so they can continue to make loans, although not many of them are doing so, but that was the idea behind the program; and to fund the Making Home Affordable Programs, which modifies mortgage loans, either reducing principal or interest, so that we can mitigate the 10,000 people a day who are entering into foreclosure and for whom modifying those loans is critically important. If we start going around and deciding we will use TARP funds for every idea and every bill that comes to the floor we will deprive the Treasury and others of the tools necessary to get our economy moving again. If we start spreading TARP resources in areas that have little or nothing to do with the underlying economic crisis we will be taking a step in the wrong direction. I urge my colleagues to vote against amendment No. 982 for those reasons. If we start down this path, it will be more and more difficult to get our economy back on its feet again. I know that many of my colleagues disagreed with the TARP, but that is what Congress adopted. There were those who objected to using TARP money for the auto industry and believed that was wrong. There may be other areas where some have disagreed with the use of

TARP funds. But to have it become a funding mechanism for every bill that comes along would undermine the very purpose of those programs.

The next two amendments I urge my colleagues to pay attention to and I believe are matters of concern are the amendments from our colleague from Louisiana, Senator VITTER, No. 991, and Senator DEMINT from South Carolina, amendment No. 994. Let me explain both of the amendments and why I have concerns about each of them.

The Vitter amendment has to do with the issue of warrants. It is a complicated subject matter, but let me briefly explain it. What would be the effect of this amendment? This amendment is basically a favor to banks and minimizes help for taxpayers. That is what it comes down to. This amendment would take away the discretion of regulators and the Treasury to impose additional capital requirements or any other requirements on a TARP recipient that could benefit taxpayers or protect the financial system. Under this amendment, the financial institutions would have the discretion to act on their own in areas where they currently can not. It is quite clear that when they receive, in many cases, billions of dollars in taxpayer money to shore up their position, to salvage these institutions, that to then turn around and allow them unilaterally to make decisions which could harm the taxpayer and cause even further delay of financial system recovery is exactly the wrong direction in which we ought to be going.

The amendment would allow the TARP recipient, rather than Treasury, to determine when its warrants would be repurchased. The amendment would not permit Treasury's discretion to determine when warrants may be executed and would allow the recipient to indefinitely defer exercise of the warrants. In addition, it could harm the taxpayers by eliminating the requirement that Treasury pay market price for these warrants.

So under this amendment, we are reducing the power of the regulators at the very critical moment we want them to exercise that influence rather than allow the recipients themselves to allow what is in their best interest. They are the ones who have received billions of taxpayer money. It seems to me having a leash on all that and allowing the best decision to be made on behalf of the overall economy is what we ought to be doing.

The amendment would empower the banks, which may act in their individual interests—and I understand that—but having received so much taxpayer money, it seems to me we ought to make sure we are not going to allow that unilateral self-interest to trump the interests of the larger concern; and that is the American taxpayer and the overall restoration of our economic well-being.

So I say respectfully to my colleague, and a member of our committee, Senator VITTER, this amendment, I think no matter how good his intentions, may actually do a lot more damage and harm if it were to be adopted at this critical moment when we see that glimmer of light that our economy is beginning to show some signs of recovery. This amendment could set us back at the very moment we may be heading in the right direction.

The last amendment I will address at this moment is one offered by our colleague from South Carolina, Senator DEMINT. I am not in any way disparaging the intentions of my colleagues here. I have great respect for all whom I serve with, and their intentions, I am sure, are motivated by their own framework of how they see these issues. But this amendment concerns me as well in a similar vein. It is a different subject matter, but a similar approach.

Here is what I mean by that. The DeMint amendment also allows a lot of discretion to be left in the hands of the financial institutions, the institutions which have received, of course, tremendous support from the American taxpayer. This amendment would deprive the Treasury of the ability to convert preferred stock to common stock. That conversion could allow banks to basically shore up their balance sheets. That is what some are considering to do. This would limit their ability to do that. It would say you could not do that. You could not have that kind of conversion.

If we limit that ability to make that kind of a discretionary decision, then this could mean that more small business lending would be curtailed, more mortgage lending would be curtailed, more lending for commercial real estate, all of which may be absolutely critical in the coming weeks.

Preferred stock does not increase bank capital in a similar manner as common shares do. The Senator's amendment could lead to the very real consequence that lending is constricted significantly more than we see currently. That would mean more businesses closing for lack of capital, which means more job losses across our country. It means more foreclosures of homes. Madam President, as I mentioned earlier, 10,000 homes a day is a staggering number already. I cannot imagine watching that number increase further. Yet the adoption of that amendment could achieve that result. It could also mean foreclosed homes staying on the market longer, another result that we do not want to see.

In short, the amendment means a lot more economic hardship. Some TARP recipients may not be able to pay a dividend in connection with preferred shares. It would be counterproductive to deprive the Treasury of their discretion to convert its preferred shares to common shares under those circumstances. At a very time you want to shore up balance sheets by allowing for that conversion, this amendment would prohibit that conversion. It seems to me to constrict that kind of action is exactly the wrong direction to be going in at this very moment. The Government's upside potential could be much greater with common shares in some instances, and to deny the ability of our Treasury and others to make that kind of conversion I think could be harmful.

Allowing conversion from preferred shares to common shares would permit the Treasury to provide additional flexibility and assistance to financial institutions and, maybe most importantly, would limit the use of additional taxpayer funds. Let me emphasize that point. I think we are all painfully aware that with about $100 billion left of TARP funds, if you restrict the ability to move from preferred shares to common shares, you increase the likelihood of having to come back here. I do not know of a single Member of this body who welcomes coming back here seeking additional TARP funds. That may very well occur, but it will occur a lot more rapidly if you adopt the DeMint amendment.

So while, again, I respect my colleague from South Carolina, a member of our committee—and I do not question at all his motivations in all of this—I say in this case as well, as with the Vitter amendment, you are restricting the ability of the people we have charged with managing this. If we end up having Congress—535 Members of Congress—deciding on a daily basis how to micromanage this program, and with all due respect to my colleagues, this is above our pay grade in many ways. We in Congress do a lot of things well. Micromanaging this program, such as these two amendments suggest, I think sends us in the wrong direction.

Again, I urge my colleagues on both sides of the aisle to please look at these two amendments and understand the potential danger were they to be adopted. It would certainly curtail our ability, in my view, to engage in exactly the activities that need to be at the top of our agenda: loosening up that credit market; getting a hold of the foreclosure issue, and trying to go in the opposite direction of where it is going today; making it possible for small businesses to get back on their feet; and allowing banks to start lending again in this country. If you adopt these two amendments you achieve the opposite result.

So I urge, on both the Vitter amendment and the DeMint amendment, they be rejected. And for the reasons I offered on, the second Coburn amendment, that are that we cannot turn the TARP program into a slush fund for every program that comes through here, as it was specifically designed to deal with the economic crisis, and that ought to be the purpose for which these funds are used. I urge my colleagues to reject that amendment as well.

Unfortunately, Senator LEAHY, the chairman of the Judiciary Committee, has had his bill turn into a Banking Committee bill with all of these

amendments. So I felt obligated in some sense to come over and share with my colleagues at least my observations on these amendments: the ones I think we can accept—and I applaud my colleagues who have offered amendments that I think are significant and can contribute; even the first Coburn amendment, which I disagree with because you do not need it as a result of the earlier amendments which we adopted cover the issues of his amendment. But I think all of us recognize that the GSES issues have to be part of that look-back, so I would find it difficult to oppose his amendment. Therefore, I urge my colleagues to support that amendment, along with the Kohl amendment and the Schumer amendment that have been offered.

With that, I see my colleagues from North Dakota and Utah who are anxious to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I thank my colleague from Connecticut. I also thank my colleague from Utah for his forbearance so that I might make a few comments. I appreciate the courtesy of Senator HATCH.

Madam President, I ask unanimous consent that my statement be printed in the morning business section of today's RECORD.

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

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 1007

Mr. HATCH. Madam President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1007.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1007.

Mr. HATCH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the Department of Labor from expending Federal funds to withdraw a rule pertaining to the filing by labor organizations of an annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959)

At the end, insert the following:

SEC. ___. TRANSPARENCY IN ANNUAL FINANCIAL REPORTS.

(a) FINDINGS.—Congress finds the following:

(1) The American workers who contribute union dues deserve to have transparency and accountability in the management of their unions.

(2) Since 2001, investigations of union fraud have resulted in more than 1,000 indictments, 929 convictions, and restitution in excess of $93,000,000.

(3) A new rule (referred to in this subsection as the ''transparency rule'') to require union management to disclose more information about sales and purchases of assets, and disbursements to officers and employees, among other things, was set to take effect on April 21, 2009, after a previous delay affording reporting entities more time to prepare to comply.

(4) The Obama Administration has set a goal for itself to be the most open and transparent administration in the history of the Nation.

(5) On April 21, 2009, the Department of Labor issued—

(A) a final rule providing for a further delay of the transparency rule; and

(B) a proposed rule to withdraw the transparency rule.

(6) The transparency rule would have been a key tool in the battle against fraud, discouraging embezzlement of the money of union members and making money harder to hide, and would have provided great sunlight and transparency to allow members to know how their dues were being spent.

(7) The Department of Labor's actions are in direct contradiction to everything the Obama Administration purports to stand for.

(b) PROHIBITION.—The Secretary of Labor may not expend Federal funds to withdraw the rule issued by the Secretary of Labor entitled ''Labor Organization Annual Financial Reports'', 74 Fed. Reg. 3678 (January 21, 2009).

Mr. HATCH. Madam President, I rise to propose an amendment that will ensure transparency and prevent egregious cases of fraud against American workers. My amendment is very simple, and I think it is compelling. All it does is prevent the administration from rescinding current regulations that require transparency in the way that union management chooses to spend the hard-earned dues collected from their members. This amendment is specifically directed at preventing the weakening of the Department of Labor's Office of Labor-Management Standards—or OLMS it is called—which is the sole Federal agency tasked with protecting the interests of American workers who pay union dues.

Under current Federal law, the OLMS requires financial reporting that ensures the transparency of how labor union management spends labor union dues in the area of compensation of labor leaders, the purchasing of union assets, and additional information regarding various union receipts. This law requires union leaders to disclose how members' money is spent and provides protection from fraud, waste, and abuse.

Public opinion and our Nation's dire economic conditions have driven us to require banks, corporations, and even Presidential administrations to do business in the light of day—in full transparency. Therefore, the same expectation of transparency should apply to labor unions. The previous administration took steps to do that in 2003 by updating reporting requirements and forms. These updates allowed the electronic filing of disclosures on the Internet. The Office of Labor-Management Standards—OLMS—was about to implement a second update that would require information about compensation to union officers. This revision also would have required the disclosure of transactions involving union assets.

Unfortunately, as was reported this year in the April 21 Federal Register, the Labor Department and Labor Secretary Hilda Solis have delayed the effective date of these revisions. Furthermore, on this same date, the Labor Department has published a notice that seeks to withdraw the rule entirely. By doing this, Secretary Solis has effectively neutralized OLMS in its mission to ensure the transparency in the way labor unions spend the hard-earned money of their Members. Ironically, this is being done by an administration that has told the American public that transparency and change has returned to Washington. It would appear to me that the Labor Department did not get that memo. I feel confident President Obama would be on my side on this, that he would want the transparency. It is in the best interests of union workers. It protects them from fraud. It protects their dues as they put them in there. Unions can run the unions just as businesses run businesses, but they ought to do it honestly. That is why these regulations are so important. That is why this amendment is so important.

There should not be any debate as to the effectiveness of the OLMS. From 2001 through 2007, OLMS investigations resulted in 1,000 indictments. The Office of Labor-Management Standards fraud investigations between 2001 and 2007 resulted in 1,000 indictments and convictions of 929 of those indicted. The funds recovered that were illegally taken amounted to $93 million. Think about that: $93 million in restitution was paid back to the victims of those crimes. I am sure I need not remind any Member of this body that union dues are seldom voluntarily given. Men and women who join these unions are often compelled to pay as part of their employment agreement. Union funds are also comprised of pension funds, which have occasionally been targeted by organized crime and used to underwrite mob activities. I know. I was a member of the AFL–CIO. I went through a formal apprenticeship. I paid dues, and I became a journeyman metal lather, a skilled trade, back in those years when I was working in construction.

Union funds, as I say, are also comprised of pension funds, which sometimes are targeted by organized crime and used to underwrite mob activities. When I was chairman of the Labor Committee, we did a lot to try and overcome these things, but it has never been done better than between 2001 and 2007. From October 2000 through May 2007, in the State of New York alone, the OLMS conducted 334 audits and obtained 87 indictments, resulting in 82 convictions. That is a high constriction rate, showing this is not some little itty, bitty problem. This, in turn, resulted in the recovery and restitution of $39.6 million. In Illinois, the OLMS indicted 44 persons in connection with fraudulent activity involving union funds, resulting in 42 convictions.

These are statistics we can all be proud of. OLMS investigations produced 1,000 indictments and obtained 929 constrictions—a 92.9-percent conviction rate.

We are debating legislation that provides more investigators and remedies to prevent fraud and enforce Federal laws. The OLMS enforces the Labor Management Reporting Disclosure Act, a bipartisan law with roots back to another former Senator who was young, inspiring, and went on to become President: John F. Kennedy. It was then-Senator Kennedy who inserted into this act the union members' bill of rights. It is the union members who are entitled to transparency. The whole world is entitled to transparency in these instances as well. It is the mission of the OLMS to ensure that union business is conducted in the light of day, with its members'—and that is plural—interests at heart.

It is for this reason that I have risen to propose this amendment and I ask my colleagues for their support and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. HATCH. Well, then I will ask for the yeas and nays at the appropriate time.

Mr. REID. Madam President, I ask unanimous consent that the call of the quorum be terminated.

The PRESIDING OFFICER. The Senate is not in a quorum call.

Mr. HATCH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? This time there is a sufficient second.

The yeas and nays are ordered.

Mr. HATCH. I thank the majority leader for his kindness and, of course, we are willing to have this come up whenever the majority leader and the minority leader determine.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1006

Mr. SCHUMER. I ask unanimous consent that my amendment No. 1006 be called up.

The PRESIDING OFFICER. The amendment is pending.

Mr. SCHUMER. Madam President, I ask unanimous consent that the amendment be passed.

The PRESIDING OFFICER. Is there any further debate on this issue?

If not, the question is on agreeing to the amendment.

The amendment (No. 1006) was agreed to.

Mr. SCHUMER. Madam President, I wish to note to the body that this is the SEC amendment that adds $20 million for new SEC staff and investigators and another $1 million for the IG within the SEC. This was the one part of this very fine piece of legislation that wasn't included. Of course, if you are looking at financial fraud—the kind Bernie Madoff and so many others did—beefing up the SEC and making sure they are much tougher and more focused, as the technology parts of this amendment will allow, is what we need.

Senator GRASSLEY wanted to make sure the SEC avoided past mistakes under its old leadership and made some very useful suggestions. That is why the SEC wasn't included originally. We agreed on those. I wish to thank him, Senator LEAHY, as well as Senator SHELBY, who has been my cosponsor for passing this legislation.

I also wish to thank our new chair at the SEC, Chair Schapiro. Mary Schapiro is a breath of fresh air within the SEC. She is trying to shake it up and focus on the kinds of mistakes we have seen in the past where the whistleblower came before the SEC and gave them the goods on Madoff and they passed it by. It won't happen again. This amendment should help make that happen and strengthen this fine legislation.

I yield the floor.

EXECUTIVE POWER

Mr. SPECTER. Madam President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

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

Mr. SPECTER. I have sought recognition to introduce three bills relating to limiting Executive power. Because of the past period of time since 9/11, we have seen enormous expansion of Executive power. We have seen the President, during President George W. Bush's administration, use signing statements extensively. We have seen President Obama use a signing statement already in his short tenure, which, in effect, nullifies what the Congress has done.

The Constitution is plain that there is a presentment of legislation to the President and he either signs it or vetoes it. What we have found is that Presidents are now cherry-picking the parts they like and the parts they don't like. So I am submitting legislation on Presidential signing statements.

The second issue of concern involves the immunity for the telephone companies which would deprive Federal jurisdiction for some 40 cases. I believe telephone companies have been good citizens in providing very important information. I believe there is a way to maintain the jurisdiction of the Federal courts and still not subject the telephone companies to litigation or possible damages by having the Government substituted as the party defendant. I am introducing legislation on that subject.

Third, I am introducing legislation that would establish a requirement that the Supreme Court of the United States take jurisdiction on all appeals involving the terrorist surveillance program. That program has caused a great deal of controversy because of the issue as to whether the President has authority under article II to ignore the explicit provisions of the Foreign Intelligence Surveillance Act. The terrorist surveillance program, was declared unconstitutional by a Federal court in Detroit. An appeal taken to the Sixth Circuit was dismissed for reasons of lack of standing. The forceful dissenting opinion in that case showed that there was sufficient basis for standing—a very flexible judicial doctrine.

The Supreme Court of the United States denied certiorari, so at this point, we don't know whether the President's exercise of authority there under article II of the Constitution is correct. Certainly, if the President has that constitutional authority, it supercedes the statute. But that is a matter which should have been decided a long time ago by the Supreme Court, and the Supreme Court has avoided moving on that subject.

Today, I have an article I have offered on executive power. It appears today in the New York review of books, where I outline my intent to introduce these pieces of legislation. The article comes from a longer floor statement I had prepared. It has been reduced somewhat in size.

In the 7½ years since September 11, the United States has witnessed one of the greatest expansions of executive authority in its history, in derogation of the constitutionally mandated separation of powers. President Obama, as only the third sitting senator to be elected president in American history, and the first since John F. Kennedy, may be more likely to respect the separation of powers than President Bush was. But rather than put my faith in any president to restrain the executive branch, I intend to take several concrete steps, which I hope the new President will support.

First, I intend to introduce legislation that will mandate Supreme Court review of lower court decisions in suits brought by the ACLU and others that challenge the constitutionality of the warrantless wiretapping program authorized by President Bush after September 11. While the Supreme Court generally exercises discretion as to whether it will review a case, there are precedents for Congress to direct Supreme Court review on constitutional issues—including the statutes forbidding flag burning and requiring Congress to abide by Federal employment laws—and I will follow those.

Second, I will reintroduce legislation to keep the courts open to suits filed against several major telephone companies that allegedly facilitated the Bush administration's warrantless wiretapping program. Although Congress granted immunity to the telephone companies in July 2008, this

issue may yet be successfully revisited since the courts have not yet ruled on the legality of the immunity provision. My legislation would substitute the government as defendant in place of the telephone companies. This would allow the cases to go forward, with the government footing the bill for any damages awarded.

Further, I will reintroduce my legislation from 2006 and 2007—the Presidential Signing Statements Act—to prohibit courts from relying on, or deferring to, Presidential signing statements when determining the meaning of any act of Congress. These statements, sometimes issued when the President signs a bill into law, have too often been used to undermine congressional intent. Earlier versions of my legislation went nowhere because of the obvious impossibility of obtaining two-thirds majorities in each House to override an expected veto by President Bush. Nevertheless, in the new Congress, my legislation has a better chance of mustering a majority vote and being signed into law by President Obama.

To understand why these steps are so important, one must appreciate an imbalance in our ''checks and balances'' that has become increasingly evident in recent years. I witnessed firsthand, during many of the battles over administration policy since September 11, how difficult it can be for Congress and the courts to rally their members against an overzealous executive.

THE TERRORIST SURVEILLANCE PROGRAM—ACT I

As chairman of the Senate Judiciary Committee from 2005 to 2007, I led the effort to reauthorize and improve the 2001 USA PATRIOT Act, which was originally set to expire at the end of 2005. Indeed, after intensive bipartisan negotiations, the Judiciary Committee succeeded—to the surprise of most observers—in approving a revised bill by unanimous vote. The full Senate then approved the bill by unanimous consent, but the conference report negotiated with the House of Representatives faced stiffer opposition. Nevertheless, after days of floor debate, I awoke on December 16, 2005, fully expecting to finish Senate action on the long-delayed reauthorization.

So, I was startled—really shocked—to read the lead story in the New York Times that morning, titled ''Bush Lets US Spy on Callers Without Courts,'' which revealed that our intelligence agencies had been engaged in warrantless wiretapping since shortly after September 11, in flat violation of the Foreign Intelligence Surveillance Act—FISA—of 1978. This is James Risen and Eric Lichtblau, ''Bush Lets U.S. Spy on Callers Without Courts,'' the New York Times, December 16, 2005. The news caused the Senate to delay passage of the PATRIOT Act reauthorization for months. Senator CHARLES SCHUMER expressed the sentiments of many: ''I went to bed last night unsure of how to vote on this legislation. . . . Today's revelation that the Government listened in on thousands of phone conversations without getting a warrant is shocking and has greatly influenced my vote.'' More importantly, the disclosure in the Times launched a fierce debate about the extent of Presidential authority in the war on terror that has yet to be fully resolved.

That day, I assured my colleagues the reports would be a ''matter for oversight by the Judiciary Committee . . . a very high priority item.'' When Congress reconvened in January 2006, I made good on my promise: I held multiple hearings into the program the Times revealed, later dubbed the Terrorist Surveillance Program. As acknowledged by President Bush, this highly classified program launched in the weeks after September 11 purported to authorize the National Security Agency to intercept phone calls between terror suspects overseas and persons inside the United States. Critics like me argued that the President's program violated FISA. After all, the law declared the procedures set up by FISA to be the ''exclusive means'' by which such surveillance of telephone calls and other communications could be conducted. FISA also made criminal all domestic electronic surveillance designed to obtain foreign intelligence ''except as authorized by statute.'' Although the law defined limited exceptions in emergencies, reports in the press made it clear that none of them applied to the warrantless wiretapping that was done in the Terrorist Surveillance Program.

I recognized that, as administration supporters argued, the President might have inherent power to disregard FISA and to conduct unfettered foreign intelligence surveillance under article II of the Constitution, the section that defines his authority as Commander in Chief. I was not, however, sympathetic to the administration's further argument that Congress had implicitly authorized the President to carry out programs such as the Terrorist Surveillance Program when it authorized the use of military force against terrorists in September 2001.

I was also convinced that President Bush's failure to notify Congress of the secret program violated provisions of the National Security Act of 1947. That statute requires the President to ''ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States.'' But the administration informed only eight legislators of the Terrorist Surveillance Program: the chairman and ranking members of the Senate and House Intelligence Committees, and the two top leaders in the majority and minority of both Houses, leaving out both me and Senator PATRICK LEAHY as chair and ranking member of the Judiciary Committee, despite the fact that when FISA was enacted in 1978, it went through both the Intelligence and Judiciary Committees. While the law explicitly permits notice to this limited ''Gang of 8'' for certain covert operations—such as efforts to influence political conditions abroad without disclosing the U.S. role—the Terrorist Surveillance Program did not fit this exception.

Indeed, those notified were very uneasy about the arrangement. Senator JAY ROCKEFELLER, then ranking member on the Intelligence Committee, sent a secret handwritten letter to the Vice President saying the administration's surveillance activities ''raised profound oversight issues'' on which, owing to the arrangement, ROCKEFELLER could not ''consult staff or counsel.'' A sealed copy of the letter had to be stored in a classified Senate area for over 2 years until knowledge of the Terrorist Surveillance Program became public. Once the story broke, Representative JANE HARMAN, who as ranking member of the House Intelligence Committee was another Gang of 8 member, informed President Bush that she believed ''the practice of briefing only certain Members of the intelligence committees violates the specific requirements of the National Security Act of 1947.''

I raised this issue in a January 24, 2006, letter sent to Attorney General Alberto Gonzales in advance of the first Judiciary Committee hearing on the Terrorist Surveillance Program. Gonzales replied:

> ''It has for decades been the practice of both Democratic and Republican administrations to inform only the Chair and Ranking Members of the intelligence committees about certain exceptionally sensitive matters.

The attorney general added that, according to the Congressional Research Service, the leaders of the intelligence committees had acquiesced in this practice. In my view, Gonzales's argument could appeal only to those unacquainted with the ways the executive branch has, in practice, dealt with the intelligence committees. Administrations of both parties have sometimes told the chair and ranking member that they have important information to disclose, but insisted that they will reveal this information only to some group within the committee and the top congressional leadership, such as the ''Gang of 8.'' In many cases, the offer is accepted as the only way of getting the information—at least in a timely manner.

To the extent the administration relied on such precedents to justify notifying only the ''Gang of 8,'' it should have informed me and Senator LEAHY as well. Indeed, administration officials briefed both of us on the Terrorist Surveillance Program when they later sought comprehensive FISA reform. It is quite glaring, then, that they neglected to brief us in 2005, even as we were considering reauthorization of the PATRIOT Act, which was central to the administration's counterterrorism efforts.

In the spring of 2006, new allegations about the government's surveillance

activities surfaced—not at congressional hearings, but again through leaks to the press. On May 11, 2006, USA Today reported that the National Security Agency had been ''secretly collecting the phone call records of tens of millions of Americans, using data provided by AT&T, Verizon and BellSouth.'' This is Leslie Cauley, ''NSA Has Massive Database of American's Phone Calls,'' USA Today, June 11, 2006. Although the records reportedly included only data like telephone numbers, rather than the contents of calls, the revelations stirred new controversy.

One month later, on June 22, the Chicago Sun-Times reported that AT&T had changed its privacy policy to make customer data a ''business record the company owns,'' one that ''can be disclosed to [the] government. . . .'' This is Associated Press, AT&T Says it Can Disclose Account Data on Net, TV Clients, Chicago Sun Times, June 22, 2006, at 25. I was very interested in the legal basis for this assertion of ownership and what relationship it had, if any, to the reported disclosures of communications data to the government. As luck would have it, that very day, the Judiciary Committee's Antitrust Subcommittee was holding an unrelated hearing on the proposed merger of AT&T and BellSouth, featuring the firms' respective CEOs, Edward Whitacre Jr. and Duane Ackerman. I could not let the presence of these CEOs pass without confronting them on the surveillance program.

I asked Mr. Whitacre whether his ''company provide[d] information to the Federal Government.'' He kept repeating that they ''follow the law''—a comment that I told him was ''contemptuous of this committee,'' because I was asking a factual question and he was offering a legal conclusion. Mr. Whitacre defended his answer on the grounds that he had spoken to a number of attorneys who advised him he could say nothing more.

The episode did not go unnoticed. For example, under the headline ''Privacy flap engulfs hearing,'' the Atlanta Journal-Constitution detailed that ''a Senate hearing Thursday intended to explore the consumer impact of a proposed AT&T-BellSouth merger instead turned into a contentious face-off over phone privacy.'' (see Marilyn Geewax, AT&T Bellsouth Merger; Privacy Flap Engulfs Hearing; Panel Wonders About Use of Phone Records, Atlanta Journal-Constitution, June 23, 2006, at 4G.

In truth, the matter merited its own hearing, but my efforts to hold one were thwarted by Vice President Cheney. Soon after the story broke, I announced my intention to schedule a hearing with the CEOs of the named carriers. I planned to either subpoena the companies or arrange a hearing closed to the public, which the telephone companies had agreed to attend without receiving a subpoena. Unfortunately, Vice President Cheney went behind my back to persuade all of the other Republicans on the committee not to support the subpoena and to boycott the session I had called to discuss a possible private hearing. In the face of this opposition, I had little choice but to agree to a proposal by Senator ORRIN HATCH for a brief delay to give him an opportunity to solicit the administration's views on my bill to permit court oversight of the Terrorist Surveillance Program. When I announced this course of action at the executive session, a highly contentious debate ensued.

Senator LEAHY, long at odds with the Vice President, opined that since we were not going to ''find out independently'' what the government sought from the telecoms and instead wait ''for Dick Cheney to tell us what we should know'' that we might as well ''just recess for the rest of the year.'' On the other hand, Senator DIANNE FEINSTEIN reported that she would not vote for the subpoenas because the ''telephone companies who are trying to be a good citizen should not be held out to dry.'' As a member of both the Judiciary and Intelligence Committees, she added that ''it is very difficult for this committee to legislate without knowing the program'' and therefore the Intelligence Committee was the appropriate venue for legislation on the matter. Senator DICK DURBIN, noting the absence of many Republicans, complained, ''I thought there would be a conversation about this, but apparently there will not be.'' He continued that the ''fortitude and strength [I] had shown in this committee, leading up through the month of May has ended in a June swoon.''

When this uncomfortable meeting—and the accompanying slings—concluded, I drafted what I refer to as a ''lawyer's letter'' to the Vice President. I wrote:

> I was surprised, to say the least, that you sought to influence, really determine, the action of the Committee without calling me first, or at least calling me at some point. This was especially perplexing since we both attended the Republican Senators caucus lunch yesterday and I walked directly in front of you on at least two occasions en route from the buffet to my table.

I concluded with a solemn warning:

> If an accommodation cannot be reached with the administration, the Judiciary Committee will consider confronting the issue with subpoenas and enforcement.

This spat proved great fodder for the editors. The lurid details were splashed across the pages of national newspapers around the country. The Los Angeles Times confided that the ''unusually public rupture between a senior GOP lawmaker and the White House'' provided ''a rare public glimpse of the tactics employed by a vice president who prefers to operate behind the scenes.'' It said I ''lashed out'' in a letter in an ''unusually harsh attack.'' This is Gregg Miller, Specter Says Cheney Tried to Derail Hearings, Los Angeles Times, June 8, 2006, at A6. The front page headline of The Hill screamed ''Specter Rebukes Cheney,'' and the Washington Post averred that the ''simmering tensions'' over the ''administrations tight-lipped position on the programs'' had finally ''boiled over.'' see Alexander Bolton, Specter Rebukes Cheney, The Hill, June 8, 2006, at 1; Michael A. Fletcher, Cheney Plays Down Dispute With Specter, Washington Post, June 9, 2006, at A4.

Someone in Cheney's office must have been up all night, because I had my reply by mid-morning the next day. The White House, he said, was willing to negotiate in good faith. Extensive discussions culminated with a compromise bill and a July 11, 2006, meeting with President Bush in the Oval Office. The President agreed to submit the surveillance program to judicial review, but was insistent that the Senate not alter the agreed-upon terms. Usually, after securing such an agreement, one walks out of the Oval Office to the cameras and advertises it, but I chose to make the announcement at the committee's next executive session on July 13.

My bill of 2006 to expand and revise FISA gave jurisdiction to the Foreign Intelligence Surveillance Court—the Intelligence Court—which was set up by the original FISA law to rule on surveillance requests by Federal agencies—to review the legality of the Terrorist Surveillance Program. Determining the constitutionality of the program would turn upon submissions to the Intelligence Court by the attorney general about its function and procedures, with particular attention to safeguards to ensure that the Terrorist Surveillance Program targeted suspected terrorists and not innocent Americans. The bill further required the attorney general to inform the House and Senate Intelligence Committees of all surveillance programs and created a new criminal offense for misuse of intercepted information. In return, the government was given additional flexibility with respect to the issuance and duration of emergency warrants. And in a nod to the administration, the bill also acknowledged that the president, as commander in chief, retains certain authority inherent in article II of the Constitution, although it left decisions about the scope of that authority to the courts.

Some complained that I had ''sold out'' in making this deal. See, e.g., Jonathan Mahler, After the Imperial Presidency, N.Y. Times, November 9, 2008, Magazine, at MM42. These critics fail to appreciate the disadvantage Congress faces in resisting expansions of executive power. The Terrorist Surveillance Program was put into effect when President Bush signed a secret order in 2001. He did not need to hold any hearings or convince any colleagues. Vice President Cheney could rely on the fractious nature of the Senate, and the great influence of the executive, to easily kill the prospects for my planned subpoenas of the telephone companies. The administration's damage control, like the initial action, was

swift and unilateral. By contrast, on the legislative side, we could not begin to act until we established a factual record through a series of hearings and secured consensus on a path forward.

As committee chairman, I was battered by Senators on both sides in my efforts for oversight. On the right, there were members who touted Article II and party loyalty. They were inclined, at a minimum, to accept the strained arguments that the Authorization for Use of Military Force had authorized the Terrorist Surveillance Program, and that the failure to notify the full intelligence committees did not actually violate the National Security Act. On the left, there was genuine outrage at some administration tactics, but they were also in no hurry for compromise, no matter how favorable the terms. They were very cognizant of the fact that the longer they let the friction between the branches drag on, the worse it looked for Republicans and the better for them and their allies. For example, as the New York Sun reported in June 2006, ''[f]ear of government excess in the war on terror ha[d] driven membership rolls'' in the ACLU ''to more than 550,000 from less than 300,000,'' and the group's fundraising had ''surged.'' See Josh Gerstein, For ACLU's Anthony Romero, These Should Be Best Times, New York Sun, June 27, 2006.

Ultimately, the Judiciary Committee approved my FISA reform bill on September 13, 2006, but in contrast to the bipartisan vote on the PATRIOT Act reauthorization a year earlier, there was a 10–8 party-line vote. A final vote on the Senate floor was never taken, largely because the House had settled on a different approach to the Terrorist Surveillance Program that did not authorize court review of the program. Once again, the inherent constraints on the bicameral legislative branch served to benefit the executive, as the President's surveillance program continued unabated throughout our internal debates.

The courts fared no better at reining in the Terrorist Surveillance Program. In August 2006, Judge Anna Diggs Taylor of the U.S. District Court for the Eastern District of Michigan issued an opinion in ACLU v. NSA, finding the program unconstitutional. Almost a year later, in July 2007, the U.S. Court of Appeals for the Sixth Circuit overturned her decision. On a 2–1 vote, it declined to rule on the legality of the program, finding that the plaintiffs lacked standing to bring the suit. The Supreme Court then declined to hear the case, even though the doctrine of standing has enough flexibility for the Court to have acted. My bill to mandate Supreme Court review of this and other cases therefore seems all the more necessary to resolve the question.

With the Supreme Court abstaining, another lone district judge took a stand. In In re National Security Agency Telecommunications Records Litigation, Chief Judge Vaughn Walker in the Northern District of California considered a case brought by an Islamic charity that claims to have been a subject of the surveillance program. In a 56–page opinion he wrote:

> Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities.

As detailed further below, the hurdles faced by the few judges willing to examine the Terrorist Surveillance Program, and the snails' pace of appellate review, make my bill to mandate Supreme Court review of this and other cases all the more necessary to resolve the question.

SHORTCOMINGS OF THE LEGISLATIVE AND JUDICIAL BRANCHES AS CHECKS ON EXECUTIVE POWER.

The courts, including the Supreme Court, have admittedly been more effective than Congress in restraining executive excesses, but both have been too slow. This failure is exemplified by the judicial and legislative efforts to address the administration's treatment of detainees in the war on terror.

In Hamdi v. Rumsfeld, decided on June 28, 2004, nearly 3 years after September 11, the Supreme Court ruled that a U.S. citizen being held as an enemy combatant must be given an opportunity to contest the factual basis for his detention before a neutral magistrate. In a stern rebuke of executive overreaching, Justice O'Connor's opinion declared, ''We have long since made clear that a state of war is not a blank check for the president when it comes to the rights of the Nation's citizens.'' The same day, the Court held in Rasul v. Bush that detainees at Guantánamo Bay were entitled to challenge their detention by filing habeas corpus petitions—the time honored legal action used to contest the basis for government confinement. Two years later, on June 29, 2006, the Court announced in Hamdan v. Rumsfeld that the President could not conduct military commission trials under procedures that had not been authorized by Congress and that failed to satisfy the obligations of the Geneva Conventions' Common article III and the Uniform Code of Military Justice.

Instead of fully embracing these decisions, however, Congress responded with the Detainee Treatment Act and the Military Commissions Act of 2006, both of which eliminated detainees' right to habeas corpus review on grounds that foreign terrorist suspects did not have the same rights as others in U.S. custody.

During debate on the Military Commissions Act, I offered an amendment that would have guaranteed habeas corpus for detainees. In the face of sharp criticism from my own party, I argued that I was not speaking ''in favor of enemy combatants.'' Rather, I was ''trying to establish . . . a course of judicial procedure'' to determine whether the accused were in fact enemy combatants. I pointed out that my fight to preserve habeas rights was, in essence, a struggle to defend ''the jurisdiction of the federal courts to maintain the rule of law.'' I concluded with a plea for the Senate not to deny ''the habeas corpus right which would take us back some 900 years and deny the fundamental principle of the Magna Charta imposed on King John at Runnymede.'' Despite these entreaties, my amendment narrowly lost on a 48–51 vote.

I had lost the battle, but was not prepared to surrender. On January 18, 2007, Attorney General Gonzales testified before the Judiciary Committee and argued that proposals to restore habeas corpus, such as a bill Senator LEAHY and I had introduced, were ''ill-advised and frankly defy common sense.'' I was astounded at his claim that ''there is no express grant of habeas in the Constitution.'' I asked him: ''The constitution says you can't take it away except in case of rebellion or invasion. Doesn't that mean you have the right of habeas corpus unless there is an invasion or rebellion?'' He replied, ''The constitution does not say every individual in the United States or every citizen is hereby granted or assured the right to habeas. . . . It simply says the right of habeas corpus shall not be suspended.'' I protested, ''You may be treading on your interdiction and violating common sense, Mr. Attorney General.''

This exchange received notice in a number of papers, as my position gained momentum. The Detroit Free Press, for example, editorialized:

> The moment when Alberto Gonzales proved he was just wrong for the job of U.S. attorney general came . . . after Sen. Arlen Specter, R–Pa., asked him about the constitutional guarantee of criminal due process, known as habeas corpus.

See Editorial, Gonzales Twisted Rule of Law Too Well, Detroit Free Press, August 28, 2007.

That September, I made a second attempt to restore habeas corpus jurisdiction with an amendment to the Defense Department's authorization bill. This time, a majority of Senators voted for it, including seven Republicans. Unfortunately, the 56–43 majority was insufficient because, in the face of a filibuster threat, Senate procedure required sixty votes to pass. Ironically, a procedural tool that protects Senate minorities had become a shield for the executive branch.

Thus, yet again, it was left to the Supreme Court to beat back the encroachment of executive power, which it finally did on June 12, 2008. In Boumediene v. Bush, the Court held that detainees held at Guantanamo Bay ''are entitled to the privilege of habeas corpus to challenge the legality of their detention.'' Because the Combatant Status Review Tribunals established by the Defense Department in 2004, following the Hamdi and Rasul decisions, and the limited procedural review permitted before the DC Circuit

failed to constitute an adequate and effective substitute for habeas corpus, the Court held that the Military Commissions Act had effected ''an unconstitutional suspension of the writ.''

As satisfying as it was to be vindicated, I was frustrated that Congress had left the task of reining in the executive to slow-paced and incomplete judicial review. While the Boumediene decision ensured habeas rights for detainees, it took 7 years; and even then the Court almost failed to take on the case. All along, the Court's rulings were piecemeal and avoided taking strong stands on controversial constitutional questions. The result was a protracted process that delayed justice for detainees and left important areas of constitutional law murky.

Indeed, the Supreme Court actually denied Boumediene's initial petition for review on April 2, 2007. Then, on June 29, in a highly unusual move, the Court reconsidered and agreed to hear the case. The justices gave no reason for the reversal, but some speculate that they were moved by intervening disclosures concerning the military commissions. In particular, a military officer and lawyer who had been involved in overseeing the tribunals said that the process was flawed and that prosecutors had been pressured to label detainees as enemy combatants.

As much time as it took in these cases, at least the Supreme Court eventually ruled on the merits in Boumediene. The same cannot be said for Supreme Court review, or even substantive appellate review, of President Bush's warrantless wiretapping program. Thus far, only individual judges in the district courts of Michigan and California have been willing to take a strong stand on the Terrorist Surveillance Program.

Like many in the legislature, it appears the courts are reluctant to act. They do not want the responsibility. Only after significant time has passed, and it is relatively safe, do they finally consider such issues on the merits. I have proposed legislation in the past to require expedited review of certain important cases, including the challenges by civil liberties organizations and other plaintiffs to the Terrorist Surveillance Program, and I will do so again in the new Congress.

SIGNING STATEMENTS

Even where Congress manages to negotiate its internal checks and to act decisively against expansions of executive power, presidents have used signing statements that override the legislative language and defy congressional intent.

There was an explosion in the use of signing statements during the Bush administration. The Boston Globe reported in 2006 that President Bush ''has used signing statements to claim the authority to disobey more than 750 statutes—more laws than all previous presidents combined.'' This is Charlie Savage, In Proposed Iran Deal, Bush Might Have to Waive Law: '05 Statute Forbids Providing Reactor, Boston Globe, June 8, 2006.

Two prominent examples make the point. As detailed earlier, I spearheaded the delicate negotiations on the PATRIOT Act Reauthorization which included months of painstaking efforts to balance national security and civil liberties, disrupted by the dramatic disclosure of the Terrorist Surveillance Program. The final version of the bill to reauthorize the PATRIOT Act featured a carefully crafted compromise, which was necessary to secure its passage in 2006. Among other things, it included several oversight provisions designed to ensure that the FBI did not abuse special terrorism-related powers permitting it to make secret demands for business records. President Bush signed the measure into law, only to enter a signing statement insisting that he could withhold from Congress any information required by the oversight provisions if he decided that disclosure would ''impair foreign relations, national security, the deliberative process of the executive, or the performance of the executive's constitutional duties.''

The second example arose in 2005. Congress overwhelmingly passed Senator JOHN MCCAIN's amendment to ban all U.S. personnel from inflicting ''cruel, inhuman or degrading'' treatment on any prisoner held by the United States. There was no ambiguity in Congress's intent; in fact, the Senate approved the proposal 90–9. However, after signing the bill into law, the President quietly issued a signing statement asserting that his administration would construe it ''in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power.''

Many understood this signing statement to undermine the legislation. In a January 4, 2006, article titled ''Bush Could Bypass New Torture Ban: Waiver Right Is Reserved,'' the Boston Globe cited an anonymous ''senior administration official,'' according to whom ''the president intended to reserve the right to use harsher methods in special situations involving national security.''

These signing statements are outrageous, intruding on the Constitution's delegation of ''all legislative powers'' to Congress, but it is even more outrageous that Congress has done nothing to protect its constitutional powers. The legislation I introduced in 2006 would have given Congress standing to challenge the constitutionality of these signing statements, but has until now failed to muster the veto-proof majority it would surely require. The executive branch operates free of such internal dissent. Although JOHN MCCAIN promised to drop signing statements altogether, Barack Obama, while deploring Bush's practice, said during the campaign that ''no one doubts that it is appropriate to use signing statements to protect a president's constitutional prerogatives.''

Here again, the President does not need to convince any colleagues to issue a signing statement, he needs only put pen to paper. Indeed, 2 days after criticizing President Bush's signing statements, President Obama issued one of his own regarding the Omnibus Appropriations Act of 2009. Citing among others his ''commander in chief'' and ''foreign affairs'' powers, he refused to be bound by at least 11 specific provisions of the bill including one longstanding rider to appropriations bills designed to aid congressional oversight. As I told the Wall Street Journal, ''We're having a repeat of what Democrats bitterly complained about under President Bush,'' and if President Obama ''wants to pick a fight, Congress has plenty of authority to retaliate.''

THE TERRORIST SURVEILLANCE PROGRAM—ACT II

Many of the issues surrounding the Terrorist Surveillance Program and executive authority resurfaced in 2008. FISA reform legislation, which began making its way through the Senate in February of last year, included a controversial provision giving retroactive immunity to the telecommunications companies for their alleged cooperation with the Terrorist Surveillance Program.

Throughout, my chief concern was to keep the way to the courts open as a means to check executive excesses. I offered an amendment, both in committee and on the floor, to substitute the U.S. Government for the telephone companies facing lawsuits related to the Terrorist Surveillance Program. Instead of immunity, my amendment would have put the government in the place of the companies, so the cases could go forward without posing a legal threat to the companies themselves.

When this proposal was defeated, I proposed yet another amendment, which would have required a federal district court to determine that the surveillance itself was constitutional before granting immunity. I also cosponsored an amendment that would have delayed the retroactive immunity for the telephone companies until a mandatory inspector general's report on the Terrorist Surveillance Program had been issued.

I tried to impress upon my colleagues the importance of our actions:

> We are dealing here with a matter that is of historic importance. I believe that years from now, historians will look back on this period from 9/11 to the present as the greatest expansion of Executive authority in history—unchecked expansion of authority . . . The Supreme Court of the United States has gone absent without leave on the issue, in my legal opinion. When the Detroit Federal judge found the terrorist surveillance program unconstitutional, it was [reversed] by the Sixth Circuit on a 2-to-1 opinion on grounds of lack of standing. Then the Supreme Court refused to review the case. But

the very formidable dissenting opinion laid out all of the grounds where there was ample basis to grant standing. Now we have Chief Judge Walker declaring the act unconstitutional. The Congress ought to let the courts fulfill their constitutional function. . . . Although I am prepared to stomach this bill, if I must, I am not yet ready to concede that the debate is over. Contrary to the conventional wisdom, I don't believe it is too late to make this bill better.

The date was July 7 and the Senate had just returned from recess, which allowed me to close with a flourish:

Perhaps the Fourth of July holiday will inspire the Senate to exercise its independence from the executive branch now that we have returned to Washington.

Despite my fight to keep the courts open, in the end all my amendments were defeated. Nevertheless, as I said I would, I ultimately voted for the FISA reform bill. I chose not to reject the entire package—which had the support of nearly seventy senators, including both presidential candidates—not only because my classified briefings on the surveillance program convinced me of its value, but also because of the important oversight provisions it imposed on future surveillance programs.

The FISA reform bill required prior court review of the government's procedures for surveillance of foreign targets, except in exigent circumstances. It also required that the Intelligence Court determine whether procedures for foreign targeting satisfy fourth amendment protections against unreasonable searches. In addition, before monitoring U.S. citizens outside the country, it required individualized court orders based on probable cause. Finally, the bill mandated a comprehensive review of the Terrorist Surveillance Program by several inspectors general. Indeed, the final bill had many elements in common with my earliest efforts to place the Terrorist Surveillance Program under FISA—it just took years to get there. And Congress and the courts may yet need to correct its flaws.

A PLAN FOR THE FUTURE

These experiences have crystallized for me the need for Congress and the courts to reassert themselves in our system of checks and balances. The bills I have outlined are important steps in that process. Equally important is vigorous congressional oversight of the executive branch. This oversight must extend well beyond the national security arena, especially as we cede more and more authority over our economy to government officials.''

As for curbing executive branch excesses from within, I hope President Obama lives up to his campaign promise of change. His recent signing statements have not been encouraging. Adding to the feeling of déjà vu is the Washington Post's report that the new administration has reasserted the ''state secrets'' privilege to block lawsuits challenging controversial policies like warrantless wiretapping: ''Obama has not only maintained the Bush administration approach, but [in one such case] the dispute has intensified.'' Government lawyers are now asserting that the trial court lacks authority to compel disclosure of secret documents, and ''warning'' that the government might ''spirit away'' the material before the court can release it to the litigants. This is Carrie Johnson, ''Handling of 'State Secrets' at Issue: Like Predecessor, New Justice Dept. Claiming Privilege,'' The Washington Post, March 25, 2009. As the article notes, I have reintroduced legislation this year with Senators LEAHY and KENNEDY to reform the state secrets privilege. I doubt that the Democratic majority, which was so eager to decry expansions of executive authority under President Bush, will still be as interested in the problem with a Democratic president in office. I will continue the fight whatever happens.

(The further remarks of Mr. SPECTER pertaining to the introduction of S. 875, S. 876 and S. 877 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that the Senator from Arkansas be given 5 minutes as in morning business and then that we return to me and go back on the bill.

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

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I thank the Chair and my friend from Oklahoma. I appreciate the collegiality and certainly his friendship.

HEALTH CARE

I rise today like many Arkansans because I am very troubled about the rising health care costs and the barriers many Arkansans face accessing an affordable and quality health plan. Nearly half a million Arkansans are uninsured, including 66,000 Arkansas children. The cost in both human and financial terms is felt by everybody. That is why, during this work period, I traveled the State on a 2-week tour to ''take the pulse'' of Arkansans and of health care in our communities and across our State. I met with patients, providers, advocacy groups, and all of the other health care professionals in every corner of our State. We discussed the challenges we face delivering and accessing quality and affordable health care in rural Arkansas. It was a wonderful tour, very open. People were frustrated, concerned, and they had good ideas. They were very much interested in being able to help us in Washington move forward on this issue. I felt as if the will, and certainly the desire, was there among Arkansans to fix this problem.

My first stop was in Clinton, AR, located in Van Buren County, where 26 percent of the residents there are uninsured, and many are on Medicare or Medicaid. A local pharmacist raised concerns with the burden of paperwork, regulations, and fees required by CMS for pharmacists to supply medical equipment and supplies. A nurse practitioner talked about ways to fill gaps in our primary care workforce and how it was in areas like that. Others stressed the need to address the preventive health needs in our State, such as smoking cessation and prevention of obesity and related health conditions.

Next, I went to Augusta, AR, in our row cropland, and I heard from Arkansans who said that high-deductible plans are not meeting their needs. As a result, these patients often miss out on very important primary and preventive care because they cannot afford their plans' expensive copays and deductibles; therefore, they end up being more costly to the system without that preventive or primary care because they end up in more acute-care situations.

In Lake Village, AR, on the eastern side of the State, people talked about the need to improve dental coverage within Medicare and in private insurance. I also heard from veterans who are forced to drive long distances to receive care and expressed the real need for more rural VA clinics and not only how much better quality of life it would provide them but the cost savings it could provide as well to the VA and the whole implementation of health care delivery to our veterans.

Across the State in Nashville, AR, I spoke with a provider about the difficulty in recruiting specialists in rural Arkansas. Health technologies, such as remote patient monitoring and mobile imaging, may help to provide special access to those rural areas, where it may not be efficient for each rural community to have a multitude of specialists located in their communities. At least they can serve there and provide their services with equipment that is much needed.

My final stop was in Springdale, northwest Arkansas, close to the Oklahoma border. I heard from seniors who have had trouble finding a provider that will accept Medicare.

We must build our primary care workforce and address reimbursement inequities in these rural areas in order to help Arkansans on Medicare gain access to the care they need. We had a long discussion about the need for more primary care professionals, physicians, and certainly the fact that it is not just the reimbursement, it is also the quality of life in these rural areas. Making sure we can grow our own primary care physicians in these rural areas does an awful lot in making sure we have those providers in the areas who can serve those individuals.

In all of these places, good Arkansas neighbors working to take care of their neighbors were always present, whether it was community health centers, which are working desperately hard to use the money from the recovery package to increase their ability to cover more of the uninsured, or whether it was the nonprofits or religious-based

clinics that were doing a tremendous job partnering with our hospitals to keep people out of the emergency room and getting some of their lab work done by the hospitals but still being able to provide care in those clinics.

So all in all, it was a great opportunity for me. I love traveling Arkansas anyway, visiting with the great people in our State, but it really showed the concerns we talk about here in Washington, and you get to see them face to face.

I think these stories help illustrate how critical it is for residents of Arkansas and other rural areas to have easy, affordable access to health care. I was grateful to meet with so many Arkansans and to be able to share their stories with my colleagues here, and as we move forward in this debate, it makes a big difference. My staff was there, as always, because there are so many issues. Sometimes people don't know where to go. Having our staff be able to talk to them and direct them in those ways is very valuable. Remembering the educational component in health care and how we make sure information is going to be available to people is a critical part of it.

This week, in the Senate Finance Committee, we launched its first of three roundtable discussions in advance of drafting a health care bill. I strongly believe Congress must craft health reform legislation that lowers costs, improves quality, and provides access to coverage for all Americans. I compliment Chairman BAUCUS and Senator GRASSLEY for the great way they have approached this—last year having multiple hearings and coming again this year with more hearings and a roundtable situation. We had a summit last summer. These things have been very beneficial to the debate in a bipartisan way.

From my seat on the Senate Finance Committee, I will work to ensure we have guaranteed coverage for people with preexisting conditions; continuity of coverage for people between jobs, which we see oftentimes and particularly in this economic setting; maintain affordability for people who are privately insured; and have Medicaid eligibility for every uninsured American living in poverty.

Mr. President, one of the things I noticed that was so positive out there with Arkansans is that, although they are frustrated and concerned about where we are going and what we are going to do, their will to do this now is there. The American people feel it is a must-do situation for us in this economy for the quality of life we want to have. I think that in this body we have an opportunity not only to do it but to do it correctly.

We are very proud of the incredible medical professionals who are in this country, folks such as my colleague from Oklahoma, who is tremendous in his own profession as a physician. We are proud of that. We want to make sure we correct the insufficiencies for those individuals and be able to provide the services at a cost people can afford and have an accessibility that leaves nobody out, whether you live in a major city or in a rural area. I believe this is one of the most urgent issues facing our Nation, and it is time for action. We need to move forward on health care reform.

I very much appreciate the opportunity I have had to visit with Arkansans. I look forward to working with my colleagues in the Finance Committee in a bipartisan way to move the health care reform initiative forward, and also with the rest of the Senators here, to come up with a proposal the American people will be proud of. They know it won't be a work of art, necessarily, but a work in progress as we move ourselves from a health care system that has been focused on acute care into something that is certainly more focused on chronic conditions, multiple chronic conditions, and making sure we make those manageable using preventive health care and certainly the primary care that will keep us healthier longer.

I yield the floor and 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. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

TRADE POLICY

Mr. BROWN. Madam President, I have heard lots of discussion in the newspapers in the last 48 hours or so, that there is a move afoot to begin to continue to bring legislation to the House and Senate floors to continue Bush trade policy. There have been statements by some in both parties that we might consider passing the trade agreement, the so-called free trade agreement with Panama, the free trade agreement with Colombia, and the free trade agreement with South Korea.

I think that is a mistake. When you look at what has happened in States such as Ohio, and particularly in a State like that of the Presiding Officer—in Buffalo and Rochester and Syracuse and the upstate cities in her State, you can see the kind of incredible job loss, not only from this most recent recession since October but look at the job loss in manufacturing that we have seen through the entire Bush years while this Government has moved forward on Bush trade policies.

Look at the original North American Free Trade Agreement negotiated by the first President Bush, unfortunately the finishing touches put on by President Clinton, and then the Central American Trade Agreement passed by the House and Senate in the midpart of this decade, and now considering again trade agreements negotiated by Bush trade negotiators with Panama, Colombia, and South Korea. Unfortunately what we have seen is a huge spike—more than a spike because it is more long term and fundamental than that—we see the huge growth in our trade deficit. We have today a trade deficit of $2 billion just for today, and $2 billion for tomorrow, and $2 billion for Saturday, and $2 billion for Sunday. Every day it's a $2 billion trade deficit. George Bush the first said a $1 billion surplus or deficit translates into some 13,000 jobs, so a trade deficit of $2 billion, according to President Bush the first, translates into 26,000 lost jobs; a $2 billion trade surplus would be 26,000 gained jobs. In this country, we haven't seen a trade surplus since 1973. What that says is this trade policy leads to persistent trade deficits. This trade policy leads to persistent job loss. And this trade policy leads to families who are hurt and communities which are destroyed.

I can take you to lot of places in my State and you can look at the havoc wreaked by U.S. trade policy. I do not blame all of manufacture's decline, all of job loss, on trade policy, to be sure. But there is no question when you have a $2 billion-a-day trade deficit over the course of a year, between $700 and $800 billion trade deficit for a year, you know that is a problem.

My point is not to debate trade policy today. It is only to say to the administration and my friends on both sides of the aisle and the crowd at the end of the hall here in the House of Representatives, we should not be bringing up more trade agreements until we look at what our trade policy does. I can point not just to job loss; I can also point to what happened as an outgrowth of the Permanent Normal Trade Relations with China, our trade policy with China, when I believe seven people in Toledo, OH, and dozens around the country died from the taking of the blood thinner heparin, ingredients of which came from China and those ingredients were contaminated. Or you can look at toys. In an experiment, a class assignment by Professor Jeff Weidenheimer at Ashland University, not far from where I grew up, he sent out first-year chemistry students to stores to buy toys at Halloween and Christmas and Easter and found lead-based paint, which is toxic for children, on many of these toys, again coming from China—United States corporations outsourcing jobs, then hiring subcontractors in China. So we are not just importing goods, we are also importing lead-based paint, also importing contaminated ingredients in heparin, also in vitamins, in dog food and other products.

My point is let's do a dispassionate, nonideological, nonpartisan study before we do more trade agreements.

Let's do a nonpartisan, nonideological, unbiased study of how NAFTA has worked, how CAFTA has worked, how our relations with China with PNTR and currency, how all that has worked before we move ahead.

In these turbulent economic times, first, we have plenty to do, on health care, education, climate change, housing, particularly on the banking system, and all of that. We have plenty to do, but that is not even the point. The point is before we do more trade agreements, let's look at how they worked. Let's look at what has happened, especially rather than following the Bush trade agenda which we know simply has not served this country well.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. McCASKILL. Madam 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.

Mrs. McCASKILL. Madam President, once upon a time, someone had a good idea about trying to open the mortgage market to as many people as possible. Between that moment and now, we have seen a giant economic crisis that has mushroomed out of control. We have sat around for months now trying to figure out how did it happen and why did it happen.

One of the reasons it happened is, using common sense, we said to people: You can go make money by talking people into borrowing money, and you do not have to worry about whether they pay it back. Let me go through that one more time. We said to a market, the mortgage market: If you go talk people into borrowing more money than they can afford, it does not matter if they can pay it back, you do not need to worry about that because you are going to make your money anyway.

In other words, the people closing their loans had no skin in the game. They were not a partner to the risk. So that is how we got people qualifying for loans by wearing a special costume and photograph. That is how you got these ''liars loans.'' They were called ''liars loans.'' Everybody knew people were lying to get these loans, but no one was doing anything about it because the people who were making the loans were making the money and had no risk.

You would think with this occurring, we would now be on hyper alert for the exact same set of circumstances, but we are not. Because it is going on today as we speak. If you turn on any cable channel almost anywhere in America, before midnight you are going to see an ad that says to seniors: You need to take advantage of a great Government program, a Government benefit. You can be paid cash for the value of your house without any risk. They are called reverse mortgages.

It is a type of home loan that converts the value in your home you have acquired over a lifetime and converts it to cash. Now, in and of itself, this is not a bad concept. People ought to be able to borrow against the value of their homes. We do it with home equity loans.

Here is the problem. We have the people closing these loans who have no skin in the game. Guess who is insuring all these loans. We are. The taxpayers. There is no risk to those people paying for those ads on cable TV, no risk. Reward. No risk. We are taking the risk.

If, in fact, the housing markets go down and the value of someone's property goes down and it is time for that loan, the value of that loan to be recovered when the house is sold, if it does not sell for enough money, guess who is left holding the bag.

Hello. Subprime mortgages chapter two. We are back. We have the same issue we had with the subprime. Since we began this program in 1990, HUD has endorsed and insured 500,000 loans. But, wait, we took the cap off it recently. We anticipate that HUD will, in fact, insure 200,000 of these loans this year alone. We have done 500,000 loans since 1990, and we are going to do 200,000 loans this year. We are talking about a huge growth in the potential liability to the American taxpayer.

These are complex and expensive loans. For many elderly, the equity they have in their home is it. With the economic circumstances we have right now, there is going to be a lot of pressure on the elderly to enter into one of these reverse mortgages, maybe to help other family members who have lost a job.

It is important we fix this program. It is embarrassing that we let the subprime mess go for as long as we did, without anybody saying: Whoa, hold on. It will be doubly embarrassing if we allow this reverse mortgage situation to go down the exact same path.

With these loans, as they increase dramatically in number and value, we are also seeing an increase in fraud. The HUD inspector general has been working in the reverse mortgage field, and all the other inspectors general in our country have done a great job of beginning to find problems of a specific nature as it relates to fraud.

Some of it is where we have inflated appraisals. Some of it is where you have shoddy repairs being done, which decrease the value of the home, which increase the risk to the taxpayer. Some of it is people continuing to collect the proceeds on the home past the time they should, past perhaps the death or the moving out of the senior who did the loan in the first place.

Why is the fraud increasing? I have a theory why the fraud is increasing. All the bad actors over there in subprime, they are looking for a new stream of money so they are all sliding over and saying: Hey, let us start making these reverse mortgages to seniors.

OK. We have to do something about this now. I filed an amendment to the legislation that is in front of the Senate that will do some important things in terms of fraud prevention and detection and enforcement provisions: We are going to require the borrower to certify they reside in the property; to report the termination of the residence to HUD; require that in the case of a property that is purchased with the proceeds of a reverse mortgage, the property is owned and occupied for at least 180 days, so we do not have the flipping we have seen in the subprime market; require these properties be appraised by certified appraisers, HUD-certified appraisers; we have to verify the purchase price to ensure the appraised value is not inflated and make sure the appraised value is not too high in relation to comparable properties—you can imagine how important this is right now since our housing market values are in such flux—to require the counselors to report suspected fraud or abuse to HUD's inspector general and to inform prospective borrowers how they can report suspected fraud and consumer abuse; require that the lenders and consumers maintain a system to ensure compliance; explicitly state that the HUD inspector general has the authority to conduct independent audits and inspections of the lender.

Would it not have been nice had we done that back when we started having the problems with subprimes? Conduct independent audits and inspections of reverse mortgage lenders to make sure they are in compliance with the requirements; and to compare the reverse borrower's record against the Social Security's death master file for early indications for when payouts should end because payouts under these reverse mortgages stop at the death of the recipient of the reverse mortgage; provide that any limitation on when criminal charges can be brought against fraud perpetrators in this area be calculated on when we find out about the criminal activity, not when it occurred. Because, in many instances, we may not find out about the fraud until the elderly person dies, and then they find out that maybe they thought they still had value in their home, but they were lied to.

This is an important one: Provide that advertising for reverse mortgages cannot be false or misleading and must present a fair and balanced portrayal of the risks and the benefits of the product.

The fraud is the first step. Going after fraud is the first step, but we have to do more. It is very important that we protect our seniors from predatory lenders. When you see these ads on TV, it sounds too good to be true. ''Government benefit,'' ''No risk.'' But there is a huge risk. There is a risk of a senior paying more than they should for a product that does not work for them and a very big risk for the taxpayers of this country.

I look forward to working with the Senate Judiciary and Banking Committees as well as HUD and the HUD inspector general and GAO to get the things done we must do to clean up this problem. If we do not learn from our mistakes, we are doomed to repeat them. I urge all my colleagues to become knowledgeable about this reverse mortgage area, get word to their constituents to be careful about these reverse mortgages. They are very dangerous.

At the end of the day, if someone is making money off you and they do not care whether you can pay it back, it is a dangerous combination.

The ACTING PRESIDENT pro tempore. The senior Senator from Vermont.

Mr. LEAHY. Madam President, I wish to thank the Senator from Missouri for her statement. I hope people listen to what she had to say because it is a warning to many. Again, I would reiterate that one of the reasons we are trying to move this fraud bill through, everybody will be against fraud and everybody is against crime, but as the Senator from Missouri knows so well, you have to have some laws on the book to go after fraud and go after crime. I wish to speak further on that, but I see my dear friend and distinguished colleague from Vermont on the floor.

I will yield the floor so he can also speak on a matter.

The ACTING PRESIDENT pro tempore. The junior Senator from Vermont.

Mr. SANDERS. I thank my colleague from Vermont. I wish to congratulate him for bringing forth a very important piece of legislation.

Clearly, if we are going to begin to address the crisis in our financial institutions, we need the manpower to go out there and do the investigations. We do not have it and this legislation does that.

I wished to say a few words in the midst of this debate on an issue. I am not bringing forth an amendment, but I did wish to say a few words on that; that is, in my office—I suspect in every Senate office—we are being deluged with e-mails and letters and telephone calls expressing outrage at the high interest rates people all across this country are being forced to pay by these very same financial institutions we are in the process of bailing out.

What is going on now is that while we spend hundreds of billions of dollars bailing out our friends on Wall Street, and while they receive zero interest loans from the Fed, what they are saying to the American people is: Thanks very much for the bailout. We are going to raise your interest rates from 15 to 20, to 25, to 30 percent. Pure and simply, that is called usury within Biblical terms. In fact, that is immoral. That is the type of action we should be eliminating right now.

I have introduced legislation which is very similar to the type of legislation that regulates credit unions right now. We would have a maximum interest rate of 15 percent, with some exceptions going to 18 percent, so the American people who are now on under great financial stress, who are buying groceries with their credit cards, who are buying clothes for their kids with credit cards, who are paying for college expenses with their credit cards, are not forced to pay 25 or 30 percent interest rates.

What I would like to do, rather than relate what I believe, is read a few of the e-mails I have received from the constituents. We are receiving a lot of them. Let me read one that comes from the northern part of our State. It says:

> I, like so many others, am appalled at the hikes in credit card rates. Everywhere in our small town of Montgomery everybody is talking about the latest surge in interest rates. People who are never late in payments have seen their rates climb overnight. I, for one, used to overpay on my payments but can't afford to now. In addition, I am a founding member of a small agricultural co-op and we have a shop and studio. Today we found out that the charge for using credit cards has increased. How are people supposed to buy things when small businesses can't afford to process credit cards and people can't afford the interest rates if they use cards? No one has any money for anything anymore. The outrage, which I am sure doesn't surprise you, is building. Doesn't anyone get it?

Well, doesn't anyone in the Senate get it? I hope we do.

Here is another one that comes from the largest city in our State, Burlington:

> I signed up with MBNA (at the time) for a credit card with an interest rate of 7.9 for the life of the credit card (as long as I adhered to terms such as paying on time, not going over limit, etc.) I received a notice yesterday that the interest rate is going to 13% on May 1. I called them and they said it had nothing to do with my credit. Bank of America, due to the economic situation, is raising its rates ''for business reasons only.'' One option they gave me is to pay down my balance at 7.9 but not use it on any future purchases. I now appreciate more than ever your fight against this sort of action. Basically they can do whatever they want.

That is quite right. They can do whatever they want.

Another one:

> Dear Senator Sanders, we just received a note from Bank of America in which they tell us that they are raising our credit rate: 15.74 percent on new and outstanding purchases . . . using a variable rate formula. I know you have been working on a cap for credit cards and are very concerned about big banks profiting so highly at the expense of consumers.

Here is another one:

> Senator Sanders, there is a lot of news this week on how the credit card companies are trying to recoup their losses by raising interest rates on our credit cards. That is what my husband and I have just experienced. Two months ago I ran my husband's credit report, and between three credit bureaus we ranked around a 800 credit score. We have never been late on a payment and have been married 41 years.

Then she talks about the impact these high credit rates are going to have on her.

Another one:

> Dear Bernie, yesterday in the mail I received notification from Bank of America that they were hiking up the interest on my Visa card from 7% to over 12%. This seems arbitrary and in a time when I am extremely worried about my ability to pay my bills because my workload has gone way down. I am furious and scared.

The bottom line is, I am receiving dozens of e-mails from people in my State and from all over the country. They want to see whether the Congress has the guts to stand up to the financial institutions which have poured $5 billion in lobbying and campaign contributions into Washington in the last 10 years.

What the American people are saying is that 30-percent interest rates—arbitrary and huge increases in interest rates for people who have always paid their bills on time—is not only unfair, it is immoral. People should not have to pay 30 percent to borrow money in the United States.

I hope very much the time will come, sooner rather than later, when we will pass a national usury law that will put a cap on interest rates for large financial institutions similar to what exists for credit unions, which is 15 percent with some exceptions.

I yield the floor and look forward to working with the senior Senator from Vermont in passing this legislation.

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. LEAHY. 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. LEAHY. Madam President, with the vote and disposition of the Kyl amendment today and the Kyl amendment and the Leahy-Grassley amendment yesterday, we have basically completed work on the underlying bill. Those were the only amendments that affected the underlying bipartisan fraud enforcement bill. A number of other amendments have come in, but they, of course, have nothing to do with this bill. They are not within the jurisdiction of the Judiciary Committee. They are, in large part, extraneous to the fraud enforcement bill. Many if not all are within the jurisdiction of the Banking Committee. I haven't seen one yet that should be in Agriculture, but hope springs eternal. Today, a Senator offered an amendment drawn from the HELP Committee jurisdiction. In a way, it is a compliment that so few people have suggested changes that they wanted to make to the Judiciary Committee bill. I guess Senators are anxious in case they are not around here next week when we have a Banking bill.

I would like to conclude consideration of the bill that actually is before the Senate. We will soon have a list of

amendments on which both sides will agree to have votes. I don't think any of them really have anything to do with the Judiciary bill, but every Senator has a right to offer whatever amendments he or she wants, whether germane to the bill or not, and to get a vote on them. If they are all going to require rollcall votes, we should be done certainly sometime before midnight. Then we can pick up the next piece of legislation, which I understand we should have done by Saturday. Of course, the only amendments really involving this bill could have been done yesterday. We could have finished this bill yesterday.

I would like to speak briefly about the bipartisan Fraud Enforcement and Recovery Act. This bill has received overwhelming support. Almost everyone recognizes the importance of strengthening the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have undermined our economy. The legislation has strong bipartisan support. I applaud Senator GRASSLEY, who is the lead cosponsor. He worked with me to write this bill. He has been a leader on this issue.

Senators SPECTER and SNOWE have joined as cosponsors. Many different law enforcement and good government organizations are supporting this bill as well, including the Fraternal Order of Police, the Federal Law Enforcement Officers Association, the National Association of Assistant United States Attorneys, the Association of Certified Tax Examiners, and Taxpayers Against Fraud.

Now let me address the authorizations in the bill. I have rarely seen such detailed justification with regard to an authorization. I mention this because this is not an appropriations bill. It is authorizing legislation. It still has to go through the appropriations process. Every agency authorized to receive money in the bill has set out in detail exactly what it would do with that money if it is authorized and appropriated. The detail includes the number of agents, prosecutors, and other key personnel who would be hired, and each agency has explained why the added resources are needed. Those detailed justifications have been shared with anyone interested in reviewing them.

In total, the bill authorizes $245 million a year over the next 2 years to hire more than 300 Federal agents, more than 200 prosecutors, and another 200 forensic analysts and support staff to rebuild our Nation's fraud enforcement efforts. We have broken those numbers down agency by agency.

These resources for additional agents, analysts, and prosecutors are desperately needed. The number of fraud cases is now skyrocketing, but resources were shifted away from fraud investigations after 9/11. Today, the ranks of fraud investigators and prosecutors are drastically understocked, and thousands of fraud allegations go unexamined each month.

Reports of mortgage fraud are up nearly 50 percent from a year ago and have increased tenfold over the past 7 years. In the last 3 years, the number of criminal mortgage fraud investigations opened by the Federal Bureau of Investigation, FBI, has more than doubled, and the FBI anticipates that number may double yet again. Despite this increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases, which is only a quarter of the number the Bureau had more than a decade ago at the time of the savings and loan crisis. At current levels, the FBI cannot even begin to investigate the more than 5000 mortgage fraud allegations the Treasury Department refers each month. Other agencies have documented similar crises in their ability to keep up with the rising pace of new cases.

We all know that fraud enforcement simply can't be adequately covered with funds allocated in the recently passed recovery legislation for State and local law enforcement. As someone who pushed strongly for recovery legislation that included State and local law enforcement, I know the purpose behind those funds and what they are dedicated to. It is intended to ensure that State and local law enforcement agencies and crime prevention programs could avoid layoffs, make new hires, and reinforce their work to prevent the increased crime so often associated with economic downturns. In so doing, these funds would reinforce and revitalize those neighborhoods that have experienced economic development and that could so easily backslide. State and local law enforcement fund are urgently needed for those vital purposes. They should not be diverted from State and local law enforcement needs to fund Federal fraud investigations.

Moreover, while states have done admirable work cracking down on mortgage fraud, the Federal Government must play a substantial role in this area. Mortgage fraud schemes and other financial fraud schemes often cover many States and jurisdictions, which hampers the ability of any State or local investigators and prosecutors to reach them. These schemes also are often extremely complex and labor-intensive to unravel, requiring the expertise and resources of the Federal Government and the mortgage fraud task forces in which Federal and State law enforcement officers work closely together. We simply cannot ask States to solve this enormous and complex problem on their own. I believe that we need to be good law enforcement partners and that the Federal Government needs to do its share. To fulfill those responsibilities these additional funds need to be authorized.

I agree that the $10 million in additional funding to the FBI for mortgage fraud enforcement in the omnibus appropriations bill is a good start, but it is just a small start to what is needed. I wish the economic recovery had been able to include an additional $50 million for the FBI that the Senate initially was willing to include, but that additional funding was stripped away. Unfortunately, to achieve bipartisan support and passage of the economic recovery package, those funds were eliminated. The funds currently being provided are insufficient to tackle the magnitude of this problem. I refer all Senators to the testimony before the Judiciary Committee by the Director of the FBI and the Deputy Director of the FBI and to the detailed justifications the FBI and other law enforcement agencies have provided.

I believe authorizing and funding fraud enforcement will save the government money. That is what the Justice Department has found. That is what Taxpayers Against Fraud has found. That is what the administration indicates in its Statement of Administration Policy in strong support of this bill. As the administration says: ''These additional resources will provide a return on investment through additional fines, penalties, restitution, damages, and forfeitures.'' I would add that strong fraud enforcement will also save money by deterring fraudulent conduct.

According to recent data provided by the Justice Department, the government recovers on average $32 for every dollar spent on criminal fraud litigation. Similarly, the nonpartisan group Taxpayers Against Fraud has found that the Government recovers $15 for every dollar spent in civil fraud cases. Just last year, the Justice Department recovered nearly $2 billion in civil false claims settlements, and, in criminal cases, courts ordered nearly $3 billion in restitution and forfeiture. Strengthening criminal and civil fraud enforcement is a sound investment, and this legislation will not only pay for itself, but should bring in money for the Federal Government.

If fraud goes unprosecuted and unpunished, then victims across America lose money. In many cases, American taxpayers take the loss directly. For example, in the case of many mortgage frauds, the Federal Government has guaranteed the loans, and when the fraud is uncovered, American taxpayers, as well as the victim, lose out. More directly, with the billions of dollars of Federal funds now going out through the recovery legislation, the Troubled Assets Relief Program, and other bailout programs, we should all recognize that enforcement will be essential to protect those recovery funds from fraud and to recover any money that is fraudulently taken. If we do not take action to investigate and prosecute this kind of fraud, Americans will lose far more money than this bill costs.

The only organizations that have opposed this legislation are the Heritage Foundation and the National Association of Criminal Defense Lawyers. They have argued that the legal fixes

in this bill constitute overreaching by the Federal Government. In fact, this bill does not overfederalize or overcriminalize.

Senator GRASSLEY and I took great care in crafting it to avoid those kinds of excesses. The bill creates no new statutes and no new sentences. Instead, it focuses on modernizing existing statutes to reach unregulated conduct and on addressing flawed court decisions interpreting those laws. This is exactly the kind of Federal criminal legislation that these critics should appreciate. Rather than gratuitously adding new laws or expanding Federal jurisdiction, it acts in a targeted way to fill in gaps identified by investigators and prosecutors to make it easier for them to reach the conduct most relevant to the current financial crisis.

The bill amends the definition of ''financial institution'' in the criminal code in order to extend Federal fraud laws to mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies were responsible for nearly half the residential mortgage market before the economic collapse, yet they remain largely unregulated and outside the scope of traditional Federal fraud statutes. This change will finally apply the Federal fraud laws to private mortgage businesses like Countrywide Home Loans and GMAC Mortgage.

The bill would also amend the major fraud statute to protect funds expended under the Troubled Assets Relief Program and the economic stimulus package, including any government purchases of preferred stock in financial institutions. The U.S. Government has provided extraordinary economic support to our banking system, and we need to make sure that none of those funds are subject to fraud or abuse. This change will give Federal prosecutors and investigators the explicit authority they need to protect taxpayer funds.

This bill will also strengthen one of the core offenses in so many fraud cases—money laundering—which was significantly weakened by a recent Supreme Court case. In United States v. Santos, the Supreme Court misinterpreted the money laundering statutes, limiting their scope to only the ''profits'' of crimes, rather than the ''proceeds'' of the offenses. The Court's mistaken decision was contrary to congressional intent and will lead to financial criminals escaping culpability simply by claiming their illegal scams did not make a profit. Indeed, Ponzi schemes like the $65 billion fraud perpetrated by Bernard Madoff, which by definition turn no profit, are exempt from money laundering charges under this formulation. This erroneous decision must be corrected immediately, as dozens of money laundering cases have already been dismissed.

None of these changes constitute overcriminalization. Rather, they reach fraudulent conduct at the center of our ongoing economic crisis. Americans are rightly demanding accountability for this fraud, and we cannot have full accountability without the participation of Federal investigators and prosecutors armed with the tools and resources they need.

We can delay no further in taking decisive action to strengthen fraud enforcement and doing everything we can to fight the scourge of fraud that has contributed to our economic crisis. There is simply no good reason for us not to act. The administration ''strongly supports enactment'' of this bill. The Justice Department supports it, the FBI supports it, the Secret Service supports it, the TARP inspector general supports it, the HUD inspector general supports it, Federal and State law enforcement officers support it.

The bottom line, Madam President—before I lose my voice entirely—is, this legislation is to stop people who have been robbing the retirement savings of Americans, who have been robbing their homes from under them, who have been robbing the money they have set aside for their kids' college education and getting away with it under some of the elaborate mortgage fraud schemes. They get away with it because there is no real ability to go after them. There is neither the money nor the personnel. This legislation gives both money and personnel but also gives teeth to the law.

I have said on this floor several times, if you have somebody who sets up a $100 million fraud scheme, they do not care what happens to the people in their way. They do not care if they ruin the lives of the people they are going after. They do not care if the people lose their homes because they figure if they get caught, they might have to give a little bit of the money back in a fine or otherwise. They are not deterred. They, obviously, do not have a sense of conscience or morality. They do not care if people lose their life savings. They do not care if people lose their retirement. They do not care if people lose their hope for the future. All they want is the money.

Madam President, I tell you right now, if these same people think they are going to go to prison for what they are doing, if they think they will spend time behind bars for years and years, then maybe—maybe—some Americans may be able to keep their homes, some Americans may be able to keep their dreams, some Americans may be able to keep their retirement, some Americans may be able to keep sending their children to college.

People are now losing that dream. That is why there is strong bipartisan support for this bill. That is why I must admit I am somewhat frustrated that many have come here to try to bring amendments that have absolutely no place in this bill, and, if anything, would slow up the ability to protect Americans. But they have the right to do this.

We will soon have a list of amendments, we will set the list in, and we will set a time for final passage. And maybe—maybe—within a few weeks the President will be able to sign this legislation and people will be a lot more protected than they are now.

Madam 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.

Mrs. BOXER. Madam 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.

AMENDMENT NO. 1000

Mrs. BOXER. Madam President, I ask unanimous consent that amendment No. 1000 be the pending business so I might modify it.

The ACTING PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

AMENDMENT NO. 1000, AS MODIFIED

Mrs. BOXER. Madam President, I ask that my amendment be modified with the changes that are already at the desk and ask unanimous consent that Senators WEBB and WYDEN be added as cosponsors of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is so modified.

The amendment, as modified, is as follows:

On page 20, between lines 11 and 12, insert the following:

''(e) ADDITIONAL FUNDING FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.—

''(1) IN GENERAL.—Of the amounts of authority made available pursuant to section 115(a) of the Emergency Economic Stabilization Act of 2008 (P.L. 110–343), an additional $15,000,000 shall be made available to the Special Inspector General of the Troubled Asset Relief Program (in this subsection referred to as the Special Inspector General).

''(2) PRIORITIES.—In utilizing funds made available under this subsection, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made by the Secretary of the Treasury or the Board of Governors of the Federal Reserve System, to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.''.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise today to express my strong support for the Fraud Enforcement and Recovery Act of 2009 currently before the Senate. This legislation, which is long overdue, will take critical strides toward enabling the Justice Department and Federal Bureau of Investigation to investigate and prosecute the mortgage and securities fraud that have played such a large role in bringing our economy to the brink of collapse. I would like to commend Senators LEAHY, GRASSLEY, and KAUFMAN for introducing this bill that I am proud to cosponsor and hope that the Senate will pass it as quickly as possible.

The fact is that the current recession stands apart from others we have experienced since the end of World War II, and not just because it is the longest and deepest. Although many downturns are the result of a decline in the business cycle, this recession was in significant part brought about by two factors that could well have been avoided had mortgage brokers and their associates and financiers set aside greed and outsized profits in favor of responsible lending, financial practices, and sustainable, but nonetheless healthy, rates of return.

First, during the most recent housing boom, as are all aware, many homebuyers were placed into predatory, subprime loans that they could not be reasonably expected to repay. Indeed, while unscrupulous lenders, including private mortgage brokers and lending businesses that were not subject to the type of oversight and regulations that have traditionally prevented fraud, profited from a quick short-term fee in exchange for underwriting an irresponsible mortgage with little due diligence, homebuyers were left with loans that began with low interest rates and affordable payment but that morphed into significantly higher interest rates and payments. In other cases, the New York Times has reported that circles of appraisers delivered inflated appraisals on demand, while lawyers paid by the seller, but holding themselves out as representing the buyer, and mortgage brokers conspired to persuade buyers to take on overpriced and often dilapidated homes. And the scams continue to this day. The Times reports that deed thieves are currently approaching distressed owners and offering to ameliorate financial difficulties by temporarily taking over deeds. Then they refinance and flee with the owners' equity in tow.

The result of the fraudulent loans and scams has been nothing short of a disaster that has devastated communities nationwide. RealtyTrac, the leading online marketplace for foreclosure properties, in January reported that Americans received 3.2 million foreclosure filings on 2.3 million properties during 2008. That represents a staggering 81-percent increase in total properties from 2007 and a 225 percent increase in total properties from 2006.

Unfortunately, mortgage brokers and related parties are not solely to blame for the economic calamity that has befallen the nation. Large Wall Street investment banks thought they saw a profit opportunity and decided to package and sell risky subprime mortgages in largely unregulated markets. They believed that they could reduce risk by placing mortgage securities into such bundles but were in many cases dishonest with themselves and investors about the potential for losses. Although paper profits soared so long as housing prices increased, once they began to tumble, the value of these securities did as well.

It is now estimated that in the past year, U.S. banks and financial institutions lost more than $500 billion as a result of their investments in subprime mortgages. Some of this Nation's most recognizable companies, including Bear Stearns and Lehman Brothers have been wiped away due to collapse of the mortgage-backed securities market, while Fannie Mae and Freddie Mac have been taken over by the Federal Government.

While other financial institutions have not shuttered their doors, they have absorbed significant losses. This has caused banks to all but cease to lend, which has led to untold difficulties for businesses and individuals seeking credit. Consumers could not obtain car and student loans, and business owners, and small business owners in particular, could not acquire capital to expand operations or, in many cases, make payroll. In short, the staggering 5.1 million job losses we have witnessed since the onset of the recession in December 2007 are in large part attributable to the collapse of housing and financial markets.

To ameliorate the situation, Congress was last October forced to pass the $700 billion Emergency Economic Stabilization Act that created the Troubled Asset Relief Program, TARP, to rescue financial markets. Combined with other actions taken by the Federal Reserve Board, Federal Deposit Insurance Corporation, and the Treasury Department, the Congressional Oversight Panel on April 7 reported that the total value of all direct spending, loans and guarantees provided in conjunction with the federal government's financial stability efforts now exceeds $4 trillion. In addition to this unprecedented exposure, Congress also passed the $787 billion American Recovery and Reinvestment Act in February to assist those displaced by the recession and sow the seeds for recovery.

Notably, as Congress passed the $700 billion financial rescue package last October, I insisted that our obligation did not stop with the enactment of that legislation. Indeed, I called on Congress to demand accountability for the massive malfeasance that has been perpetrated on the American people and specifically made the point that those responsible for our Nation's economic meltdown must be investigated and subsequently prosecuted to the fullest extent of the law. Frankly, it would be inconceivable to me to devote anything less than 100 percent of our resources to investigating those responsible for this crisis.

It is for these reasons that on February 25, I, joined by Senator WHITEHOUSE, introduced the FBI Priorities Act of 2009, S. 481, to augment FBI investigations of financial crimes. Turning to specifics, this bill authorizes $150 million for each of the fiscal years 2010 through 2014 to fund approximately 1,000 Federal Bureau of Investigation field agents in addition to the number of field agents serving on the date of enactment. This extra manpower will help enable the FBI to develop and fully investigate, as well as bring responsible parties to justice.

There is simply no question that this additional manpower is an absolute necessity to combat fraud given rising caseloads and a wholly inadequate level of resources. Consider the following facts: In the last 6 years, suspicious activity reports alleging mortgage fraud that have been filed with the Treasury Department have increased nearly tenfold to 62,000 in 2008. In the last 3 years, the number of criminal mortgage fraud investigations opened up by the FBI has more than doubled to exceed 1,800 at the end of 2008. Moreover, the FBI anticipates a new wave of cases that could double that number yet again in coming years. Finally, despite increases in caseloads, the FBI currently has fewer than 250 special agents nationwide assigned to these financial fraud cases. At current levels, these agents cannot individually review, much less thoroughly investigate, the more than 5,000 fraud allegations received by the Treasury Department each month.

Although the details of the legislation I have introduced differ from those in the measure currently before the Senate, I believe the impact on the government's ability to root out and prosecute fraud would be similar. In particular, the legislation now under consideration authorizes $165 million a year for hiring fraud prosecutors and investigators at the Justice Department in 2010 and 2011. This includes $75 million in 2010 and $65 million in 2011 for the FBI to hire 190 additional special agents and more than 200 professional staff and forensic analysts to nearly double the size of its mortgage and financial fraud program. With this funding, the FBI can expand the number of its mortgage fraud task forces nationwide from 26 to more than 50.

Notably, the funding authorized in the bill also includes $50 million a year for U.S. Attorneys' Offices to staff those fraud task forces and $40 million for the criminal, civil, and tax divisions at the Justice Department to provide special litigation and investigative support in those efforts. In addition, the bill authorizes $80 million a year for 2010 and 2011 for investigators and analysts at the U.S. Postal Inspection Service, the U.S. Secret Service, and the Department of Housing and

Urban Development's Office of Inspector General to combat fraud in Federal assistance programs and financial institutions.

In addition to adding critical funds necessary to identify and prosecute fraud, this legislation makes several vital improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat a growing wave of fraud. Specifically, the bill amends the definition of ''financial institution'' in the criminal code to extend Federal fraud law to mortgage lending businesses that are not directly regulated or insured by the Federal Government. Responsible for nearly half the residential mortgage market prior to the economic collapse, these companies inexplicably remain largely unregulated and outside the scope of traditional Federal fraud statutes. This provision would apply the Federal fraud laws to private mortgage businesses, just as they pertain to federally insured and regulated banks.

Furthermore, this legislation amends the false statements in mortgage applications statute to make it a crime to make a materially false statement or to willfully overvalue a property to influence any action by a mortgage lending business. Currently, these strictures apply only to Federal agencies, banks, and credit associations and do not necessarily extend to private mortgage lending businesses. This provision would ensure that private mortgage brokers and companies are held fully accountable under this Federal fraud provision.

Finally, I would like to point out that this bill would modify Federal law to protect funds expended under TARP and the economic stimulus package. Specifically, the legislation would amend the Federal major fraud statute to include funds flowing pursuant to TARP and the stimulus package. The change will give Federal prosecutors and investigators the explicit authority they require to protect taxpayer funds, which could not be more critical with $4 trillion at risk as part of TARP and related programs and $787 billion at stake as part of the stimulus package. It is absolutely vital that every dollar we have put at stake go toward economic stabilization and revitalization and not to line the pockets of those who seek to defraud taxpayers.

Mr. FEINGOLD. Mr. President, I will vote for the Fraud Enforcement and Recovery Act of 2009, S. 386. This bill improves enforcement and recovery mechanisms for mortgage, securities, financial institution and other frauds. In the context of today's global financial crisis, it is a very important piece of legislation, and I commend its authors.

The current economic downturn has many causes. But certainly fraud—in mortgage lending and in the mortgage-backed securities and derivatives markets—played a significant role. The Fraud Enforcement and Recovery Act of 2009 does a number of things to help deter and uncover fraud, and compensate its victims. First, it authorizes significant new resources for the FBI, the Department of Justice, the Department of Housing and Urban Development, and other agencies to investigate and prosecute these kinds of cases.

In addition, the bill extends Federal fraud laws to the mortgage lending business, just as they apply to federally insured banks. Similarly, it makes sure that Federal prohibitions against false statements apply to statements made to influence mortgage lending decisions. Very importantly, because the taxpayers have now put extraordinary sums of money into propping up the financial sector, the bill makes clear that fraudulent activities in connection with the TARP program and the economic stimulus package can be prosecuted. The bill also reverses an erroneous Supreme Court interpretation of the Federal money laundering statute that was making it impossible to prosecute so-called Ponzi schemes. These simple and effective clarifications and expansions of current law will help protect the American people from these very damaging frauds.

I also strongly support Section 4 of the bill, which amends the False Claims Act—FCA. The FCA provisions clarify liability for making false or fraudulent claims to the federal government. A few concerns have been raised about this part of the legislation, which I would like to briefly address here.

One criticism is aimed at the bill's rejection of an ''intent'' requirement under the FCA. The Supreme Court recently held in the Allison Engine case that such a requirement exists. The bill simply returns the law to its original intent. The judicially manufactured requirement that the person making a false claim intend that the government itself pay the claim was giving subcontractors a way to avoid liability for fraud, which is inconsistent with the purpose of the act.

Another criticism alleges that the addition of a ''materiality'' requirement to the FCA is potentially broad and unclear. But ''material'' is defined in the bill in a way that is consistent with Supreme Court and other judicial precedents, so this claim is unconvincing.

The Fraud Enforcement and Recovery Act of 2009 is an important accomplishment. Those who perpetrate financial fraud, which is so harmful not only to the victims of the fraud but to the economy as a whole, must be discovered and prosecuted. This bill makes it easier to do that, so I am pleased to support it.

VOTE EXPLANATION

Mr. COBURN. Mr. President, earlier today amendment No. 1006 was passed by a voice vote. If there had been a rollcall vote, I would have opposed this amendment, as it added more than $40 million to a bill that already costs nearly half a billion dollars.

Mr. CONRAD. Mr. President, before we begin the debate on appointing conferees on the budget resolution, will the Parliamentarian inform us of the parliamentary status on the floor.

The PRESIDING OFFICER. The Senate is considering S. 386.

BUDGET RESOLUTION CONFERENCE

Mr. CONRAD. Mr. President, floor staff informs me they are working on an agreement that will allow us to go to the consideration of the conferees. At this point, we will open the discussion but will not turn to it. I will use this time to make my statement so that we are efficiently using the time of the Senate.

I remind my colleagues that some of the key elements in the Senate-passed budget resolution we will soon be taking to conference. The budget needs to be considered in the context of the very tough hand we have been dealt. This administration and this Congress have inherited a mess of truly staggering proportions. If we start with the deficit outlook, we can see that the previous administration inherited surpluses that they rapidly turned into record deficits, and then record deficits of a proportion that stagger the imagination. I don't think anybody could have anticipated we would have deficits approaching $2 trillion in a year.

We also saw in the previous administration a dramatic increase in the Federal debt—a more than doubling of the Federal debt in the period that the previous administration was responsible for.

The Obama administration inherited record deficits, a doubling of the debt, the worst recession since the Great Depression, financial market and housing crises unparalleled since the 1930s, and nearly 4 million jobs lost in the last 6 months alone. On top of it all, we have ongoing wars in Iraq and Afghanistan.

I often think what it must be like to be President Obama, who wakes up every morning with this heavy responsibility on his shoulders. In our caucus today, we had the Chairman of the Federal Reserve Board, Chairman Bernanke. I told him that I believe when the history of this period is written, he will go down as one of its heroes—somebody who helped rescue us from what could have been a financial collapse, not only here but around the country.

In the budget resolution that passed the Senate, which we will be taking to conference, we have tried to preserve the major priorities of the President: reducing our dependence on foreign energy; a focus on excellence in education; fundamental health care reform, because that is the 800-pound gorilla that can swamp the fiscal boat of the country; middle-class tax cuts; and cutting the deficit in half over the term of the budget.

The budget we produced reduced the deficit by more than half over the next 5 years. We have reduced the deficit by two-thirds. I am proud of that fact. We reached 3 percent of GDP a little less

than that—which all of the economists say is essential to stabilizing the debt.

At the same time, we have adhered to the President's intentions to make certain strategic investments—one of the most important in energy—to reduce our dependence on foreign energy, because that is an imperative for this country, a strategic imperative, a financial imperative, and a national security imperative.

The budget resolution that went through the Senate reduces our dependence on foreign energy, creates green jobs, preserves the environment, and helps with high home energy costs. It does it in the following ways: one, a reserve fund to accommodate legislation to invest in clean energy and address global climate change; second, providing the President's level of discretionary funding for the DOE; third, building on the economic recovery package to provide investments in renewable energy, efficiency, and conservation, as well as low carbon coal technology, and modernizing the electric grid.

I thank Chairman LEAHY once again for his incredible courtesy and graciousness in allowing us to interrupt his very important legislation so we can go to this matter of naming conferees, because we are under a tight deadline there. I thank the chairman of the Judiciary Committee for his incredible graciousness.

We also, in this budget, preserve the President's priority of a focus on excellence in education. If we are not the best educated, we are not going to be the most powerful country in the world for very long. So we adopt the priority of investments in education to generate economic growth and jobs, to prepare our workforce to compete in the global economy, to make college more affordable, and to improve student achievement. We do it, again, in three ways: a higher education reserve fund to facilitate the President's student aid increase; by extending the simplified college tax credit, providing up to $2,500 a year in tax credit—that is a dollar-for-dollar reduction in your tax liability; and, finally, by providing the President's requested level of $5,550 for Pell grants and fully funding his education priorities, such as early education.

When I am asked about the President's budget, I give it very high marks because I think it has the priorities exactly right—reducing our dependence on foreign energy, excellence in education, and health care reform, all in the context of dramatically reducing the deficit. So on health care, the budget resolution that previously passed the Senate, which we will take to the conference committee, bends the health care cost curve, reducing costs long term, improves health care outcomes, expands coverage, increases research, and promotes food and drug safety. Again, we do it in three different and very specific ways: No. 1, a reserve fund to accommodate the President's initiative to fundamentally reform the health care system. As many have said, we have a sickness system, not a wellness system. We have to make a transition. We also have a reserve fund to address Medicare physician payments, because we know that the doctors across the country who serve Medicare-eligible patients are due for major deep cuts—cuts of more than 10 percent. We are not going to let that happen. Third, it continues investment in key health care programs, such as the NIH and the FDA.

Not only have we preserved the President's key investment priorities, reducing our dependence on foreign oil, moving toward excellence in education, health care reform, but we also preserve his fourth key priority of cutting the deficit dramatically. In the budget resolution that previously passed the Senate, we reduce the deficit by two-thirds by 2014—that is in dollar terms we reduced it by two-thirds. Most economists say you ought to evaluate it as a percentage of the gross domestic product, that that is the best way to see what you are accomplishing. If we look at it in those terms, we are reducing the deficit by more than three-quarters, from 12.2 percent of GDP in 2009 down to less than 3 percent of GDP out in 2014.

I am especially proud of that trajectory on the deficit, because I think it is absolutely critical. I would be the first to say we need to do even more in the second 5 years, but this is a 5-year budget. The reason it is a 5-year budget is that, of the 34 budgets that Congress has done since the Budget Act was instituted, 30 of those 34 times we have done a 5-year budget. Why? Because the forecasts beyond 5 years are murky, at best, highly unreliable. So we have stuck to a 5-year budget, as has traditionally been the case.

With respect to the revenue side of the equation in this budget, the Congressional Budget Office, in looking at what we have done, would conclude that as a total, compared to current law, the budget resolution that passed the Senate reduces taxes. Let me emphasize that, because some want to put all the emphasis on the tax increases in this package; but if you take the tax increases and the tax reductions and put it all together, and you look at a net result, you find that we are cutting taxes over the 5 years by $825 billion. That is because we have extended the middle-class tax relief that is from the 2001 and 2003 acts, the 10-percent bracket, the childcare tax credit, the marriage penalty relief, and the education incentives. All of that is in this bill.

We also provide alternative minimum tax reform relief for 3 years to prevent 24 million people from being swept up in the alternative minimum tax.

We also have estate tax reform, $3.5 million an individual, $7 million a couple, indexed for inflation. That means 99.8 percent of estates in this country will pay zero; 99.8 percent of estates will pay zero.

We also have business tax provisions and the traditional tax extenders, such as the research credit, that are included in this budget, for a total of tax relief of $958 billion.

On the other side of the equation, we have loophole closures, such as codifying economic substance and international tax enforcement to go after these offshore tax havens, these abusive tax shelters. We raise $133 billion for a net tax reduction of $825 billion over the 5 years of this budget.

On the spending side of the house, domestic discretionary spending, again as a percentage of the gross domestic product—and the reason, of course, economists say that is what you should focus on rather than the dollar amounts is that this takes account of inflation. It gives a more fair comparison year by year.

We hear all this talk that this is a big spending budget. No, it is not. This budget reduces domestic discretionary spending as a percentage of gross domestic product from 4.3 percent in 2010 down to 3.2 percent in 2014. We are taking domestic discretionary spending down to one of its lowest levels in the last 50 years.

In fact, nondefense discretionary spending increases under this budget resolution an average 2.5 percent.

In addition, we have a series of budget enforcement tools that are in this resolution: discretionary caps for 2009 and 2010. Some have said we ought to have discretionary caps for 2011 too. Well, why? Well, why? We are going to be back here a year from now. We have discretionary caps for 2009 and 2010. Why do we need them for 2011, when we are going to be right back here, same place, same time 1 year from now?

We also maintain a strong pay-go rule. We provide a point of order against long-term deficit increases; a point of order against short-term deficit increases; we allow reconciliation for deficit reduction only in the resolution out of the Senate; and we provide a point of order against mandatory spending on an appropriations bill.

Let me address, very briefly, this last provision because what we found was some of our colleagues have gotten increasingly clever about finding new ways to spend money. We found they were increasing mandatory spending on appropriations bills. Mandatory spending is typically not done on an appropriations bill, as the Chair well knows. Appropriations bills are designed to deal with discretionary spending, not mandatory spending. Mandatory spending is things such as Social Security and Medicare, certain farm supports. Those are mandatory spending items. We found some of our colleagues have gotten very clever and started to increase mandatory spending on appropriations bills. We have created a point of order to try to short circuit that bad practice.

The budget resolution also attempts to address our long-term fiscal challenges. Let me be very clear. My colleague will momentarily speak, and he

will be highly critical of the budget resolution for not more fully addressing our long-term challenges. It may surprise listeners to hear me say that I agree with him. If there is a place this budget can be fairly criticized, it is that it does not do enough long term. I think we do a pretty good job in the first 5 years. But beyond that—this is only a 5-year budget—but beyond that, much more needs to be done.

The ranking Republican on the Budget Committee, Senator GREGG, and I have a proposal that I believe needs to be pursued. It is to have a task force given the responsibility to come up with a plan to get us back on a sounder, long-term fiscal track and to come to Congress for an assured vote if 12 of the 16 members of that group could agree.

Nonetheless, there are three important elements of this budget resolution that deal with our long-term fiscal circumstance. No. 1 is the health reform reserve fund. That, after all, is the biggest threat to our long-term fiscal security and stability. No. 2 is we have program integrity initiatives to crack down on waste, fraud, and abuse. We have five in this budget, and they are very important—Medicare, Social Security, defense, and others as well. I hope very much that these are pursued in the conference committee.

No. 3 is we have a long-term deficit increase point of order to require a 60-vote point of order against moves to increase long-term deficits.

Finally, let me say that on this question of the long term, the President has been very clear. At the fiscal responsibility summit on February 23, the President said this:

> Now, I want to be very clear. While we are making important progress towards fiscal responsibility this year, in this budget, this is just the beginning. In the coming years, we'll be forced to make more tough choices, and do much more to address our long-term challenges.

The President got it exactly right with that statement. We are going to have to do much more. But this budget is a good and responsible beginning.

Mr. President, with that, I will yield the floor. Let me say, momentarily we will have a unanimous consent request before us. I do not yet have it in my hands. I will say this before we begin this debate. This is an institution with Republicans, Democrats, and Independents. On the Budget Committee, we have all three represented.

I am chairman of the committee representing the Democratic Party. Senator GREGG is the ranking Republican. Senator GREGG is someone with whom we have strenuous debates and disagreements. You will see that in the coming hours. But I wish to make very clear that I have high regard for Senator GREGG. He is motivated by patriotism, by love of country, and by a fundamental understanding that we are on an unsustainable track, that we have to be much more serious about our long-term buildup of deficits and debt. He has not just talked about it, he has been prepared to act.

I wish to recognize him for his commitment to something I also believe in. I think it is abundantly clear we cannot stay on our current course. It is a course that will lead us to a much diminished standard of living for the future. While I believe this budget is a good beginning, I do not assert that this in any way solves our long-term problem. It does not. But it is a beginning, an important beginning, and we need to do more.

I also thank Senator GREGG for his unfailing courtesy and professionalism, not only in our public debates but in the workings of the Budget Committee. He has assembled a first-rate and professional staff. We have worked together well to do the business of the committee and the business of the country.

I thank Senator GREGG, once again, for all he has done to allow the budget resolution to be fully debated, fully discussed, to have our differences aired publicly and privately but also to do it in an air of civility and respect, something I certainly feel toward him.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me begin by saying I think it is terribly unsportsmanlike of the chairman of the committee to say such nice things about me, to disarm my ability to effectively attack his budget, but I wish to join his thoughts because he and his staff are very good to work with. He is a professional. They are committed. He genuinely believes, as I do, that this country's outyear fiscal situation is not a sustainable event. We are trying to work together to address that situation. We hope we can gather others to join us in this effort.

I respect he has water to carry around here, and he carries it extraordinarily well on behalf of his constituency, which is the Democratic caucus and the President of the United States. I congratulate him for the exceptional job he does.

That being said——

Mr. CONRAD addressed the Chair.

Mr. GREGG. Is the debate over?

Mr. CONRAD. Can we end the debate? (Laughter.)

Mr. GREGG. That being said, let's begin where the chairman leaves off accurately and correctly in saying that the course we are on is unsustainable.

What does ''unsustainable'' mean? It is one of those terms of art we use around here. It means that by the time this budget runs its course—not necessarily the chairman's budget but the President's budget because the President's budget is a 10-year budget—by the time the President's budget runs its course, we will have passed on to our children a debt which will have tripled—tripled—a deficit which will have averaged every year for the 10 years a trillion dollars or more and a national public debt—that is the debt we owe to the Chinese, to the Japanese, and to our own people who own a fair portion of our debt—a national public debt which will have doubled as a percent of our gross national product, going up to 80 percent of our gross national product.

What does all that mean? It means essentially we will have built a debt in this Nation which our children will not be able to afford to pay down. Just the interest on that debt alone, as we move into the later years of this budget, will exceed anything else in the budget as a line item on the discretionary side of the ledger. It will exceed, for example, all the money we spend, the interest alone will exceed all the money we spend on national defense. It will exceed by a factor of three or four or maybe even eight accounts such as education, housing, veterans affairs, and health. The deficits will have been so large for so long that the debt will have grown to a point that there is no logical way or fair way that our children and our children's children, who will have to pay this debt, will be able to do it in a manner that would leave them with a nation that is as strong and as prosperous as the Nation that was given us.

Putting it another way, at the end of this budget, after these 10 years are over and beginning in about the third and fourth year of this budget, the spending will be so out of control at the Federal level, the growth of the Government will have occurred at such a rapid rate that we will have created a debt structure which will mean that our children will have about three choices in their future.

The first is that there will be a dramatic increase in inflation. We will try to pay this debt off with inflated dollars. There is no more regressive or harmful tax that a society can put on its people than to have uncontrolled inflation or massive inflation. But that is what one of the choices is.

The other choice is that we will raise taxes to a level that they will be so high we will essentially tax away the opportunity of our children to do things which were considered to be commonplace for our generation—buy a home, send their kids to college, invest in a small business, take a risk, create a job. All of that will be taxed away because the tax rates would have to get up to such a level to pay this debt off that we will no longer be able to have that type of prosperity. The third course of action, equally untenable, is that the dollar gets devalued—which is to some extent an inflationary event—and people stop buying our debt. They simply say: I don't believe you can pay this debt off—you, the people of the United States. You are not going to be able to generate enough productivity to do it. That, of course, leads to some level of implosion of our economy which I can't even calculate or comprehend, but it is much worse than what we even confront today.

So nobody is arguing or debating—at least I am not, though there are some

who are—I am not coming to this floor and saying it is irresponsible for this administration, for President Obama to have inserted a large amount of Federal spending into the economy this year and next year. We recognize that this economy is in stress and that the only source of liquidity for our economy is our National Government and that the Federal Reserve, for all intents and purposes, has become the lender of first resort. But that is a short-run issue.

The problem with this budget is that the type of spending which has to be done now is not curtailed after 2 years. It is not reigned in. It is not reduced or even leveled off. It continues up and up in the third year, the fourth year, the fifth year, the sixth year of the budget the President sent up here. The spending continues to go up on a path that is extraordinarily steep, so that the cost of the Government, which today and historically has been about 20 percent of GDP, jumps to 21 percent, 22 percent, 23 percent, and 24 percent. In fact, if you go outside the window and you presume these numbers continue to compound, you get to a cost of Government that ends up around 28 and 29 percent of GDP. You cannot sustain an economy with that type of cost.

I have a few charts to try to put this in perspective.

The first chart is on the issue of debt. The budget, as proposed by the President—and why do I keep talking about the President's budget rather than the chairman's budget? Because the President's Director of OMB said they are essentially the same, and they are essentially the same. We can get into the differences, but the differences are at the margin and they are really not arguable. The biggest difference is that the chairman's budget only goes for 5 years, not 10 years. Well, there are other big differences, but that leaves off the second 5 years, and by leaving off the second 5 years, you don't talk about and you essentially hide some of the most dramatic effects of this spending binge.

The President's budget increases taxes by $1.5 trillion, it increases discretionary spending by $1.4 trillion, and it increases mandatory spending by $1.2 trillion. And this number, this $1.2 trillion, is grossly underestimated. What does it do in the area of savings? On the mandatory side, it does nothing in the area of savings, absolutely nothing. In fact, the few discretionary savings he sent up, which I happen to support, were dropped in the chairman's mark, especially in the area of agriculture. So as we have said, and some people have heard it before—maybe not in this room—it spends too much, it taxes too much, and it borrows too much as a budget. What it doesn't do is save too much, and that is what gets us into trouble. The practical effect of this budget's structure is that it takes Federal debt and doubles it in 5 years and triples it in 10 years.

Try to remember what we are talking about. We are not talking about going from $100 to $200 to $300. We are talking about trillions. Trillions. I don't know what a trillion dollars is. I can't even conceive of it. But that is what we are talking about. We are talking about taking the Federal debt from $5.8 trillion up to $17 trillion, or thereabouts. To try to put it in perspective, if you take all the spending, all the debt run up by all the Presidents since the beginning of the country—George Washington through Franklin Pierce through George W. Bush—all that debt that has been run up over 230-some-odd years by all our Presidents, that debt is doubled by this President within 5 years of being in office.

There is another chart which shows this even better. It is called the wall of debt. This chart wasn't invented by me, but whoever invented it was a genius, obviously. The wall of debt shows how the Federal deficit just goes up and up and up and up. This wall of debt is what our kids are going to run into when they try to have a productive lifestyle. It is what is going to cost them their ability to be successful.

By the time we get to the end of this, or even right here in the middle somewhere of this budget, the average family in this country is going to have $130,000 of new debt for which they are responsible. And $130,000 is probably more than the mortgage on the homes of most people. The interest cost on that debt, which most Americans, which all Americans are going to be responsible for, will be about $6,000. That may be more than what most people pay in interest on their homes. But that is the debt that is going to be passed on to them by this budget.

Why does it happen? It happens for one very simple reason. It is called spending. The simple fact is that under the President's budget—and under the budget proposed by the chairman—the spending of the Federal Government goes up dramatically, comes back down, and then starts back up again. It goes up dramatically, of course, in these 2 years here, which I said I have reservations about. I especially had reservations about the stimulus package, which was a misallocation of spending, even though I supported the stimulus effort. Why does it start back up again? It starts back up again because this President, in a very forthright manner—and I give him credit for this—has said not only in his budget but he has said publicly that he genuinely believes the way you create prosperity is to significantly increase the size of the Federal Government, to take it to the left dramatically. So he does. As a result, spending goes up at a rate that is simply not affordable for our children.

Look at this black line here. This is the black line that reflects the average spending of the Federal Government between 1958 and 2008. Look at how much higher the spending is of this Government under this proposed budget. That is a huge gap. When you are talking about an economy as large as ours, when you are talking about 2, 3, and 4 percent—or in this case, 4 or 5 percent—that is where the massive deficits come from. That is where the massive increase in debt comes from. It is debt that is the issue.

The chairman used to say: The debt is the threat. He is absolutely right, the debt is the threat, but the driver of the threat is spending. Unless you are willing to address the issue of spending, you are not going to get debt under control because you can't tax people enough to cover that. Well, of course you can always inflate the economy and try to cover it, but that leads to much more harmful events.

So this is the fundamental difference we have as a party. The President has said he wants to spend, he wants to tax, and he wants to borrow. And I think it is important to note there is a little subtlety here that hasn't been focused on too much, and that is this: When President Clinton came into office, he also wanted to spend and tax, but he didn't want to borrow. He used his taxes, which he increased—which I probably opposed—in order to reduce the deficit. This President, on the other hand, who is claiming he is going to raise taxes on just the wealthy—which is a canard if there ever were a canard around here—is using all that revenue not to reduce the deficit but to increase spending, and then he spends on top of that. So he is using it to grow the size of Government. He is very forthright about this. He is going to use those tax revenues to nationalize the health care system. That is the way I describe it; he describes it another way. He is going to use those revenues to basically create a massive expansion of spending in the other accounts of the Federal Government. But he is not going to use those revenues to try to reduce the deficit. That is the big difference between President Obama and President Clinton in the area of fiscal policy. So he doubles and triples the debt, and as a result, he leaves to our children a nation which is not affordable. So as I said, there is a fundamental difference.

You know, in the past we would get these budget debates on the floor, and they were sort of academic exercises. People would engage in them, and they would be very interesting, but I don't think anybody ever saw it as the core of the policy of the country. Even though it was important, it wasn't the core.

This debate is about this country's future. This budget is about where this country ends up. The pathway that has been laid out in this budget is a pathway that leads to a debt which the chairman has openly said is not sustainable. If the chairman knows it is not sustainable and the President knows it is not sustainable, why haven't they sent a budget up here to address that fact? Instead, they have sent a budget up here which does nothing about that fact, and, in fact, it does the opposite. It increases spending, it

increases discretionary and mandatory spending, and it saves absolutely zero in the area we most need savings, which is the mandatory accounts.

So the difference is this: The President, as I said, has been forthright. His budget—this budget—probably the most significant document we have received here in the area of fiscal policy since perhaps the time of Lyndon Johnson or before, concludes that the way to prosperity is to expand the size of Government in an exponential manner by spending on Government programs in hopes that they create some sort of economic activity and create prosperity over the long run. Well, we believe, as a party, that doesn't work because in this case it is not paid for and it creates all this debt which we then pass on to our children to pay. We believe the way to prosperity is to have a government that is affordable and to pass that affordable government on to your children. Equally important is to empower the individual citizen and groups of citizens to go out, take a risk, and create a job, not to have the Government take from the individual the ability to create jobs because it taxes the individual either through inflation or through taxes or through a huge debt burden, as is proposed in this budget—a huge debt burden that is not sustainable.

So this is a very significant debate and a very significant decision point in our Nation's history because if this budget passes in its present form, we are guaranteeing that we will pass on to our children a nation whose Government is not sustainable, and therefore we will be passing on to our children a nation which is less than what we received from our parents. No generation has the right to do that to another generation, and that is what this debate is about.

Mr. President, at this point, I yield to Senator JOHANNS, who has an amendment or who wishes to discuss a motion to instruct.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, because of the procedure we are following at the moment, I can't make this motion right now, but we will offer the motion at the appropriate time.

I rise today to speak about something I am bringing to the Senate. I am on the floor today because I think it is unwise and I also think it is unfair to the American people to use budget reconciliation to pass cap and trade.

Just to review the history of this, I joined the senior Senator from West Virginia and circulated a letter asking the leadership of the Budget Committee not to include reconciliation instructions to pass cap and trade. I was very happy that a number of my colleagues agreed with us. Eight Democrats signed the letter, and 25 Republicans—even some who support cap and trade—signed the letter. Notably, the budget resolution which we considered on the floor of the Senate did not include reconciliation instructions. I commended members of the Budget Committee during floor debate for not including instructions for cap and trade. I do so again today.

At the same time, I expressed concern that the real threat, though, came from the House in terms of what it had done with its resolution. The House budget, I think we all know, included, interestingly enough, reconciliation instructions. We all know why they included the instructions. The House has no use for them. They are not necessary under House rules. Therefore, there is no reason to include them other than to attempt to force cap-and-trade provisions into the conference report.

We are nearing that day when a conference report will come to us. This would restrict input from the American people, or the Senate body, on a policy that would result in massive taxes and fees.

I thank Members on the other side of the aisle. I think they should be commended for what they did next. Understanding that the House was trying to slip climate change into law without review, without debate, without amendment, without consideration, 26 of my colleagues from the other side voted with the Republicans in support of my amendment.

What was the result? The result was that 67 Senators made it very clear just a few days ago that they would not support using budget reconciliation to pass cap and trade. This vote, I would offer, showed courage and leadership. Probably most importantly, it showed true bipartisan spirit.

Today I am again asking for the support and leadership of my colleagues to stand in support of my motion to instruction the budget conferees. My motion just says: Don't just drop our amendment when you walk into the conference committee meeting.

It says: Remember, we voted overwhelmingly against shutting off debate and using as little as a single legislative day to pass complex cap-and-trade legislation.

It says: Don't forget that cap and trade, if passed, will radically change the economic landscape of this great Nation.

Amendments to such a bill should not be narrowly limited by the rules of the budget process, a process that was really built for deficit reduction, not greenhouse gas reduction. It asks for leadership from our Senate conferees so the American people can witness a full debate on this very important issue.

Where does that leave us today? One might ask the question: Why is the motion necessary? With such a strong showing against including instructions for cap and trade, isn't that message already clear? The message is clear, but I think we have to be vigilant for some simple reasons.

First, we learned over the past several days that budget discussions are far from over. Reports indicate that negotiations will continue over the next several days, maybe into the next several weeks. Memories fade. If we think that budget reconciliation is off the table as time wears on, we could be very mistaken.

Budget Committee leadership from both the House and the Senate has specifically noted that debate on the inclusion of reconciliation instructions continues to be very intense. In other words, the use of budget reconciliation for cap and trade does remain a possibility. Cap and trade could be slipped into law if the House instructions, as currently written, end up in the conference report.

For me, today's motion is about being able to say to Nebraskans when I return home—to look them in the eye and say: Yes, I read that bill, and I carefully considered its impact on you, your families, your businesses, and your future. And, yes, I did everything I could to make sure people from Nebraska understood well the significant tax burden likely to result from the legislation. And, yes, after considering all of those things, I stood up and cast a vote, yes or no.

We need to stand up to those who want to use reconciliation to stop transparency and limit debate. I believe both the Chairman of the Senate Budget Committee, whom I respect, and the Ranking Member of the Senate Budget Committee, whom I respect, are battling mightily to ensure that reconciliation instructions are not included. Today, on the floor of the Senate, I commend them for that bipartisan effort. But they need our help. They need an army of Senators whose primary concern is the interest of the American people. A vote in support of this motion can do just that. We need this vote. We need to pass this motion. We need to insist that the text of the amendment, which 67 Senators, both Republican and Democrat supported, remains in the conference report on the budget.

I appreciate the opportunity to express this view. I urge my colleagues to support this motion. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. If the Senator will indulge me for about 2 minutes because I want to speak quickly on behalf of the amendment of the Senator from Nebraska? He has outlined a lot of the substantive reasons it is important. It would not be appropriate to do this type of huge policy on a 20-hour debate, no-amendment situation, up-or-down vote. But there is another issue which goes to the integrity of the Senate and the purposes of the Senate.

Basically, reconciliation is purely a Senate event. The House doesn't need reconciliation. The House has a Rules Committee. They can determine how long debate is going to be, when there is going to be debate, and how many amendments there are going to be.

The Senate historically has been the place where people come to talk, to discuss, to air out an issue, and then to have amendments on that issue. That is the whole function of the Senate in our constitutional process. I find it incongruous, to be kind, that the House of Representatives would be trying to dictate to the Senate the rules of operation of the Senate in a manner—first, it is inappropriate to begin with, but they are dictating them in a manner which basically goes at the fundamental purpose of the Senate, which is that the Senate be the place where debate, discussion, and amendment occurs on policy issues of great substance.

I do not argue that reconciliation is not a useful and appropriate tool to be used around here. There are many reconciliation initiatives for which I voted. But in the area the Senator has noted, which is a massive change in industrial policy, a huge tax on every person who turns on a light in every home in America, that should not be done under reconciliation. Equally important, the House of Representatives should not be explaining to the Senate or telling the Senate what the rules of the road are in the Senate. They have enough issues on their own over there.

At this point, I think the Senator from Michigan wanted to be recognized. At the completion of the remarks of the Senator from Michigan or the chairman's comments, unless the Senator has further comments, the next Member to be recognized on our side will be Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, let me indicate with respect to the question of reconciliation being used for cap and trade or climate change, there is no provision on the House side for that purpose. At least that is the stated intention of the Speaker of the House of Representatives. And there is no reconciliation instruction in our resolution at all for any purpose.

Let me indicate I happen to agree with the Senator from Nebraska. I personally do not believe reconciliation should be used for this purpose. I must say, I am very disappointed the Republicans, when they were in a position to do so, abused reconciliation. I believe that strongly. Reconciliation was designed for one purpose and one purpose only, and that was deficit reduction. Our friends on the other side used it to dramatically cut taxes and increase the deficit. That was, to me, an absolute abuse of reconciliation.

But two wrongs do not make a right, and I do not believe using reconciliation for major substantive legislation that is not fundamentally deficit reduction is an appropriate use of reconciliation. That is No. 1.

No. 2, I think people will find that because reconciliation was designed for a very specific purpose, that it does not work well for the purposes of writing major substantive legislation. I will not go into all the technical reasons why that is the case, but it is the case. We will get to questions of reconciliation being used for other purposes as well.

I have argued strenuously, publicly and privately, that reconciliation ought to be reserved for deficit reduction. But I do want to indicate that there is no reconciliation instruction in the resolution coming from the Senate; and in the House, the Speaker has made clear that reconciliation would not be used for climate change legislation or for cap-and-trade legislation.

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. GREGG. I totally want to identify my position with the Senator's argument as to the purposes of reconciliation and the fact it should not be used for major public policy initiatives which require debate and hearings in the Senate and an amendment process. Are we to presume, therefore, that your logic on cap and trade applies also to major health care reform?

Mr. CONRAD. My logic does, as I have made very clear over and over, publicly and privately. But, you know, I don't get to decide. We have House conferees, we have other Senate conferees, and, of course, we have a White House that has an interest—although they have no formal role in the budget process here. They submit a budget, but as the ranking member well knows, the budget resolution is entirely a congressional document.

With that said, I do want to indicate that I previously voted for the amendment of the Senator. I will vote for it again. But I do want to indicate we do not have any reconciliation instruction in our resolution, and the House, through its leadership, has made clear they do not intend to use a reconciliation instruction for the purpose of cap and trade or for the purpose of climate change legislation.

Mr. GREGG. If the Senator will yield for a further question, I will make this a rhetorical question. The Senator is one of the most influential Members of the Senate and of the Congress. When he says he wants something to happen, especially when it deals with the budget, I know it will.

Mr. CONRAD. I wish that were true. I wish the Senator had been with me in the discussions over the last few days, even in our caucus on Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I, too, rise to speak to a motion to instruct conferees. I understand we do not yet have an agreement to be able to move forward on that.

I first want to indicate that I, as well as the chairman of the Budget Committee, joined with the Senator from Nebraska in supporting his amendment to the budget resolution. But I believe it is not enough just to say what we will not do on climate change. It is very important to say what we will do. So that is what my motion to instruct does. It provides a positive direction for future climate legislation. I thank my colleagues, Senators BOXER, BROWN, SHAHEEN, CARDIN, and LIEBERMAN for cosponsoring this motion to instruct.

The budget we pass is truly about investing in America's future. With all respect to our ranking member, for whom I have great respect and fondness, there is a difference in this budget in terms of priorities. There is no question about it. There is a big difference in terms of what we want to invest in—education, energy independence, health care, jobs. I might say coming from Michigan: Jobs, jobs, jobs.

So there is a difference in direction, in values, and priorities in this budget. I believe it is what the American people are asking for. Our policy on climate change has to invest in the future just as our budget does. If done right, climate change legislation will create new jobs, new industries, and it will revitalize and strengthen our economy. So I will offer a motion to instruct in response to other amendments that say what we cannot do. My motion, on the other hand, is what America can do, what we must do.

My State of Michigan is facing serious challenges right now. We have the highest unemployment rate in the country, of 12.6 percent. The hardworking people, the families in Michigan and other States that are struggling, need us to do a climate change policy right so that it does create jobs and transform our economy. Our economy cannot go forward with the same old policies dependent on foreign oil and pollution that harms our health and our economic interests. Climate policy can and must look out for working families and businesses, whether it is a farmer, a manufacturer, or a clean tech engineer. That is why the motion to instruct that I will be offering refers to a future climate policy that is well balanced to address all of these interests, so it does create jobs and strengthens manufacturing and breaks America of our dangerous addiction to foreign oil. We cannot rely any longer on the same old technologies and the same old fuel.

With new energy solutions come new jobs and new industries. America has always led the world in innovation and we can do it again in a green energy economy if we do this right. We are in the midst of a revolution, an energy revolution. Over 100 years ago, Henry Ford revolutionized manufacturing in transportation with the automobile and the assembly line. He also revolutionized the way we pay people in this country. He gave his workers $5 dollars a day to work on the line when it was not necessary to do that, because he wanted to make sure he had people who could buy his automobiles.

Through doing that, that revolutionized people to invest in workers. He

helped create the middle class of this country. In the 1980s we had a computer revolution that changed the way we work, the way we communicate, the way we learn, the way we live. The energy revolution of the 21st century will change our economy, I believe, if done right.

That is why the right kind of climate policy is so important. The motion to instruct that I will be offering will direct the conference committee toward a smart climate policy that will protect and strengthen manufacturing. First we ensure a level playing field in the world economy so climate legislation does not hurt our bottom line. This will protect U.S. manufacturers from international competitors that do not follow the same important environmental standard our companies will have to follow.

Second, new manufacturing opportunities will arise. I believe that. For example, to meet the needs of new clean energy production, we will need to produce clean energy technologies on a massive scale. We are talking about 8,000 parts in a wind turbine. As I have said to many colleagues, we can build every single one of those in Michigan. I know I talk a lot about this. I talk a lot about our economy in Michigan. But I truly believe if our energy policy can turn Michigan's economy around, it will turn America's economy around.

Recent history has shown what happens when we rely primarily on foreign sources of energy. We subject ourselves to less than friendly international governments that can leverage unstable supply and higher prices against the people we represent. The motion to instruct I will offer will guide the conference committees to take steps to further reduce our dangerous addiction to foreign oil.

Furthermore, our domestic energy needs also increase over time, and all sources of clean energy should be part of the portfolio. Diversification of our energy supply is key for security, stability, and opportunity. This is a national and international problem and we must solve this together.

My motion directs the conferees to ensure that all regions contribute equitably and help each other as America transitions to a clean energy future. I also believe a successful climate policy has to include all our economic stakeholders. Agriculture and forestry can make significant contributions to greenhouse gas reduction, perhaps as much as 20 percent, with the right incentives. My motion to instruct provides clear and certain opportunities for landowners so they can achieve emission reductions and benefit from doing so.

Finally, this motion to instruct puts us on the road to a balanced climate policy. With policies that meet these objectives, we can ensure the American public that greater economic opportunity lies ahead, and we can do this while meeting the ambitious emission reduction targets set by President Obama.

Instead of arguing about what we cannot do, I urge my colleagues to embrace what we can do. That is what this motion to instruct relates to—creating jobs, protecting our environment, energy independence. This is what our future is about.

In addition to speaking about the motion to instruct, I would take a moment to say, on the broader budget resolution, this resolution again is different. It is about jobs, it is about energy independence, health care, education, tax cuts, yes, for the middle class who have been overlooked for too long, as well as focusing on cutting the deficit in half during the life of this budget resolution.

We know this deficit has been run up. When I came into the Senate in 2001, we were debating what to do about a $5.7 trillion surplus over 10 years, and colleagues were willing to make decisions, our colleagues on other side of the aisle, were willing to go into deficits for the war in Iraq, go into deficits for tax cuts for a few, go into deficits for a different set of policies.

It is true, this budget resolution reflects what I believe is a different set of priorities that are the priorities of the American people. I am very proud of and grateful to our chairman, the Senator from North Dakota, for his leadership, and I appreciate the ranking member as well for his graciousness, even though we have different views. I very much appreciate the way he and the chairman conduct the committee. But I am proud to say this is different. The American people want a different set of priorities, and that is what this budget resolution provides.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from North Dakota.

Mr. CONRAD. Madam President, at this moment, I ask unanimous consent that next Senator GRASSLEY be accorded 14 minutes; that Senator BOXER follow him for 10 minutes.

How much time would Senator WYDEN request ?

Mr. WYDEN. Could I have 10 as well?

Mr. CONRAD. And 10 minutes to Senator WYDEN.

Mr. GREGG. Is this all coming off of your time?

I will be yielding my time on this side.

Mr. CONRAD. I would always be happy to give Senator GRASSLEY time off mine.

Mr. GRASSLEY. I will take it off your time.

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

The Senator from Iowa is recognized.

Mr. GRASSLEY. Pretty soon we are going to have a motion dealing with small business. I want to address that issue now so that I get it addressed properly as a senior member of the Senate Finance Committee.

Everyone in this body knows that small businesses are an extremely important and dynamic part of the U.S. economy. I wish to say, and I often do, that small business is the employment machine of our economy.

President Obama agrees with that. Small businesses have generated 70 percent of the net increase in jobs in the United States over a long period of time. Three weeks ago, we debated this issue during the budget resolution debate. During the debate, the Senate spoke on this point, because Senator CORNYN had a small business tax relief amendment. That amendment passed by an overwhelming vote of 82 to 16.

America's small businesses have been suffering during this recession. If you go back to your States frequently, as I do, you will hear about it from your small businesses very directly. A few weeks ago, Senator LANDRIEU and Senator SNOWE held a hearing on the crunch hitting small business. They found that big banks have been cranking down lending to small businesses. At a time we are putting more money into big banks, why? I do not know that we got an explanation. I have been trying to get an answer out of Treasury on whether banks receiving the bailout money have been similarly squeezing out small business customers. I am still waiting for an answer from our Treasury Department.

A very good source of answer, though, as we turn elsewhere, an answer about the environment of small business, is found in the monthly surveys of small businesses conducted by the National Federation of Independent Business. We all know about the NFIB, the largest small business organization. NFIB has been conducting these surveys now for 35 years.

The membership of that organization includes hundreds of thousands of small businesses all across America. You can find the survey on NFIB's Web site www.nfib.org. I wish to encourage every Member to check out this month's survey, because I am going to be referring to it with charts I have with me.

The survey shows some extremely disturbing trends on credit availability. Small businesses depend on credit. Small businesses are getting squeezed very hard. That chart is up now. As you can see, the chart shows the availability of loans has fallen off the cliff as late as 2007 and gets worse as you get into 2009.

You see on the right side of the chart the sharp downturn evidencing the lack of ability of small businesses to get loans. This credit crunch as well as other factors has contributed to the near record low in the NFIB's index of small business optimism. I wish to have you view this, something like we regularly view, the University of Michigan's monthly index on consumer confidence.

The NFIB takes surveys regularly. This chart shows small business owners turning extremely pessimistic in the last couple of years. You can see how that has ''downturned'' very rapidly at the right end of the chart. What you see here is the attitude of decision-makers in small business of America,

the people who create the jobs. Those are the decisionmakers for the businesses that President Obama and we in the Congress agree are most likely to grow or contract jobs.

The pessimism evidenced by the chart is at its second lowest point in the 35-year survey. This data should concern every policymaker in this body. As bad as the two sets of charts are, I have a worse picture.

This chart shows the net increase or decrease in small business hiring plans. The survey asks the small business owner simply whether he or she plans to expand, on the one hand, or contract, on the other hand, employment over the next 3 months.

As you can see even more dramatically, look at the right-hand side of the chart here. If I said on those others to the left hand, in each case I was talking about the right. I do know the difference between the left and right hand. But as you can see even more dramatically on the other two charts, this chart shows small business activity contracting tremendously.

Small business hiring plans are at their most negative level in the entire 35-year history of this survey, again, the right side of the chart. Let me repeat, because it is so important, this goes back to 1974, those surveys. Since NFIB started doing them, the likelihood of small business owners adding workers has never been worse.

With this pessimism, we should not be surprised then that job losses for small businesses have been growing dramatically. The national employment report recently released by Automatic Data Processing shows 742,000 nonfarm private sector jobs were lost from February to March 2009. Of those 742,000 lost jobs, 614,000 or 83 percent, were from small business.

The President's recent efforts to increase lending to the small business sector are commendable. The centerpiece of his small business plan will allow the Federal Government to spend up to $25 billion to purchase the small business loans that are now hindering community banks and other lenders.

Unfortunately, that is only a drop in the bucket.

Remember that small business accounts for about half of the private sector. Moreover, the positives that will come to small businesses from this relatively small package of loans—which will ultimately and obviously have to be paid back—will be heavily outweighed by the negative impact of the President's proposed tax increases. Helping small businesses get loans just to take that money back in the form of tax hikes is not helping the economy or small businesses.

The President's budget proposes to raise the top two marginal rates from 33 percent and 35 percent to 40 percent and 41 percent respectively, when PEP and Pease are fully reinstated. President Obama's marginal rate increase would mean an approximately 20 percent marginal tax rate increase on small business owners in the top two brackets.

Many of my friends on the other side will say that while they agree that successful small businesses are vital to the success of the U.S. economy, the marginal tax increases for the top two brackets will not have a significant negative impact on small businesses. I take exception to that argument. They used Tax Policy Center data, and I want to show why that should not be allowed.

Proponents of these tax increases seek to minimize their impact by referring to Tax Policy Center data that indicate about 2 percent of small business filers pay taxes in the top two brackets. In testimony before the Senate Finance Committee, the liberal think tank, Center on Budget Policy and Priorities, also used that figure. Moreover, Secretary Geithner has testified using that figure. They argue that a minimal amount of small business activity is affected.

However, there are two faulty assumptions to this small business filer argument.

The first faulty assumption is that the percentage of small business filers is static. In fact, small businesses move in and out of gain and loss status depending on the nature of the business and the business cycle. The nonpartisan Joint Committee on Taxation has indicated that, for 2011, approximately 3 percent of small business filers will be hit by these proposed higher rates. These statistics compare to a 2007 Treasury which showed 7 percent of flow-through business owners paying the top rate. In the latest analysis, when the impact of the alternative minimum tax is fully included, that percentage may drop some.

The second faulty assumption is that the level of small business activity, including employment, is proportionate to the filer percentage. This is where the argument is hogwash.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20–249 workers would fall in the top two brackets. You can see it right here on this chart. It shows what I am talking about. According to the Small Business Administration, about two-thirds of the Nation's small business workers are employed by small businesses with 20 to 500 employees.

Do we really want to raise taxes on these small businesses that create new jobs and employ two-thirds of all small business workers? Of course, we don't. But that is exactly what the majority is going to do if they follow the President's lead.

With these small businesses already suffering from the credit crunch, do we really think it's wise to hit them with the double-whammy of a 20 percent increase in their marginal tax rates?

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with income over $250,000. This is a conservative number, because it doesn't include flow-through business owners making between $200,000 and $250,000 that will also be hit with the budget's proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employee two-thirds of all small business workers is not wise, then they should either oppose these tax increases, or present data that show a different result for this group of people.

As we prepare for the conference on the budget resolution, the President and the congressional Democratic leadership have an opportunity to change course. They have an opportunity to revisit the tax heavy, spending heavy, and debt heavy budget they have passed 2 weeks ago. Both budgets would perpetuate the double whammy of constricted credit on the one hand and high taxes on the other, directed at America's job creation engine—small business.

In the coming days, we Republicans will try to persuade our Democratic friends who have all the controls of fiscal policy to change course for the benefit of small business that we all agree ought to be our first concern. One way they can change course is to focus, like a laser beam, on jump-starting the Nation's job engine—small business America. We need an upturn in the small business optimism index that is contrary to what this chart shows. We need to reverse the direction of this sharply downward sloping arrow. If we ignore this negative environment, we are just kidding ourselves. We need to change course and reverse this even more sharply downward sloping hiring plan arrow.

That is where the President and Congress agree we need to get more job growth. As we take the final steps on the budget, let's match that budget with this reality

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I listened to Senator GRASSLEY's remarks, and I have been in conference with folks who have read this budget line by line. It is important for me to say something as someone who represents the largest State in the Union. As I look at this budget and it is how one looks at it—I see it as a boon to small business. I don't see one specific tax increase aimed at small business. Yes, if an individual is over $250,000 a year, for all of us in that category, the tax breaks will expire. But to say that all small businesses are hit hard is an argument that doesn't hold up, in my eyes. I have great respect for my friend, and I know he has analyzed it another way. But when I look at the priorities of the new President and of this Democratic Congress, what do I see?

Here are the priorities. Investment in energy, that is going to be great for

small business. Talk to my venture capitalists. They are ready, willing, and able to make huge commitments to alternative forms of energy. Investment in education, that is also going to be good for people who work in the education field. And health care, we know that as we have more insurance out there available for people, there will be many jobs created and many small businesses created around the delivery of health care.

I guess the way one looks at this budget depends on their point of view. Clearly, I believed our President, when he said he had those priorities. I view this budget overall as being a boon to small business and being a boon to the American people as we move forward with investments that will create many jobs.

The reason I wanted this time in particular was to kind of reargue an old argument we already had once before and that has come before us. Senator JOHANNS wants to have another vote to say we won't use the reconciliation process which, for people who don't know what that means, we won't use a process that we only need a majority to win. We are going to use the 60-vote requirement to write and pass global warming legislation.

I know this is going to pass because it passed before. I think most Members believe if we can get 60 votes for climate change legislation, fine. But I have to say again, after reviewing the number of times the Republican Party has used reconciliation since 1980, it has been 13 times out of the 19 times that reconciliation has been used. I would say to people who might be listening to this, to try to keep it as simple as possible: Reconciliation is used when there is a way to reduce the deficit. That is when it is used. You want to reduce the deficit so you say: Therefore, if you are reducing the deficit, we will do it with just a majority vote instead of a supermajority vote. That is the thinking behind it.

A cap-and-trade program, which many of us support in order to combat global warming, will give us the ability to reduce the deficit. We know that because that is what we were told last year as we worked on the Boxer-Lieberman-Warner bill. Much of the funds went back to consumers to help them pay energy costs. But there was a segment of funds that went straight into deficit reduction. But, no, my Republican friends don't want to look at that. Even though they used this 13 times, they want to prohibit the use of reconciliation for global warming legislation.

As I look back on the number of times Republicans have used reconciliation, in my view, it didn't make life any better for the American people. This is what they used it for. They used it to cut health program block grants to our States. They used it to cut Medicaid. They used it to cut food stamps. They used it to cut dairy price supports. They used it to cut energy assistance. They used it to cut education grants. They used it to cut impact aid and title I compensatory education programs for disadvantaged children. They used it to cut student loans. They used it to cut the Social Security minimum benefit. Our friends on the other side were very happy to use the reconciliation process, which only required 51 votes, to hurt the American people. That is what I think those cuts did. But when it comes to helping the American people by stepping up to the plate and addressing global warming and, in the course of doing so, creating millions of new jobs, no, they want to have a supermajority.

Senator JOHANNS showed us he can get the votes to pass that. I know he will. That is why I am so grateful to Senator STABENOW, who has said: OK, you want to say we won't use reconciliation. She is saying: We will, in fact, keep the reserve fund in there for global warming so we can move it forward. This reserve fund will allow us to invest in new jobs that will come about by investments in clean energy technologies which will make us a healthier economy, energy independent, and it will make us more secure because we will have to import less foreign oil. We are going to see increases in energy efficiency which will yield amazing benefits. That will help us in the long run reduce energy costs. We are going to use these funds to protect consumers. This is what the Stabenow-Boxer-Brown-Lieberman-Cardin amendment is saying. We want to keep that reserve fund in the budget so we can move forward with climate change legislation.

I am looking forward to this moment. This is long overdue. We have lost 8 years. But the kind of approach we need is the kind of approach Senator STABENOW is envisioning. We cannot afford to wait. Scientists are telling us we are going to face rising sea levels, droughts, floods, the loss of species, spreading diseases. Our own health officials in the last administration and this one have told us we have to act. The Environmental Protection Agency has proposed an endangerment finding.

We are being told that our people are in danger if we do not enact global warming legislation. It is spelled out.

Severe illnesses are going to crop up as a result of organisms that will now be living in warmer waters.

To quote the EPA—and they talk about the heat waves and the mortality rate and the wildfires and the drought and the flooding—this is what they say. I will close with this quote. They say: Global warming left unchecked is a serious harm to our people. It is not a close case, they say. The greenhouse gases that are responsible for global warming endanger public health and welfare within the meaning of the Clean Air Act.

Madam President, I ask unanimous consent to have printed in the RECORD the EPA's Proposed Endangerment Finding.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EPA'S PROPOSED ENDANGERMENT FINDING

The effects of climate change observed to date and projected to occur in the future—including but not limited to the increased likelihood of more frequent and intense heat waves, more wildfires, degraded air quality, more heavy downpours and flooding, increased drought, greater sea level rise, more intense storms, harm to water resources, harm to agriculture, and harm to wildlife and ecosystems—are effects on public health and welfare within the meaning of the Clean Air Act.

This is not a close case in which the magnitude of the harm is small and the probability great, or the magnitude large and the probability small. In both magnitude and probability, climate change is an enormous problem. The greenhouse gases that are responsible for it endanger public health and welfare within the meaning of the Clean Air Act.

Severe heat waves are projected to intensify in magnitude and duration over the portions of the U.S. where these events already occur, with likely increases in mortality and morbidity. The populations most sensitive to hot temperatures are older adults, the chronically sick, the very young, city-dwellers, those taking medications . . ., the mentally ill, those lacking access to air conditioning, those working or playing outdoors, and the socially isolated.

Mrs. BOXER. I say to my friends and my colleagues who are listening to this debate, vote for the Stabenow motion to instruct. It is an important motion. It will keep the reserve fund and will allow us to move forward and attack this serious problem of global warming that has gone unaddressed for too long.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

Mr. REID. Madam President, I ask the Chair to lay before the Senate a message from the House on S. Con. Res. 13, the concurrent budget resolution.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the resolution (S. Con. Res. 13) entitled ''Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REID. Madam President, the following request has been approved by Senator GREGG and the Republican leadership.

I ask unanimous consent that the Senate disagree to the amendment of the House, agree to the request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees; that prior to the Chair appointing conferees,

the following motions to instruct the conferees be in order; and that a majority side-by-side motion to instruct be in order to any Republican motion to instruct and that the majority motion be voted on first; that upon disposition of all motions, any remaining statutory time be yielded back; and that the conferee ratio be 2 to 1; provided further that the statutory time be considered as having started running at 3 p.m. today, and that the time be charged equally to both sides. The motions in order are Johanns, cap and trade; Stabenow, cap and trade, which is a side by side; Gregg, no debt increase; Sessions, nondefense, nonveterans spending freeze; Ensign, point of order relative to raising taxes; Cornyn, taxes; Alexander, competitive student loans; Coburn, budget line by line; DeMint, health care, that no point of order be in order to this motion; Vitter, oil and gas tax.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Madam President, Chairman CONRAD has emphasized how important it will be to tackle the major issues—health care reform and climate change—in a bipartisan way. I wish to spend a few minutes first expressing my support for that position and urging that the conference on the budget proceed expeditiously because then the heavy lifting in the Senate will begin.

For example, for American health care, what is needed is nothing short of a transformation of our system. American health care is simply broken. Medical costs are gobbling up everything in sight. Middle-class people know their paychecks are not going up, and the prime reason is because medical costs take away all of what would otherwise be a wage increase.

Our newspapers report daily that Americans are being laid off at their jobs. They lose their health benefits. What we see again and again is a spiral of tragedy, as they simply lurch from one effort to another to try to find health care and cannot get it.

For example, on Tuesday, the New York Times published a front page story titled, ''No Job and Soon No Benefits, Race to Help Son Stay Cancer Free.'' Dana Walker of Humble, Texas, was laid off from her job at DHL leaving her and her family without health insurance. Her son Jake is just 21 years old and is a cancer survivor. Now uninsured, the Walkers have had to defer their own care, pay up front for Jake's care, and have essentially been refused care at the hospital that specializes in care. In the article, Mrs. Walker said, ''Your job as a parent is to protect your children at any cost. I really feel like I had let him down.''

I don't believe Mrs. Walker has let her son down. She's doing all she can. In the individual market health insurers can discriminate on the basis of age, gender, family size, geography, health status and pre-existing conditions like cancer. Even though Jake has been cancer free for a year, he can't find affordable health insurance on his own. Insurance companies can pick and choose the customers who are the good risks and leave the bad risks, like Jake Walker, out in the cold. It isn't Mrs. Walker who's let her son down. It's the health care system.

This is not going to be fixed by a piecemeal approach to health care reform that tackles one part of the system or another and produces incremental change for perhaps a short period of time. What is needed is transformational change. I believe Democrats and Republicans in the Senate are committed to that objective.

I think there is a growing recognition that both parties have had a valid point. Democrats, in my view, are correct that you cannot fix health care unless you cover everybody because without full coverage you cannot organize the market. There is too much cost-shifting. There is no emphasis on prevention. You have to get all Americans good quality, affordable care. Republicans have valid points, in my view, as well. You should not just turn everything over to the Government and say that is the answer.

What is really needed for transformational change is containing the costs. The Congressional Budget Office, last May, said that for the amount of money America is spending today on health care, all Americans in a couple years could have good quality, affordable coverage like their Members of Congress. That is what the Congressional Budget Office said when it looked at one approach to dealing with health costs.

I am very confident, under the leadership of Chairman BAUCUS and Chairman KENNEDY, that they will have a lot of support for transformational change so we make sure all Americans have access to good quality, affordable choices, and they get rewarded when they take sensible steps, for example, in preventive health care and wellness and shop carefully for health care coverage.

Today, if you are lucky enough to have health care coverage, you do not get any choice at most employers. That is not the way it is for Members of Congress. So why don't we agree, Democrats and Republicans, after we get this budget conference put together, that we are going to make sure all Americans get good quality, affordable choices like Members of Congress have? Then let's start rewarding them. Let's reward them for sensible prevention. For example, the Safeway Corporation has been doing that for some time. I would like to say that seniors who lower their blood pressure and lower their cholesterol would get reduced Part B premiums. That is the outpatient portion of the Medicare program. But these are areas where Democrats and Republicans can come together.

There has been considerable discussion on the Senate floor about the idea of reconciliation for tackling health care. I think Chairman CONRAD is absolutely right in his approach.

I will say there have been many of us on both the Democratic and Republican side, as we have looked to health care, who want to make the issue of reconciliation irrelevant. We want to make the issue of reconciliation irrelevant because we are hoping to bring enough Democrats and Republicans together so we will have 70 or more Senators gathered to fix the health care system.

These issues, ultimately, in my view, are not ones that automatically produce a partisan divide. The private insurance system is also broken. It is about cherry-picking.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes 31 seconds.

Mr. WYDEN. For the remainder of my time, Madam President, let me tick off a number of other areas where Democrats and Republicans on this health care issue can come together for transformative change.

Today's private insurance model is also broken. It is all about cherry-picking. It is about taking healthy people and sending sick people over to Government programs more fragile than they are. So what Democrats and Republicans want to do—again, in the name of transformative change—is we want to say that the companies are going to have to take all comers. We understand that is a key part of health care reform.

But we are going to put them all on equal footing. There are not going to be any price controls or big Federal regulatory systems. But everybody is going to be part of a big group so we contain costs as part of a big pool. We will reward prevention and wellness, which, of course, is not done today. This is where I think it will be possible for firms in the health care area to both do good and do well by offering better service to our people.

Other areas of transformative health care reform: The issue of portability and making sure our people can take their health care coverage with them so they do not lose their coverage when they lose their job or they wish to leave their job. That is what happens today. Of course, much of the health care system does not offer that kind of portability because it is built around what happened in the 1940s, when somebody started working and stayed put for 25 years, until you gave them a gold watch. Well, today the typical worker changes their job 11 times by the time they are 40. We need portable coverage. Democrats and Republicans can work together on that.

I want to close, again in the name of bipartisanship, by talking about how we can help people who have coverage. They have been described by some as the contentedly covered Americans. I

think what we ought to say for those folks, Democrats and Republicans, is, let's let them keep the coverage they have. Let's make sure they are wealthier in the new system because they get rewarded when they engage in those preventive practices or make a good purchase. Let's make sure they are healthier in the new system. Chairman CONRAD is here and has talked about improvements, for example, in chronic care, which is certainly part of making Americans healthier.

Finally, let's make sure that if they leave their job or their job leaves them, as I have touched on, they are going to have a safety net of affordable coverage.

Each and every one of those points I have talked about is an issue on which Democrats and Republicans can come together. I hope the Senate will follow Chairman CONRAD's advice about proceeding expeditiously. I think there are many Members of the Senate who want to tackle these big issues—climate change and health care—in a manner that makes reconciliation irrelevant because we have brought together the kind of broad majorities that I think are particularly within the grasp of the Senate on this issue of reforming health care. I look forward to working with colleagues on both sides of the aisle for exactly that kind of transformative policy to better meet the needs of the American people.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, just briefly, I want to thank Senator WYDEN for his leadership. He is really an outstanding member of the Budget Committee. No one—no one—has spent more time on health care reform and tax reform than the Senator from Oregon. No one has reached across the party divide more assiduously than Senator WYDEN. I very much appreciate his contributions to the committee and to the Senate and especially to a thoughtful debate and discussion of the key issues facing the country.

One of the things that is so striking on health care is that we are spending about 18 percent of our gross domestic product on health care. And some are saying: Well, we have to spend another $1 trillion to $1.5 trillion. It strikes some of us as improbable that when we are spending $1 in every $6 in our economy on health care—about twice as much proportionately as any other country in the world—that the answer is to spend another $1 trillion to $1.5 trillion.

Senator WYDEN, through really years of effort—and I mean years—working week after week with the Director of the Congressional Budget Office, with other policymakers, has put together a bipartisan health care plan. It is the only one of significance I know of that has broad-based bipartisan support. He deserves all of our thanks for the efforts he has extended. I once again thank the Senator for his leadership in the committee, on the floor, in the Senate, and for the seriousness of purpose he has brought to the task.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, while I agree with Senator CONRAD that Senator WYDEN has worked hard on this and he is raising some important issues, I am very worried about where we may be heading in the realm of health care. I have been impressed with Senator WYDEN's efforts to create something that could result in bipartisan agreement. I don't know where we are headed, but I respect him greatly for his efforts.

MOTION TO INSTRUCT

Madam President, I ask unanimous consent to call up my motion to instruct conferees.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama Mr. SESSIONS moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the current resolution on the budget for fiscal year 2010) be instructed to insist that the conference report on the concurrent resolution shall freeze non-defense and non-veterans funding for 2 years, and limit the growth of non-defense and non-veterans funding to 1% annually for fiscal years 2012, 2013 and 2014.

Mr. SESSIONS. Madam President, the budget resolution is on the floor now, and I believe we ought to talk about it and be honest with ourselves about it. I will speak as one Senator. I know it passed this Senate. I don't think any Republican voted for it. Maybe a couple of Democrats voted against it, but it passed with extra votes to spare.

I would say—and I hate to say it, but I will repeat what I have said before: I believe this is the most irresponsible budget in the history of this Republic. It surges debt to a degree to which we have never seen before, not because it assumes we are going to be in long-term economic turmoil—they assume we are going to have economic growth roaring back in a year or two and that revenues will be surging in to the Government. The debt and deficit we are incurring is a direct result of massive spending—an alteration, I believe, by all accounts of an historic concept that Americans have of limited government, lower taxes, and a vibrant private sector. We have always objected to the Europeans and their more socialist model. We have consistently, year after year, had greater growth than they have had, lower unemployment than they have had, and we have been proud of that.

Of course, both Europe and the United States are in trouble today. I was rather mortified when the European leaders told our President and our Secretary of the Treasury that no, they were not going to spend like the United States; no, they believe we are incurring too much debt and they were not going to follow us; and the President of the European Union said our financial proposals were the road to hell. That is what he said about them.

Let me share a few things before we get started on the specifics of the motion to instruct. This is what the President's budget called for. He submitted a 10-year budget, and this is not something, let me add, that he was forced to do. This budget represents the President's, the administration's, and now, I guess, this Senate's fundamental view that we need to spend, spend, spend more than we ever have in history and not be too much worried about the debt.

So under the present state of affairs, in 2008 the debt of the United States, from the founding of the Republic over 200 years, totaled $5.8 trillion—a lot of money. We paid on that $170 billion in interest in 2008. That is how much interest we paid. We spent less than $100 billion on education and $40 billion on highways. This year we paid $170 billion on interest on our debt. But, within 5 years, according to the President's own budget numbers we will double that debt to $11.8 trillion in 5 years, and in 10 years, the debt will triple to $17.3 trillion. The young people who are coming out of school today and beginning to work, how much interest will they be required to pay on that 10 years from now? Not $170 billion, but according to our own Congressional Budget Office that scored this carefully—and they are under the control of the Democratic majority, but they are a nonpartisan group, and I respect what they do—they calculate we will pay $806 billion in interest, over ten times what we are spending today on the education expenditures of the Federal Government, and many times the $40 billion we spend on highways this year.

I would say this is a stunning development. I am worried about it. I think every American should be worried about it. Are those projections off base? I have the numbers; they just released the numbers for this year. Remember, last year was the biggest deficit this Nation has had since World War II—$455 billion. We need to be working that annual deficit down.

Look: In October, the first month, we hit $134 billion; by January—4 months—we were at $563 billion this fiscal year. That is this fiscal year. By January of this year, in 4 months, $563 billion in deficit represents the largest deficit in the Republic since World War II. Here we go back to the end of the quarter, at 6 months from October, through March, it is now $953 billion, already twice what last year's numbers were. So we are on track this year to see an annual deficit of $1.8 to $1.9 trillion. That is unbelievable.

I ask my colleagues, does it get better? Not under the President's budget. Under the President's budget, in the outyears, the numbers continue to go

up, and in the tenth year, his budget projects a deficit of $1.2 trillion. Over 10 years, his budget deficit will average over $900 billion each year. Again, this is not projecting a war; it is projecting a decline in defense spending for military activities around the globe. It is projecting solid, even robust economic growth. The deficits are caused by spending. I am so disappointed we haven't done a better job of controlling it.

I know the Senate budget is a 5-year budget. That is what they think is going to look a little better than the President's 10-year budget, but according to the Republican staff, they did an analysis of it and it is essentially the same over the first 5 years. In fact, Mr. Orszag, of the President's Office of Management and Budget, who used to be the Director at CBO, said publicly it was 98 percent of what the President wanted. This chart shows that in discretionary outlays it is 98.8 percent identical to the President's 5 years; on total outlays, it is 96.6 percent identical; and the revenue they project is 99.8 percent identical.

What can we do about it? There are a lot of things we can do. The most difficult—and our chairman, Senator CONRAD, and the ranking member, Senator GREGG, have made some steps toward dealing with the crisis in entitlements. They are growing at a rapid pace and we have to do something about it. This budget assumes no reform on entitlements whatsoever, but maybe they will be able to make something happen. I would like to see us project some savings in that, but it is not shown in this budget.

So the motion to instruct I have filed, and that at some point we will be voting on, would say we ought to begin to establish some sense of fiscal responsibility by containing the growth in discretionary, nondefense, nonveteran spending. This can be done. It is particularly easy to do so this year because we, a few months ago—a few weeks ago, really—passed an $800 billion stimulus package, on top of our base budget. So I would have thought, when we did our baseline budget this year, knowing we had pumped in $800 billion over the next 2 years to try to stimulate the economy, that we would have a frugal baseline budget. Not so. In fact, according to the budget that is on the floor, I believe, it shows a 7-percent increase in baseline discretionary, nondefense spending.

Most of my colleagues know the rule of seven: A 7-percent growth rate doubles your money in 10 years. So this proposal puts us on a track to double the spending for discretionary, nondefense spending in 10 years. It is an unsustainable track.

I propose this: In light of this stimulus package—the largest single appropriation of money in the history of America that we passed, and every penny going to the debt; all $800 billion of it has to be borrowed so we can spend it. In light of that, we ought to be able to keep the baseline budget flat for 2 years and show a modest increase of 1 percent over the next 3 years. This will make a difference. It will save us $173 billion. It will give us—it will start us on a process of having a baseline spending level for this country at a more frugal rate. Most States are having to cut. Most cities are showing reductions, 3.56 percent, some more than that, all over the country. They are not disappearing from the face of the Earth. It is not impossible to cut spending, but this doesn't propose any cut. It proposes 2 years of flat spending—but remember, we added $800 billion on top of it; and then for 3 years, a 1-percent increase. This will make a difference. In over 10 or 15 years, it will have an even bigger impact than we might think.

I urge my colleagues to consider this. We ought to show some restraint. Everybody is saying, Well, we will worry about that tomorrow. We have a crisis today, and we are going to spend today, and we will worry about the debt later. But it is time for us to stand up and be counted, I believe. I think my amendment is modest, I think it is responsible, but I think it is significant. I urge my colleagues to consider this motion to instruct.

I appreciate the opportunity to speak on it. I appreciate those who worked on this budget, but I have to say, it should not become law. It is a bad mistake for this country to do it. I urge my colleagues to not go forward with a lockstep movement to vote for this budget. I don't think the American people are at all happy with it. I believe they know we are doing something fundamental to this country—and that was a big part of some of the tea party talk—a deep angst out there that something is happening to their country that is unprecedented.

I appreciate my colleagues' attention to this motion to instruct and I urge their support for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the Senator for his remarks. I disagree with them, but I respect them. They are deeply held on the part of Senator SESSIONS, who is an important member of the Senate Budget Committee.

Let's review the record, because I have heard some things here today that are a bit of rewriting of history. How did we get in this ditch? This wasn't the Obama administration's doing. The Obama administration has been in office less than 100 days. They inherited this colossal mess. Who did they inherit it from? They inherited it from the previous administration, aided and abetted by what was for 6 years solid Republican majorities in the House and the Senate. And what was the record they produced? Not projections in the sweet bye-and-bye of what the new President's budget might do. We can look back and see what their policies actually did. And what did they do? Well, on spending, it is interesting to see the crocodile tears now, but when they had a chance, they doubled the spending of the country. That is a fact. They doubled it.

Much more than that, they took the deficit to unprecedented levels.

This is the deficit record of the previous administration. What you see is an ocean of red ink. The black is the previous administration. The Clinton administration balanced the budget and stopped raiding the Social Security trust fund. The Bush administration came in and ran up the deficit to record levels, put the economy in the ditch, and then left town. They said to the Obama administration: Good luck.

This is what happened to the debt under the Bush administration. Not only did they double spending, they more than doubled the debt of the country, and that was at a time when the economy was relatively good. What a tragic record. What a legacy they have left for this country—a legacy of debt, deficits, and decline—the three Ds. And they are the Ds that belong and describe the record of the previous administration.

What did President Obama inherit? Record deficits, the more than doubling of the national debt, the worse recession since the Great Depression, the financial markets and housing markets in crisis, almost 4 million jobs lost in the last 6 months alone, and war in Iraq and Afghanistan. My goodness, what a mess he was left to try to clean up.

Senator GREGG has made it very clear—and he is right—that we have a need to increase the short-term deficit, unless we want to return to Hoover economics, which put this country in a depression and, unfortunately, that is exactly what I heard in the previous speech—a desire to return to Hoover economics. The markets will correct themselves; the Government doesn't have to do anything. We can just sit by and watch the whole thing collapse.

That was the philosophy of the last administration. We can see what happened. It was a tragic mistake. We can go back further in history and see what happened in the 1920s and 1930s when that same philosophy prevailed. It put this country into the worst depression in the economic history of our country.

All I can say is, no thanks. My vote is no on going back to Hoover economics.

I say to my colleague, Senator GREGG, who recognizes that Hoover economics is not the answer, this is the statement he made:

> I am willing to accept the short-term deficit number and not debate it, because we are in a recession, and it's necessary for the Government to step in and be aggressive, and the Government is the last source of liquidity. And so you can argue that this number, although horribly large, is something we will simply have to live with.

Senator GREGG said much the same thing today. Of course, he is right.

Look, nobody is more of a deficit hawk, I don't think, in this place than I am. But I understand in the short term, when your economy is collapsing, deficits and debt will grow. That is necessary because only the Government can provide the liquidity to prevent a complete collapse. But over time, it is absolutely essential that we pivot and go back to a more sustainable fiscal course. That is what this budget begins to do.

For example, on domestic discretionary spending, we take it from 4.3 percent of GDP in 2010 down to 3.2 percent in 2014. We are stepping down discretionary spending in each and every year, measured as a share of our national economy. That is what economists say is the right way to measure. I could show it in dollar terms, but that doesn't take into account inflation. This does.

When I hear this talk about this being a big-spending budget, please, I don't know what budget they are talking about. They are not talking about the budget that passed the Senate because the budget that passed the Senate increases nondefense discretionary spending, on average, per year, by 2.5 percent. That is not a big spending budget.

Let's look at the defense side as well because in 2010 defense spending under this budget is 4.8 percent of GDP. Over 5 years, we step it down to 3.7 percent of GDP almost the exact same trajectory as nondefense discretionary spending that we are taking from 4.7 percent of GDP in 2010 down to 3.6 percent in 2014. So it is one thing to come out and make a claim, it is another thing to prove it. Everybody has a right to their own opinion, but they don't have a right to their own facts.

These are the facts of the budget before us. This is a tough and fiscally responsible budget that increases nondefense discretionary spending, on average, by 2.5 percent a year. Measured against the share of the economy, we are taking both defense spending and nondefense discretionary spending down as a share of our national income to the lowest level it has been in many years.

Madam President, where are the increases that are in this budget, the 2.5 percent, on average, increase in nondefense discretionary spending? I have already shown that we are taking both defense spending and nondefense spending down as a share of the national income. But where are the increases, as modest as they are?

In overall discretionary spending, the biggest increase is in defense, which is 37 percent. Why? Because this President and this budget were honest about war spending, unlike the previous administration, which played hide the ball and acted as though the war wasn't going to cost anything.

I am not overstating because for several years in a row the previous administration, even though we were at war, said the war in their budget was going to cost nothing. Let me repeat that. The previous administration, even after the war in Iraq had begun, claimed in their budget submissions that the war was going to cost nothing—nothing. What an amazing thing. It wasn't true.

This President came in and said: No, we are going to write a new chapter. We are at war, and we are going to put the war cost in the budget. So in the modest increases here, 37 percent of them are defense; 14 percent is in international. That is also something hidden in the previous administration. They kept presenting what they called ''supplemental'' budgets after their regular budget to hide the full cost of their involvement overseas.

The next largest increase in the modest overall increases we have is for veterans; 10 percent of the increases is for our Nation's veterans. Why? Because they deserve the best care we can provide. We have the largest dollar increase for veterans health care in this budget than in any budget that has been presented. I am proud of that because we are keeping faith with our Nation's veterans.

Ten percent of the increase is for education, and 10 percent is for income security. That is because we are in a deep recession. That means people are out of work, and if we are going to provide unemployment benefits to keep them from losing their homes and being out on the street and not being able to feed their families, we provide unemployment benefits. That costs money, and that is in the budget.

Eight percent is for the census. We only do the census once every 10 years, but we have to pay for it. It is in the budget. Six percent is for natural resources and the environment. Three percent is for transportation, and 2 percent is for other items.

The overall context of this budget, I want to make clear—the deficit, in dollar terms, is being reduced from $1.7 trillion this year, and this year's budget is almost totally the responsibility of the previous President because he set in place the policies that the new administration inherits. We stepped down the deficit, very dramatically, by more than $500 billion from 2009 to 2010, by more than $300 billion from 2010 to 2011, by another $300 billion from 2011 to 2012, and then more modestly thereafter, so that we are reducing the deficit over the 5 years of this budget by two-thirds. Measured as a share of the gross domestic product—which, again, economists say is the best way to measure—the deficit is reduced by more than three-quarters, from 12.2 percent of GDP to less than 3 percent of GDP in 2014. So over the 5 years, we are reducing the deficit by three-quarters.

One other point I want to make is that the previous administration—not only did they more than double the debt and double spending, they tripled foreign holdings of U.S. debt. It took 224 years and 42 Presidents to run up $1 trillion of U.S. debt held abroad. The previous President alone tripled that amount. You talk about a legacy of debt, you talk about a legacy of weakening the country, that is it.

Madam President, I don't mind hearing criticism of the budget we have proposed. Is it a perfect document? No. Do we have to do much more, especially in the next 5 years? Absolutely. But this budget is a good and responsible beginning. If our budget is so bad, why haven't they offered an alternative? If our budget is as irresponsible as they claim, why did they not offer an alternative?

Well, I think we know the reason. They didn't want to have to be held responsible for the tough choices of presenting a budget. So talk is cheap around here. This budget upholds the President's fundamental priorities of reducing our dependence on foreign oil, a focus on excellence in education, and fundamental health care reform because that is the 800-pound gorilla that can swamp this boat. Without such reform, we are headed on a course in health care that is totally and completely unsustainable. Finally, we are dramatically reducing the deficit over the next 5 years.

Those are the priorities the President asked us to preserve. We have done it in the budget. The President supports it. He is right to do so. Let's remember this President did not create this mess; he inherited it. He has been asked to clean it up. I am proud of the aggressive actions he has taken to try to get us on a better course.

I yield the floor and 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. CONRAD. 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. CONRAD. Madam President, I will take this moment to ask those Senators who have motions to instruct to please come to the floor. We have had Senator JOHANNS offers his, and Senator SESSIONS offer his. We have other Senators—Senator ENSIGN, Senator CORNYN, Senator ALEXANDER, Senator COBURN, Senator DEMINT, and Senator VITTER. It would be very helpful if those Senators would come and be prepared to offer their motions so we do not unduly take the time of the Senate in quorum calls, especially on a day in which we are going to have 9 or 10 votes. We know we can only do about three votes an hour. That means three hours of voting when we get started on voting. So it is already going to be a late night. It would be very helpful and considerate to our colleagues if those who have motions to instruct would come to the floor and offer their motions.

I yield the floor and 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. GREGG. 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. GREGG. Madam President, I ask unanimous consent that the next two speakers on our side to be recognized—and, of course, there be an alternative speaker possibly from the Democratic side—the next two speakers on our side are Senator VITTER for 10 minutes and then Senator ALEXANDER for 10 minutes to talk about their motions to instruct.

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

Mr. GREGG. Madam President, I also ask unanimous consent that after Senator ALEXANDER, Senator COBURN be recognized to talk about his motion to instruct.

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

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

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

MOTION TO INSTRUCT

Mr. ALEXANDER. Madam President, I wish to speak on behalf of a motion to instruct the conferees, which I have here. Do I need to send this to the desk?

Mr. GREGG. Not yet.

Mr. ALEXANDER. I will speak on behalf of it and send it at the appropriate time.

This should be a relatively easy motion for our colleagues to support because it simply instructs the conferees to support a position that the entire Senate adopted unanimously. That provision during our budget debate was to accept the position of maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services.

I ask the Chair if she will let me know when I have 2 minutes remaining.

The PRESIDING OFFICER. The Senator will be notified.

Mr. ALEXANDER. I thank the Chair.

Madam President, there are three reasons in support of maintaining a competitive student loan system. The first is that 12 million students rely on it today in New Hampshire, in Tennessee, in North Dakota—all across our country.

Second is that now is not the time to be creating a new half-trillion-dollar national bank that would run up the debt, a bank that would replace 2,000 private lenders, and make $75 billion in new loans a year. That is not a proper function of the U.S. Department of Education.

And third, the cost savings that is alleged is—and I will be gentle in my words—a trick on students to make Congressmen look good.

What we are going to be doing if we do not preserve this choice is saying to all the students who get a loan that we are going to take money from them and then give it to other students so that Congressmen can go home and brag that he or she has increased the amount of the Pell grants. Let me be specific in what I say.

I was the U.S. Secretary of Education in 1991 and 1992 when we created something called the Direct Loan Program. We have a federal student loan program. Most people who go to college are familiar with it. About two-thirds of the students at our 6,000 different institutions from the University of New Hampshire to the Nashville Auto Diesel College to Harvard to San Francisco State have a Federal grant or a loan. When you get a student loan, you take it to the institution of your choice.

We now have 2,000 lenders who help provide all those different kinds of loans. They give financial aid counseling, they give interest rate deductions, they help students and families plan on how to pay for college. In other words, they service the loans and then the Government supports that by guaranteeing almost all of the loans.

We set up a separate program which we called direct lending. That was, you could come straight to the Government to get your loan. In other words, we created a government bank run by the Department of Education. We said to the students and to the institutions: You make the choice. You may either have a private student loan guaranteed by the Government through your local bank or financial institution, or you may come to the U.S. Department of Education to get your loan.

We have had more than 15 years of experience with that now, and what have the students and institutions said? Three out of four say we like the regular student loan program, we like the choice, we like the private lender. Since we are getting the loan, we like the idea of going to a bank to get a loan because that is what banks do. If you want a car, you go to a car dealer. That may be changing. You may have to go to the Department of Treasury to get a loan the way the country is going. For 15, 16 years we market tested this and so we have that direct loan program.

The situation right now is we have 12 million students at 4,400 different institutions getting $52 billion in loans by their choice from banks instead of from the Government. One-fourth get it from the Government. It has been that way for a long time.

What the President's proposal wants to do is to take all those choices away from the students and say: Line up outside the Department of Education to get your student loan, all 15 million of you. There will be 4,400 institutions and 12 million students who may not like that.

Second point. Is a national bank a good idea? We read in the paper that the Government is going to take stocks in the biggest banks. So we are going to nationalize the banks. Then we read in the paper the Government is going to take stock in General Motors and Chrysler—hopefully that is not true—so we are going to have the Government deciding what kind of car we are going to be making, what kind of plants we will have, where the plants are going to be. I cannot think of a worse organization to do that.

This is a proposal to say: All right, now the Government is going to be your bank. It is going to be the bank for your student loans. We are going to create a new national bank. It would have over a half trillion dollars in outstanding student loans. It would make 15 million student loans every year, $75 billion in loans a year. We will run all this out of the U.S. Department of Education, a wonderful Department. I was myself there for 2 years. But what do we know about being a national bank? Not very much. Andrew Jackson would roll over in his grave about the idea of a national bank of this size.

My final point. This proposal, with all due respect, is a trick on students to make Congressmen look good, and here is why.

The budget we originally got said we will take $94 billion in savings and we will spend it on Pell grants. Let's think about that a minute. Common sense will tell you that the Department of Education is not going to know more, is not going to be able to replace 2,000 lenders at a cheaper cost. That simply is not going to work. That is what common sense would tell you.

The Congressional Budget Office has told us that in order for the Department of Education to administer these loans, it would cost about $28 billion over the next 10 years. That is the computation I have made. They estimate that the cost of administering the current Direct Loan Program is about $700 million a year. So if they did them all, that would be at least $2.8 billion a year.

Conservatively speaking, you don't have $94 billion in savings; you have 94 minus 28. So you have around 66. So you have $66 billion that goes somewhere out to banks, maybe to reduce loans, maybe to reduce interest rates, maybe to administer the loan program. But the bottom line is, if the Government takes this program over, it is going to be borrowing money at one-half of 1 percent and loaning it out to 15 million students at 6.8 percent. Borrowing at one-half of 1 percent and loaning it out at 6.8. On every student loan—and I hope all 15 million students listen to this—your friendly Government is going to take back 6.5 percent

of the 6.8 percent interest you are paying. What is it going to do? The Congressman or Congresswoman can go home to Tennessee or wherever and say: I increased Pell grants. But they won't tell you: I took money from this student to give it to that student. That is not the way to do it.

What we should do, if that spread is too high right now, is let's cut it down—

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. ALEXANDER.—if the savings is estimated at $90 billion. We know it is closer to 60. Maybe it is 20, maybe it is 30, maybe it is 35. Maybe we should lower the interest rate to 3 or 4 percent or 5 percent or whatever is the appropriate rate. But that does not justify creating a national bank in the Department of Education to try to handle 15 million loans.

So my argument, Madam President, is this: There are colleagues on both sides of the aisle—and there are a number of Democrats—who strongly support the idea of competition and choice in higher education. That is why we have the best higher education system in the world. We have competition and choice all the way through it. The grants and the loans don't go to colleges; they go to the students, and the students choose the college. They can go to Nashville Auto Diesel College if they want or they can go to Harvard; it follows them to the school of their choice. They ought to be able to go to the lending institution of their choice and not line up outside of the Department of Education to get 15 million loans every year. That is not right. It is not the way our country ought to work. So the first is to preserve choice for the 15 million students who now have it at 4,400 institutions.

The second reason is, let's not be creating another nationalized asset in America. We need to be thinking of ways of getting the Government out of the private sector. I mean, this recession is not for the purpose of the Government taking over every auto company, every bank, all the student loans, and every business that is in trouble. We need to be thinking of ways of going the other direction. That is the America we know. That is the America we want. So we don't need a new national bank.

Arne Duncan is the new Secretary of Education. I think he is the President's best appointee. He ought to be working on paying teachers more for teaching well, creating more charter schools, helping states create higher standards. That is his agenda. I don't think he came from Chicago to Washington to be named banker of the year, which is what he would be doing if he became a national bank president for student loans. That is what this proposal would do unless the Senate sticks to its position.

Finally, I don't want to be a part of any situation which has Congressmen and Senators playing a trick on 15 million students and saying: I am going to borrow money at a quarter of 1 percent and loan it to you at 6.8, and then I am going to take credit for giving the rest of it away. I think that will come home to roost, and it ought to come home to roost.

I appreciate the opportunity to make this motion to instruct, and I hope it will come to a vote. I hope it has the kind of bipartisan support it had before. I hope the President will think of all the other things there are to do that need attention, such as fixing the banks, getting credit flowing, restoring the auto companies, and leave the student loan system to continue to work in the way it should work.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. If the Senator will yield, I would suggest that he send his motion to the desk at this time and set aside the pending motion.

Mr. ALEXANDER. Madam President, I send to the desk my motion to instruct conferees.

The PRESIDING OFFICER. Without objection, the pending motion is set aside. The clerk will report the motion to instruct.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the current resolution on the budget for fiscal year 2010) be instructed to insist that the final conference report include the Senate position maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services, as contained in section 203 of S. Con. Res. 13, as passed by the Senate.

The PRESIDING OFFICER. The Senator from Louisiana.

MOTION TO INSTRUCT

Mr. VITTER. Madam President, I ask unanimous consent that the pending motion be set aside and that my motion be sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that if the final conference report includes any reserve funds involving energy and the environment, that such sections shall include the requirements included in section 202 (a) of the Senate-passed resolution to require that such legislation would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses.

Mr. VITTER. Madam President, a few weeks ago, when we debated the budget here on floor of the Senate, I passed language contained in section 202(a) of that budget resolution. This motion to instruct conferees is very simple. It says that we will fight to keep that language in the final budget resolution.

What does that language do? Well, it is very simple. It says that this budget legislation '' . . . would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses.''

That is a pretty simple, straightforward plea, and it is one we should keep in this budget resolution—fight and demand to retain that language in our budget. That is why I ask all my colleagues to join me in supporting this motion to instruct.

At a gut level, this is very simple. New taxes kill jobs. New taxes kill jobs. According to a preliminary estimate based on the Center for American Progress data, 271,000 oil and gas jobs would be destroyed by the administration's proposed new taxes and fees on energy. That would be a bad idea, in my opinion, at any time. But now, as we are in the midst of a horrible recession, which is still getting worse, it is a horrendous idea. Now is not the time to impose these new taxes on the economy, including the oil and gas industry. New taxes would hurt workers by extending the recession and by depressing job creation just as, hopefully, an economic recovery in the next several months starts to gain a foothold.

The oil and gas industry is significant to our economy and employs more than 6 million fellow Americans. Attacking that industry in the midst of a horrible recession is attacking those 6 million of our fellow citizens. Right now, they feed their families, put a roof over their kids' heads because of good, solid jobs in the energy sector producing good, affordable energy for Americans. These proposed taxes would kill those jobs in the midst of a horrible recession.

This is not brain surgery. We know from history, from practice, that higher taxes in this sector result directly in less domestic energy, and restrained supplies lead to higher energy costs for consumers too. So in today's economy, that would stifle recovery and make Americans more dependent on foreign oil and natural gas.

New taxes will make it more expensive for oil and natural gas companies to expand or initiate new exploration and development programs, and that would mean fewer jobs for American workers.

New taxes hurt businesses, threaten jobs, and they are then passed on to

consumers as higher prices. And higher taxes are a burden felt throughout the economy. They discourage business expansion, investment, and job creation.

Again, this is a very simple, basic, but important notion. This is no time to increase taxes on domestic energy production. This is no time to stifle what will hopefully soon become the beginnings of a recovery. In terms of our energy picture, this is no time to lessen domestic production when we should be moving in the opposite direction and increasing domestic production and independence from foreign sources. All of these energy tax proposals would do exactly that.

Let's be clear about it. These proposals have been made. They are there in black and white. They are concrete. They are real proposals from the Obama administration and some liberal Members of Congress, and they fall into two big categories: No. 1, a very aggressive, ambitious cap-and-trade program, which is a tax on so many forms of energy and activity in our country; and No. 2, direct tax increase proposals on domestic oil and gas production. I don't believe any time is a good time to push that policy, but I would hope we can all agree that now, in the midst of a severe recession, which unfortunately is still getting worse, is really not the time to increase taxes on the domestic energy sector. It will cost us jobs, it will stifle a recovery, it will increase costs on consumers, and it will hurt American businesses and consumers.

Madam President, let's all join in support of this language in the Senate version of the budget resolution. In our previous debate of a few weeks ago, it was adopted by unanimous consent. Let's make sure it is fought for and preserved in the final version of the budget resolution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

MOTION TO INSTRUCT

Mr. COBURN. Madam President, I ask unanimous consent that the pending motion be set aside, and I offer a motion to instruct the budget conferees.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that Conference Report include a reserve fund that promotes legislation that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending, as set forth in Section 224 of S. Con. Res 13.

Mr. COBURN. Madam President, this was accepted during our debate. The reason I bring it back is that if you ask the American people what they are worried about, they are worried about their jobs, they are worried about their health care, but they are also worried that we are spending their children into oblivion. And they are right—we are.

One of the great things about President Obama's promises was that he said he recognized we have waste in the Federal Government. He recognized we have duplication in the Federal Government. He recognized we have programs that aren't working in the Federal Government. And the commitment he made—and he has made three times since being sworn in as President—is to do a line-by-line evaluation of every Federal program out there, to check it for waste, No. 1; No. 2, to check to see if it is duplicative of something else, which a third of them are; and No. 3 is, does it have any metrics on it and is it being defrauded?

The fact is, it is now common knowledge that at least $300 billion a year—at least $300 billion a year—is either wasted, defrauded, or duplicated in the Federal Government. The real problem is that even though we now have a President who wants to attack that, Congress hasn't been willing to do it. We have not been willing to keep our side of the bargain in terms of oversight and evaluation.

It strikes me that if all the money we are borrowing to run the Government today was really our money, none of us would ever allow what is going on in the Federal Government. None of us would. None of us would allow the duplication.

We had a hearing yesterday in Senator CARPER's Federal Financial Management Subcommittee on the waste and fraud in Medicare and Medicaid. It went up to $74 billion—$74 billion, and we are not doing anything about it? Total improper payments. We only have improper payments in about three-quarters of the Federal Government even though it is a mandated law that they have to supply it. But they can't measure it because they don't know what they are paying for.

The fact is, we know we have big problems. We have a fraud bill in front of us that we haven't finished working on that is to go after fraud. Well, the biggest fraud is right here. The biggest waste is right here. So the point ought to be, as we go into a conference on the budget, that we ought to commit to the American people that we are willing to do what they are having to do right now; that we are going to look at where things aren't working, we ought to look at where things are wasted, we ought to look at things we are not measuring and start measuring them, and the things that are not effective, we should get rid of. That is all this says. It just says we will go line by line through every Federal program; that we will have oversight at least once a year on everything that is out there, and we will make a dent in this $300 billion-plus.

Here is the question. Is it moral to waste $300 billion and that $300 billion come out of lost opportunity of our children? Is this a moral position the Senate wants to stand on? Does the Congress want to stand on that? Can our country ultimately survive, if we keep doing what we are doing? The answer to that is emphatically no, we cannot. Every republic in the history of mankind has died under fiscal collapse. They have not been invaded from outside until they rotted from within.

This is a straightforward commitment by the Senate and the Congress, through the budget, to meet President Obama's request that what he is going to do we are going to do, and we are going to weed out a large portion of the ineffectiveness, of the duplication, and of the waste that is in our Government and our grandkids' Government. There is no reason for us to have anything other than a unanimous vote on this motion to instruct.

If you do not think we should be doing that, you do not belong in the Senate. If you do not think we have a constitutional obligation to evaluate where we are spending the money, get rid of the waste and go line by line through all these programs, we need some other people up here. That is because right now our Republic is in jeopardy. It is not from terrorism. It is from our own potential fiscal collapse. The time to attack that is now.

It is my hope the Senate will send a huge vote on this motion that we mean business, we are going to join hands with President Obama, and we are going to fix most of what is wrong, in terms of these programs.

I yield the floor and suggest the absence of a quorum.

I withdraw that. I see Senator DEMINT is here.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. DEMINT. I send a motion to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that the conference report on the concurrent resolution shall include a point of order against legislation that eliminates the ability of Americans to keep their health plan and eliminates the ability of Americans to choose their doctor, as contained in section 316 of the concurrent resolution, as passed by the Senate, and insist further that an additional condition be added providing such legislation shall not decrease the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed, rationed health care.

Mr. DEMINT. Madam President, we are here to talk about the budget. Obviously there are a number of different

things in the budget of concern and some controversy. I appreciate the opportunity to speak on this motion which addresses a particular part of the budget related to health care. During the campaign the President promised that any changes in health care would protect the patient's right to pick their plan, their doctor, and to keep the plan they have if they want it. My motion simply codifies that, in a sense, we make sure we keep the promise.

In the budget there is a downpayment which has been referred to of, I think, around $700 billion on some massive changes in health care. My concern is this could mean an expansion of Government plans rather than making private health insurance more available to patients. We do not need to just speak of the public interest when we are talking about health care; it is important that we talk about the patient's interests. I think most of us agree that when the patients can work directly with their doctors, choose their own doctors, choose their own health plans, the Nation is better off.

There is an old saying that success has many fathers while failure is an orphan. Our health care failures have a father. In most cases it is the Government. See, our policies make it hard for individuals to have a health insurance plan they can afford and own and keep. One part of that is the Government today pays for over half of the health care in America through Medicare, Medicaid, children's health programs, and veterans health programs. But, unfortunately, when they pay doctors in hospitals they often pay below cost.

In fact, it has been estimated that Government payment causes private health insurance to be 20 percent to 30 percent more expensive than it would be if everyone paid their fair share of the cost. So the Government at the beginning is a big part of the problem of making health insurance too expensive for individuals.

A number of us had the opportunity this week to hear from the President and CEO of Safeway Supermarkets. They have over 200,000 employees. He was going through a lot of the statistics about their health plan and how they have been able to keep the cost of health care level for the last 4 years. They have done a lot of things not only to make health insurance and health care more accessible, they have done a lot of things to make their employees healthier. You see, they use a lot of incentives, recognizing that 70 percent of our health problems as Americans are caused by our own behavior—whether it be smoking or overweight or poor diets. It is pretty obvious through the statistics that people have a lot of control over how healthy they are and therefore how much they have to spend on health care.

Safeway, through a lot of incentives that discourage smoking and encourage people to get in better shape—eat better, lose weight—are able to save their employees money and to make them healthier and to reduce the cost of the health care for the company and for the employees.

There are a lot of demonstrations like this around the country that show private health insurance can work. Freedom can work if we let it.

The President of Safeway asked us to make some changes that would give them more flexibility to offer even more incentives for people to cut their own cost of health care by changing their behaviors. This is something we should all want. Instead of moving immediately to some massive new Federal plan, let's look at what we can do to let the free market system work, where patients and doctors and employers and associations can work together to make private health insurance work.

There are a lot of things we do here that make it harder. I will list a few. Small businesses could do the same thing as Safeway if we allowed them to work together in associations to buy their health insurance and to provide these incentives for better health and better access to health care. But, yet, we have consistently voted against allowing this to happen. Why will we not let that happen? Why will we not let individuals deduct the cost of their health insurance, like we do employers? It is almost as though we do not want individuals to have health insurance. Then we throw up our hands and talk about how many people are uninsured in our country.

Health insurance would work much better if it were portable. We could change some of our laws and regulations to make it much easier for people who have insurance with one company to take it with them when they leave to go to another company or to start their own business. Yet we refuse to do those things that would allow the market to work.

Right now in this country, individuals can only buy health care or health insurance from companies that are in their State, that are certified in their State. Why not let people buy health insurance from any State in the country as we do with other services? Why restrict it to a one-State monopoly, where regulations or mandates or other things could shoot up the cost of health care? We could create a more competitive, higher quality health insurance market if we let it become national market.

We do other things that seem absurd, such as we will allow a small employer to put money in a health savings account for their employees but we will not let that employee use the money in the health savings account to pay for a health insurance premium. Why do we do that? If we want people to have health insurance, to have the freedom to buy and own their own health insurance, we would do these simple things that put the patient more in charge. They would have better health care, better health insurance, and probably a lot better health.

What we are doing every day is sliding closer to a national or socialized health care system, saying the system we have does not work when the fact is we have done about everything we can to make it impossible for a free system to work. We do have serious problems and challenges in our health care system but almost all of them are made worse by the people who work in this place everyday.

The question now is whether more Government will make those problems better or worse. I think to ask that question answers it on its face. We know the free market did not create these problems because there is no free market for health care in the United States today. Government dominates the market. It does not pay its fair share. It regulates everything to the point where it makes it very difficult for the private market to work.

Let's not give up on freedom and go to socialism here in America before we have tried to fix the simple things that are obvious, in front of us, the things that companies such as Safeway say we can do to provide better insurance and make people healthier and lower their cost and give them plans they can keep.

No matter what the problem is in Washington, people here seem to think the solution is more Government. But we do not need a new Federal program for health care. We need to remove the Federal barriers that keep freedom from working in health care.

We have taken over banks, auto industry, mortgage lending, education, transportation system. Look at the areas the Government is running today and ask yourself, do you want to run health care the way we have been running education in America; as we have been running the financial markets for the last few months; or how we are doing with the auto industry now that we have essentially taken it over?

Health care is the best in the world here in America because of that small segment of the private market, the free market, that is working—the best pharmaceuticals, the best technology, the best private health care.

Socialism does not work. There is not an example in the world where it does. We keep hearing here, why don't we be more like Europe or more like Canada, where people have to wait 6 months or more to get an MRI. The only reason theirs works as well as it does is they are the beneficiary of a lot of American technology that is developed in the free market system. They are the beneficiaries of a lot of the prescription drugs that come out of our country that are developed here because there is still a free market. This is a reason that the technology and the prescriptions are not being developed in other countries that are socialistic. Freedom works and we need to expand it here in America.

Let me talk briefly about this motion to instruct conferees. Hopefully it

will not be controversial because it is essentially a promise from the President of the United States. My amendment would require a supermajority vote to consider any legislation in the future that would take away people's freedom to keep their own health plan or take away people's freedom to choose their own doctor or decrease the number of people with private insurance while increasing the number of people in Government-rationed health care programs. All my amendment says is give freedom a chance. The American people have not given up on freedom and neither should their elected officials.

I thank the ranking member, I thank the Presiding Officer, and ask for the consideration of my motion.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from New Hampshire.

Mr. GREGG. For the information of our colleagues, we have three more speakers on our side who will take 10 minutes each, offering motions to instruct. There may be other speakers but I do not know of them. I hope we can sort of start voting here, depending on what the chairman desires to do, at some point in the near future.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I would be eager to do that. I think what we need to do is have other Members come and offer their motions to instruct and see what time is needed in terms of rebuttal on that. It would be our intention to—if you have three more on your side, 10 minutes each, so we will probably need 30 minutes on the other side. I don't want to lock this in at the moment because I have not talked to leadership and I do not know if there are other considerations, but the intention would be to begin voting about 7 o'clock. Perhaps we can move that up. Perhaps I will not need all of that time. Hopefully not.

Mr. GREGG. We may not need all of the time on our side either.

Mr. CONRAD. We need to check with the leadership to see when votes can start, but it would be our intention, perhaps in the 6:45 to 7 o'clock timeframe, to begin voting, perhaps even a little bit before that. We will have to check with the leadership.

MOTION TO INSTRUCT

Mr. GREGG. Mr. President, I send a motion to instruct to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that the final conference report limit the increase in the public debt for the period of 2009 through 2019 to an amount no greater than the amount of public debt accumulated from 1789 to January 20, 2009.

Mr. GREGG. Mr. President, as we have discussed earlier at some length, there are three essential problems with the President's budget. The first is that it spends too much, the second is it taxes too much, and the third is it creates too much debt. It is the third issue I think many of us find to be the most severely distressing issue.

Of course, it is driven by the first two issues. But the idea that we are going to double the debt in 5 years, triple it in 10 years; we are going to have, on average, a $1 trillion deficit every year for the next 10 years, and that we are going to build up the national debt to a point where it is 80 percent of the gross national product, the public debt is disturbing. It basically is on an unsustainable path. It means our Nation will be put at risk by that type of debt.

Now, the Congress is not doing a very good job of disciplining itself. This problem is driven primarily by spending. But the fact is, the result of that spending is this explosion in debt.

As I have held up before this chart that shows the picture of the Presidents since the beginning of our Nation, President Washington through President George W. Bush, they generated this much debt on this country, $5.8 trillion.

President Obama's budget just in the first 4.5 years essentially is going to double that debt. All the debt added to the United States, to the backs of American citizens since 1776, or actually 1789 when the Government started creating debt, over 200 years, all of that debt is doubled now in just 5 years.

That is not tolerable. Then that debt, after doubling in 5 years, triples in 10 years. Our children end up with this debt. Our children are the ones who have to pay for this. The people who will be working in America are the ones who are going to have to pay for this and bear the burden of this debt. They are going to suffer either massive inflation, massive devaluation of the dollar, massive tax increases or a dramatic disruption in our capacity to sell debt as a nation because of this.

The chairman of the committee has said this is an unsustainable path. Yet nothing in this budget addresses the fact that this path is one we have chosen to follow. It is akin to saying: We know we are going to go off a cliff. We are on a path that takes us off a cliff, but the budget does nothing to change the direction we are walking and, in fact, accelerates our pace toward that cliff.

That makes no sense at all to me. Why would we pass a budget which we know will create so much debt and so much of a burden on our children that our Government will not be able to be sustained and our children will not be able to afford the Government.

It is counterintuitive to do something that is certainly not correct. One generation has sort of a fiduciary responsibility to the next generation. In the history of our Nation, each generation has passed on to the next generation a better nation, a stronger nation, a more prosperous nation. Yet this budget locks in place a path that absolutely guarantees, absolutely guarantees, that our generation will pass onto our children a country that is not as prosperous, is not as strong as what we received from our parents.

That is not right, not fair, inappropriate. It is a totally inappropriate thing to do. It can be corrected. It is not as if this is not an uncorrectable event. There has been a decision made on the other side of the aisle and by the President in bringing forward this budget to significantly explode the size of the Government. That is a conscious decision that was made. The President is very forthright about this. He thinks that is a way to create prosperity. It does not happen if at the same time you are running up the national debt at rates which are unsustainable.

The debt, the public debt will double during the term of this budget—double from 40 percent to 80 percent. We have the public debt so high under this budget, or the President and the Democratic Members of this Senate and the House have it so high under this budget that if we tried to apply it to the European Union as a country in Europe, for example, we would be rejected because, under the terms of the European Union, a country cannot have as high a debt as we are going to have after this budget runs its course.

Actually, it is about the middle of the budget that we hit that threshold. Can you believe that? Countries such as France are going to be more fiscally responsible than we are. But that is the truth. That is the way this budget plays out. As I say, this is a path over a cliff for our Nation.

I have offered this motion to instruct. I call it the 1789 motion because that is the date when we started running up debt in this country. In essence, it says this: We cannot pass a budget here in this 5-, 10-year cycle that adds more debt to the backs of our children than the total debt that was added to this country from 1789 through January 20, 2009.

I think that is a fairly reasonable standard. We are going to say you cannot exceed the amount of debt that is being added by this budget—that amount of debt cannot exceed the amount of debt that has been added to this country since our beginning, 230-some-odd years.

We have to have some standard to live by. That seems like a reasonable one, that in 5 or 10 years we do not take the debt up so quickly and so horrifically that we actually exceed all the debt put on the backs of the American people since the beginning of our Nation, from 1789 through January 20, 2009.

This standard, if it is passed, will be a standard that will be enforced under the budget. The effect of it will be that we will have to figure out some way to

reduce debt or the rate of growth of debt under this budget. That is reasonable. If it is the desire of this administration to radically expand the size of Government, as it appears to be the desire of this administration to take spending in this Government up to astronomical levels in the context of our historical spending at the Federal Government, to go from 20 percent of GDP up to 25, 26 percent of GDP, if that is the purpose of this administration, and it appears to be their purpose, it is their purpose, it is what they said they are going to do in this bill, in this budget, well, then they cannot do it by passing those bills on to the next generation and creating this massive debt.

They have to come up with some other way to do it. My suggestion would be that they do not spend that much money. That would be the suggestion from our side of the aisle. But maybe from the other side of the aisle is that they raise taxes radically on all working Americans, which they do anyway in this bill, but they would have to raise money in any event. We should not put the burden on our children by creating all this additional debt.

This is a simply fairly reasonable test as to how much debt this budget should be able to run up on our people. It should be less debt in 5 years than has been run up on the American people in over 200 years.

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. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

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

MOTION TO INSTRUCT

Mr. CORNYN. Mr. President, I ask unanimous consent that the pending motion be set aside, and I send to the desk another motion for which I ask its immediate consideration.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist on the inclusion in the final conference report of the point of order against legislation that raises Federal income tax rates on small businesses as contained in section 307 of the concurrent resolution, as passed by the Senate.

Mr. CORNYN. Mr. President, my motion instructs Senate conferees to include section 307, which is included in the Senate-passed budget resolution, in the final conference report. As the distinguished chairman of the Budget Committee knows, this creates a 60-vote point of order against any legislation that raises income taxes on small businesses. The Senate, in a bipartisan vote of 82 to 16—a rarity these days, when we see that kind of overwhelming bipartisan support on anything—approved this point of order which I offered as an amendment to the budget. The Senate voted so overwhelmingly for this amendment—and I suggest it would be appropriate to vote for this motion to instruct in at least the same numbers—because the Senate should not pass a budget that increases income taxes on small businesses in Texas or Alaska or anywhere else, especially during a time when the economy is struggling and when our No. 1 priority is to help employers retain employment for their current employees and, hopefully, at some point begin to increase the number of jobs available to Americans.

Almost 400,000 businesses in Texas that employ around 4 million people would be especially hit by a failure to pass this motion to instruct and by any increase in income taxes on small businesses. For example, earlier when I spoke on the budget resolution, I mentioned Don Thedford, a small businessman in Tyler, in east Texas, and how he told me he has been able to grow his small business in part because of the tax relief we provided in 2001 and 2003. It is common sense and certainly intuitive that taxes can have an impact on the ability of a business to expand or, when taxes are unnecessarily high, cause it to contract.

Another businessman in east Texas, Cory Miller from Winnesboro, tells a similar story. Through one business that Cory has, he drills and services water wells. Of course, in the process, he gives families and communities access to fresh water. In his business, he manufactures a type of pump he invented, one which he now sells to other well drillers and drilling rig manufacturers. He has been in this business for 25 years and now employs 35 people. Cory, like Don, believes the tax relief we passed in 2001 and 2003 created the kind of positive, progrowth environment which allowed him to grow his business and that higher taxes in the middle of a recession will force him to make tough decisions and possibly lay off employees.

Higher taxes for people such as Don and Cory will mean they will not be able to reinvest more money in their businesses to purchase equipment or to hire more people because they will have to pay Uncle Sam higher taxes instead. As Cory put it:

Every dollar taken from an aggressive, growth-oriented small businessman like myself is a dollar that will not be used to expand my business or hire new employees.

We all know if small businesses are hit by higher taxes such as those proposed in the administration's budget, it will cause them to contract. We also know that small businesses are the vehicle that has produced most of the new jobs over the last decade. Given that President Obama and his administration have said their primary objective in dealing with the economy is job creation and retention, I don't understand why they would propose in their budget to increase taxes on the engine of job creation known as small business.

The Senate made its voice clear when a bipartisan majority supported my point of order as an amendment to the budget in the Senate. I ask my colleagues once again to reaffirm their support in the same bipartisan fashion by joining with me in supporting this motion to instruct conferees not to raise taxes on small businesses, the primary job engine in the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are going to start voting shortly. I ask unanimous consent that the votes be in the order as listed in the original unanimous consent request under which we are functioning, which would be Senators STABENOW, JOHANNS, GREGG, SESSIONS, ENSIGN, CORNYN, ALEXANDER, COBURN, DEMINT, and VITTER.

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

Mr. GREGG. As I understand from the chairman—and certainly it is our sentiment—we can pretty much begin voting whenever anybody is ready.

Mr. CONRAD. I am told by leadership staff we have a problem voting before 7 in terms of getting some Members here.

Mr. GREGG. I ask unanimous consent that the time between now and 7 be equally divided between the two parties under the leadership of myself and Senator CONRAD, and that should Senator ENSIGN be here, he has the last motion to instruct which we need to discuss. So he gets 10 minutes from our side or such time as he may desire from our side that is still remaining.

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

Mr. CONRAD. Mr. President, let me observe that we have a chance to handle a number of these motions by voice vote. There are a number of them we could support, we could accept. Senator GREGG will be talking to those Members who have motions to instruct that we could accept. I ask them to carefully consider that offer. We have stacked up 10 potential votes. We can do three votes an hour. That would be three hours of voting starting at 7. That would take us until 10 tonight. Frankly, as I count them, we have six of these motions that we could accept, shortening the time for voting by 2 hours. That would mean we could be done by roughly 8. It is dependent on Senators being willing to take voice votes or being willing to have their motions accepted on a unanimous consent basis.

I make that plea to Senators. We could do it the way that gets us finished with our business in a reasonable way by 8 or we could go until 10.

The other thing I want to add is, this will not affect how these motions do in conference. If somebody has that in

mind, sometimes it does make a difference, but in this case it will not.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MOTION TO INSTRUCT

Mr. GREGG. Mr. President, I send a motion to the desk on behalf of Senator JOHANNS and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNS] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the current resolution on the budget for fiscal year 2010) be instructed to insist that if the conference report includes a Deficit Neutral Reserve Fund to Invest in Clean Energy and Preserve the Environment and Climate Change Legislation similar to section 202 of S. Con. Res. 13, as passed by the Senate, then that Deficit Neutral Reserve Fund shall also include the language contained in section 202(c) of S. Con. Res. 13, as passed by the Senate, which provides that the Chairman of the Senate Budget Committee may not revise allocations for legislation if that legislation is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974.

MOTION TO INSTRUCT

Mr. GREGG. I send a motion to the desk on behalf of Senator ENSIGN and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the concurrent resolution on the budget for fiscal year 2010) be instructed to insist that the conference report on the concurrent resolution include the point of order against legislation that raises taxes directly or indirectly on middle-income taxpayers (single individuals with $200,000 or less in adjusted gross income or married couples filing jointly with $250,000 or less in adjusted gross income) as contained in section 306 of the concurrent resolution as passed by the Senate.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. Mr. President, I rise to speak in opposition to the motion of the Senator from Michigan, Ms. STABENOW, that instructs the conferees to include some but not all of the limitations the Senate voted for with respect to climate change legislation.

I think the Senate needs to understand that the effect of this motion would be to instruct conferees on the issue of climate change without including the Senate's protection for consumers against higher gas and electricity prices, which was adopted by the Senate by a vote of 89 to 8 during the debate on the budget resolution. The Senate adopted several budget amendments to try to specify what the parameters should be in the debate over climate change legislation.

One of those amendments that was adopted was one that was sponsored by me. That amendment specified that climate change legislation could not increase electricity or gasoline prices. It was adopted by the Senate by a vote of 89 to 8.

What Senator STABENOW's motion would do if it were agreed to is it would instruct that it would be the Senate's only specific instruction on what should be included in the final budget on climate change legislation, apart from the reconciliation limitations that would be included. So, in other words, other protections, such as those included by my amendment, could be excluded were the conferees to adhere to the instructions in her motion.

The bottom line is, Senator STABENOW's motion to instruct would encourage conferees to drop the commonsense protections adopted by the Senate with a vote of 89 to 8 when it adopted my amendment to the budget resolution.

Just, again, by way of background, I do not think there is anybody who would argue the point that a cap-and-trade proposal is going to raise energy prices. This motion does nothing to include protection against those higher prices.

Under the President's cap-and-trade proposal that was contained in his budget, it would impose what is a massive new energy tax on anyone who drives a car or turns on a light switch.

In fact, Secretary of Transportation Ray LaHood has said the administration is ''not for an increase in the gas tax as long as the economy is bad, people are out of work, people don't have jobs. No one should be promoting an increase in the gas tax.'' The cap-and-trade proposal the President has put forward would do just that. It would also increase the cost of electricity prices.

Secretary of Energy Chu just testified recently:

I think especially now in today's economic climate it would be completely unwise to want to increase the price of gasoline.

The President and his Budget Director have been very clear that prices are going to go up on consumers, and they are going to feel the pain, the economic pain associated with higher prices for electricity and gasoline.

The President himself acknowledged that when he was talking about a cap-and-trade proposal some time back. He acknowledged his plan would lead to higher electricity prices, and he said:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

What happened during the debate on the budget is we adopted my amendment, by a vote of 89 to 8, which specifically stated that any cap-and-trade climate change legislation could not increase electricity rates or gas prices for consumers in this country. The Stabenow motion to instruct, if adopted, would instruct the conferees in an opposite direction. It would exclude that protection that was included in my amendment to the budget resolution.

So I ask my colleagues in the Senate to defeat the Stabenow motion. The Johanns motion, on the other hand, to instruct the conferees not to use reconciliation to accomplish climate change legislation is a good motion. I hope the Senate will vote to adopt it. That was also one that was adopted by a fairly large margin when it was voted on during the debate on the budget a couple weeks ago.

But let me restate as clearly as I can, if the Stabenow motion is adopted by the Senate today, it would instruct the conferees in a number of areas with regard to cap-and-trade legislation, many of which sound good: invest in clean energy technology initiatives, decrease greenhouse gas emissions, create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, and I could go on. There are nine of them that are stipulated here. The one that is conspicuously and noticeably absent is the protection against higher prices for consumers in the form of higher gasoline prices and higher electric rates.

So it was an amendment adopted by the Senate by a vote of 89 to 8. It would be my view that the Senate should not go back on an overwhelming vote like that, which made it very clear that any climate change legislation should not raise electricity and gasoline prices on American consumers. The Stabenow motion, if adopted, would not include that protection. I ask my colleagues to vote to defeat it.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, for the advice of our colleagues, we are very close to being able to begin voting. At roughly 7 o'clock, we will begin. We have 10 motions pending, or we will have by that time. We are still waiting for a signed copy of one motion that I will send up when that is available. Again, we are asking colleagues—we have a number of these we can take which would reduce the number of votes that would have to be conducted. Senator GREGG is working diligently to talk to colleagues to see if they are willing to take a voice vote or take an acceptance by unanimous consent, and we are still waiting for final answers on all of those matters. So again, for the advice of our colleagues, we are very close to the time when we can do that.

I ask unanimous consent to set aside the pending motion to instruct so I may offer a motion to instruct on behalf of Senator STABENOW.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 13 (the current resolution on the budget for fiscal year 2010) be instructed to insist that the final conference report include a Deficit-Neutral Reserve Fund to Invest in Clean Energy and Preserve the Environment (as provided in section 202(b) of S. Con. Res. 13, as passed by the Senate) that would allow the Chairman of the Committee on the Budget of the Senate to revise the allocations of 1 or more committees, aggregates, and other appropriate levels and limits in the resolution for 1 or more deficit-neutral bills, joint resolutions, amendments, motions, or conference reports that would—

(1) invest in clean energy technology initiatives;

(2) decrease greenhouse gas emissions;

(3) create new jobs in a clean technology economy;

(4) strengthen the manufacturing competitiveness of the United States;

(5) diversify the domestic clean energy supply to increase the energy security of the United States;

(6) protect consumers (including through policies that address regional differences);

(7) provide incentives for cost-savings achieved through energy efficiencies;

(8) provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere; and

(9) help families, workers, communities, and businesses make the transition to a clean energy economy.

Mr. CONRAD. Mr. President, I note 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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, earlier today, the Senate was very close to reaching an agreement to complete action on the financial fraud measure. It is a bipartisan measure which is the result of significant bipartisan work of Senators LEAHY, GRASSLEY, and virtually every member of the Judiciary Committee. I thought we had an agreement, but we were not able to do this, in spite of all of the good work of Senator LEAHY. We simply want to limit amendments to this bill. Everyone has had ample opportunity to offer amendments. I guess it would have been nice if we had voted later last night, but I had a meeting at the White House. I had to be at the meeting, and I left here about 5:15 and the meeting lasted until about 7:30.

We are going to file cloture tonight on this measure. Everyone should acknowledge that this means we are going to have a cloture vote Saturday morning around 11 a.m. There will be another vote on Sunday, if we are asked to use up all of this time. It is unfortunate, since people had all the opportunity they had to offer amendments. No one has tried to stifle amendments on this or anything else this year. It is unfortunate, and that will mean there will be some amendments, well intentioned and good, that deal with the financial crisis facing this country that will fall, but we have had good debate the last few days on this legislation.

I wish there were some other way to do this. I pulled out all the stops to try to talk to a number of Senators, and I apologize for not being able to work something out, but that is the way it is sometimes.

Mr. LEAHY. Mr. President, would the Senator yield?

Mr. REID. I am happy to yield.

Mr. LEAHY. Mr. President, I think the distinguished leader is doing all he can do in this case. I am surprised, as he said, since this bill has had huge bipartisan support and bipartisan sponsorship. It is to try to protect people from losing their retirement funds, their home, their savings for their children to go to college, from these mortgage fraud people. Everybody across the political spectrum has endorsed the bill.

We voted on every amendment to remain to the bill. There are about a dozen or more that have nothing to do with the bill. It is unfortunate for the people who are seeing their life savings being ripped off by unscrupulous criminals, and that we cannot criminalize it in such a way as to stop it. So I will be here to vote. The irony is that when the bill finally gets to a vote, it will probably pass about 90 to 5.

Mr. REID. Mr. President, I ask unanimous consent that the Republican leader be allowed to make a statement prior to the vote.

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

The Republican leader is recognized.

(The remarks of Mr. MCCONNELL are printed in today's RECORD under ''Morning Business.'')

Mr. REID. Mr. President, on the motions to instruct, I ask unanimous consent that there be 2 minutes between each vote for debate equally divided between Senators GREGG and CONRAD or the sponsor of the motion. Senators GREGG and CONRAD can determine who has the time.

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

Mr. REID. I ask unanimous consent that there be 10-minute votes after the first vote.

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

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The pending question is on agreeing to the Stabenow motion to instruct.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, Senator STABENOW would like to speak.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, this amendment was included in the Senate budget resolution. It lays out clear, positive instructions for balanced climate change legislation that allows agriculture and forestry to participate voluntarily. It focuses on jobs, protecting manufacturing, protecting consumers, and it lays out a positive approach rather than just saying no to reconciliation, which is a policy I agree with. We need to have a positive, balanced approach, and this motion does that.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I rise in opposition to the Stabenow motion to instruct. She is correct that it imposes limitations on climate change legislation as adopted during the budget resolution, with one very important deletion, and that is one that consumers care about the most, which prevents consumers from having to pay higher gasoline prices and electricity rates.

If the Senate adopts this motion, it will undermine an amendment I offered to the Senate budget resolution, which passed 89 to 8 in the Senate, which prevents consumers from having to deal with higher gas and electricity rates as a result of climate change legislation. That is an important protection. It is something the conferees need to keep in the budget resolution.

I hope the Senate will vote to defeat the Stabenow motion to instruct because it does undermine what we did in the budget resolution with respect to the protections afforded to consumers when it comes to higher gas and electricity prices. I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 37, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—57

Akaka	Boxer	Carper
Baucus	Brown	Casey
Bayh	Burris	Collins
Begich	Byrd	Conrad
Bennet	Cantwell	Dodd
Bingaman	Cardin	Dorgan

Durbin	Leahy	Reed
Feingold	Levin	Reid
Feinstein	Lieberman	Sanders
Gillibrand	Lincoln	Schumer
Hagan	Lugar	Shaheen
Harkin	McCaskill	Snowe
Inouye	Menendez	Stabenow
Johnson	Merkley	Tester
Kaufman	Mikulski	Udall (CO)
Kerry	Murray	Udall (NM)
Klobuchar	Nelson (NE)	Warner
Kohl	Nelson (FL)	Webb
Lautenberg	Pryor	Wyden

NAYS—37

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Specter
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	
Crapo	Landrieu	

NOT VOTING—5

Kennedy	Rockefeller	Whitehouse
Roberts	Voinovich	

The motion was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote in relation to the Johanns motion to instruct.

Who yields time?

The Senator from Nebraska.

Mr. JOHANNS. Mr. President, Members of the Senate, I rise this evening for the express purpose of asking for your support for a motion that is very straightforward. We have already voted on this in an amendment I submitted during the budget process.

The motion basically says that we will not use the reconciliation process to pass cap-and-trade legislation. The last time this issue was before this body, we had 67 Senators, both Republicans and Democrats, who spoke very loudly and clearly opposing budget reconciliation to pass cap-and-trade legislation. I ask that we do that again. I ask that we do that again to indicate very clearly that we do not want to use the reconciliation process for cap-and-trade.

I conclude my remarks by saying thank you for your thoughtful approach to this, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays are ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to point out to colleagues that there is no reconciliation instruction on the budget resolution that we are sending to conference from the Senate. In the House, the Speaker and the rest of the leadership has indicated there is no intention and no provision for reconciliation to be used for cap and trade or for climate change.

With that, we are prepared to vote.

Mr. President, we have an agreement on 10-minute votes for all remaining votes.

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 28, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—66

Alexander	Corker	Lincoln
Barrasso	Cornyn	Lugar
Baucus	Crapo	Martinez
Bayh	DeMint	McCain
Begich	Dorgan	McCaskill
Bennet	Ensign	McConnell
Bennett	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hagan	Sessions
Burris	Hatch	Shelby
Byrd	Hutchison	Snowe
Cantwell	Inhofe	Specter
Carper	Isakson	Stabenow
Casey	Johanns	Tester
Chambliss	Klobuchar	Thune
Coburn	Kohl	Vitter
Cochran	Kyl	Warner
Collins	Landrieu	Webb
Conrad	Levin	Wicker

NAYS—28

Akaka	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Sanders
Cardin	Lautenberg	Schumer
Dodd	Leahy	Shaheen
Durbin	Lieberman	Udall (CO)
Feinstein	Menendez	Udall (NM)
Gillibrand	Merkley	Wyden
Harkin	Mikulski	
Inouye	Nelson (FL)	

NOT VOTING—5

Kennedy	Rockefeller	Whitehouse
Roberts	Voinovich	

The motion was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Gregg motion to instruct. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this motion is fairly simple but very important. Since our country began in 1789, we have been adding debt to the American people. All this says is that all the debt that has been run up, from 1789 to 2009, through January 20, 2009, that that total debt should not be exceeded during the term of this budget. It seems like a fairly reasonable request. If we do not follow it, we are going to end up passing on a debt to our children that they cannot support. I hope people will support this limitation on the addition of debt to our Nation and to our children.

Mrs. MURRAY. Mr. President, the Senator from New Hampshire has offered an amendment to the conference report that we not double the debt from the time President Obama took office through the end of 2019. Our budget does not go through 2019. It would not double the debt through 2014. The debt when President Obama took office was about $10 trillion. So this amendment is not necessary. I urge a no vote.

Mr. GREGG. Mr. President, with my additional time, I would simply note if that is the position the majority takes, then everybody should vote for it.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Ms. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 54, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—54

Akaka	Feingold	Menendez
Baucus	Feinstein	Merkley
Bayh	Gillibrand	Mikulski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kaufman	Reid
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Wyden

NOT VOTING—5

Kennedy	Rockefeller	Whitehouse
Roberts	Voinovich	

The motion was rejected.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Sessions motion to instruct.

Mr. SESSIONS. Mr. President, this motion would instruct that the budget be altered so that there would be level funding for 2 years during the time that we are now spending an additional $800 billion in the economy as part of the stimulus package.

We ought to be able to keep the baseline budget level for 2 years, and then finish out the 5-year budget at 1 percent growth. We have doubled the national debt through this budget—we will do so in 5 years—and triple it in 10.

Interest on the debt today is $170 billion over the President's 10-year budget. At the 10th year, it would be $800 billion in interest alone, dwarfing our education budget of $100 billion, dwarfing the highway budget of $140 billion.

This is the right approach to show some discipline on the baseline budget at a time we are surging the discretionary spending through the stimulus package.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment that is before us will freeze spending, nondefense and nonveterans funding, for 2 years and limit the growth of nondefense and nonveterans funding to 1 percent annually for fiscal 2012, 2013, and 2014.

Now, I would remind all of us, we are in an economic crisis in this country. The investments we make in this budget that is before us are important for education, for health care, for energy, and for the other priorities that on which this country has asked us to move forward.

I urge my colleagues to vote no on the motion before us so that we can have the flexibility to deal with these critical issues before us today.

The PRESIDING OFFICER. The question is on agreeing to the Sessions motion.

Mr. SESSIONS. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 56, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—38

Alexander	Brownback	Cochran
Barrasso	Bunning	Corker
Bayh	Burr	Cornyn
Bennett	Chambliss	Crapo
Bond	Coburn	DeMint
Ensign	Isakson	Sessions
Enzi	Johanns	Shelby
Graham	Kyl	Snowe
Grassley	Lugar	Specter
Gregg	Martinez	Thune
Hatch	McCain	Vitter
Hutchison	McConnell	Wicker
Inhofe	Risch	

NAYS—56

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kaufman	Reid
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Wyden
Feingold	Merkley	

NOT VOTING—5

Kennedy	Roberts	Whitehouse
Murkowski	Rockefeller	

The motion was rejected.

Mr. NELSON of Nebraska. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I believe the next motion in order is the Ensign motion.

The PRESIDING OFFICER. The Senator is correct.

There are 2 minutes equally divided prior to a vote in relation to the Ensign motion.

Who yields time?

Mr. ENSIGN. Mr. President, this is my motion that says let's not raise taxes, whether they are direct or indirect taxes, on anybody making less than $250,000. It was agreed to unanimously when the amendment was considered by the full Senate, 98 to 0. Unfortunately, it was said that it would be stripped out. We went through a whole parliamentary mess to understand that this amendment would not bring the bill down. I am hoping the managers who take this bill to conference keep this amendment in conference, so we don't raise the taxes on any family making less than $250,000 a year.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senator from Nevada is correct. This amendment passed on the budget 98 to nothing. The Democrats are happy to support it. It is 8:25 at night. I suggest we take it on a voice vote.

Mr. ENSIGN. That is fine.

The PRESIDING OFFICER. The question is on agreeing to the Ensign motion.

The motion was agreed to.

Mr. SANDERS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Cornyn motion to instruct.

Mr. CORNYN. Mr. President, my motion instructs conferees to retain my amendment, which passed by a strong bipartisan majority of 82 Senators who voted in favor, which says don't raise taxes on small businesses. We all know that is the principal job creator in the economy. It passed 82 to 16. My hope is we have a similar if not better vote on this motion to instruct.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, this is on an amendment many of us supported. We are happy to take it on a voice vote. If not, I will be supporting the motion, if the Senator insists on a vote this evening.

The PRESIDING OFFICER. The question is on agreeing to the Cornyn motion.

The yeas and nays were ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 9, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—84

Akaka	Dorgan	McCaskill
Alexander	Ensign	McConnell
Barrasso	Enzi	Menendez
Baucus	Feinstein	Merkley
Bayh	Gillibrand	Mikulski
Begich	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bond	Hagan	Pryor
Boxer	Hatch	Reed
Brownback	Hutchison	Reid
Bunning	Inhofe	Risch
Burr	Inouye	Sanders
Burris	Isakson	Schumer
Cantwell	Johanns	Sessions
Cardin	Johnson	Shaheen
Carper	Kaufman	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lincoln	Vitter
Crapo	Lugar	Webb
DeMint	Martinez	Wicker
Dodd	McCain	Wyden

NAYS—9

Bingaman	Durbin	Kerry
Brown	Feingold	Voinovich
Byrd	Harkin	Warner

NOT VOTING—6

Kennedy	Murkowski	Rockefeller
Landrieu	Roberts	Whitehouse

The motion was agreed to.

Mr. CONRAD. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Alexander motion to instruct.

Mr. CONRAD. Mr. President, can we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CONRAD. Mr. President, we need order because Senator ALEXANDER is next, and if he would be so gracious as to accept a voice vote on his motion, we would take his motion. It is a good motion. We support it.

Mr. ALEXANDER. Mr. President, I say to the Senator, thank you very much. I accept that.

All the motion does is instruct the conferees to do what the Senate has already unanimously agreed to do to preserve the competitive student loan system.

The PRESIDING OFFICER. If there is no further debate on the motion, the question is on agreeing to the Alexander motion.

The motion was agreed to.

Mr. CONRAD. Mr. President, next, I believe, is the motion of the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the Coburn motion to instruct.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be very brief. This is fulfilling a campaign promise of Barack Obama. He said he wanted us to go through the budget line by line to eliminate wasteful programs, eliminate duplicative programs. We accepted this earlier. This is a vote to say we are going to do that. We are going to hold up our end of the bargain, as the President is going to hold up his end of the bargain, and we are going to go through and find some of this $300 billion worth of waste.

With that, I yield back.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, would the Senator accept a voice vote on his motion because we would be prepared to support him?

Mr. COBURN. I will accept a voice vote.

Mr. CONRAD. The Senator is very gracious.

The PRESIDING OFFICER. If there is no further debate on the motion, the question is on agreeing to the Coburn motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to make a note for the record there was no ''no'' voiced on the vote.

Mr. CONRAD. Mr. President, let me indicate, because of the good nature and the graciousness of the Senator, this is an amendment that we will try to preserve in conference.

BYRD RULE

Mr. LEVIN. Mr. President, I ask the Senator from North Dakota, is it true that when a reconciliation bill comes to the floor, it must meet the requirements of the Byrd rule or be subject to a 60-vote point of order?

Mr. CONRAD. Yes

Mr. LEVIN. Is it true that a provision in a reconciliation bill is subject to a Byrd rule point of order if it produces a change in outlays or revenues that is merely incidental to the nonbudgetary, i.e., policy, components of a provision?

Mr. CONRAD. Yes

Mr. Levin. Is it true that every provision of a reconciliation bill is subject to the Byrd rule; and any provision that does not meet all of the requirements of that rule, would be subject to a 60-vote point of order?

Mr. CONRAD. Yes

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote in relation to the DeMint motion to instruct.

Who yields time?

Mr. CONRAD. Senator DEMINT is next.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, my motion simply codifies some promises during the last campaign focusing on health care as part of this budget. My motion would create a 60-vote point of order for any legislation that takes away a person's right to pick their own doctor, to choose their own plan, or to keep the health plan they already have. These are promises the President made, that no health care reform would take away those rights, and my motion is to insist that the budget conference report include that.

Mr. CONRAD. Mr. President, I support this amendment. I think it is entirely reasonable in what it outlines. We all want patients to be able to choose their doctors. We want to make certain if people are happy with the health care plan they are in, that they are able to stay in that plan.

I would ask the Senator from South Carolina, would he consider accepting a voice vote—a strong voice vote—in favor of his amendment?

Mr. DEMINT. Mr. President, I appreciate the offer very much, but knowing that the chairman probably doesn't see my nature as good as Senator COBURN's, I suspect it might not stay in, in conference. I would like a rollcall vote, but I thank the Senator from North Dakota very much for his offer.

Mr. CONRAD. Mr. President, I would note for the RECORD that the Senator from South Carolina is smiling.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the DeMint motion to.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 14, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—79

Akaka	Dorgan	McCain
Alexander	Ensign	McCaskill
Barrasso	Enzi	McConnell
Baucus	Feingold	Menendez
Bayh	Feinstein	Murray
Begich	Gillibrand	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagan	Reid
Brownback	Hatch	Risch
Bunning	Hutchison	Schumer
Burr	Inhofe	Sessions
Byrd	Inouye	Shaheen
Cantwell	Isakson	Shelby
Carper	Johanns	Snowe
Casey	Johnson	Specter
Chambliss	Kaufman	Tester
Coburn	Klobuchar	Thune
Cochran	Kohl	Udall (CO)
Collins	Kyl	Vitter
Conrad	Lautenberg	Voinovich
Corker	Leahy	Webb
Cornyn	Lieberman	Wicker
Crapo	Lincoln	Wyden
DeMint	Lugar	
Dodd	Martinez	

NAYS—14

Bingaman	Harkin	Sanders
Brown	Kerry	Stabenow
Burris	Levin	Udall (NM)
Cardin	Merkley	Warner
Durbin	Mikulski	

NOT VOTING—6

Kennedy	Murkowski	Rockefeller
Landrieu	Roberts	Whitehouse

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate, equally divided, prior to a vote in relation to the Vitter motion to instruct.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, in our original Senate debate on the budget, we passed by unanimous consent language that is in section 202(a) that we would not raise taxes on domestic energy production.

That language says that our budget legislation ''would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; it would not increase the cost of energy for American families; it would not increase the cost of energy for domestic manufacturers, farmers, fishermen or other domestic industries; and it would

not enhance foreign competitiveness against U.S. businesses.''

This motion to instruct would say we need to keep that mandate in the final version of the budget. This is important because, unfortunately, the President has proposed tax increases in all those areas, and all those significant increases in domestic energy production are part of his budget proposal.

It would be tremendously wrongheaded and would hurt Americans to increase taxes on energy, particularly now in the midst of a deep recession. I ask all my colleagues to support this motion to instruct, and I respectfully ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I 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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have been conferring off and on during the day with my distinguished Republican counterpart. I think this is where we are.

Monday, at about 5:30, we will have a vote on cloture on the underlying financial fraud legislation. We will determine what time Tuesday morning we will vote on final passage of that bill, if cloture is invoked. Again, we will vote Monday night at about 5:30 on cloture, and sometime Tuesday morning we will vote on final passage.

At this stage, we have a tentative agreement to have 6 to 8 hours of debate on Sebelius, and we would have passage of that by a 60-vote margin on her sometime late Tuesday.

Following that, we are trying to work something out on Mr. Strickland, who is one of the secretaries for Ken Salazar. I talked to Senator BUNNING. We are trying to get him some information to which he is entitled. If we can get that information, we will get that done very quickly. If we cannot, then Senator BUNNING has agreed to a reasonable period of time—and Senator MCCONNELL and I will determine what that is—to have a debate and a 60-vote margin on his approval.

Hopefully, if the conference is completed on the budget, we would go to that sometime Wednesday, with a statutory 10 hours on it.

That is where we are. It has been a difficult time. I am sorry to have everyone concerned about the Saturday cloture vote, but that is how things work.

I say to my friend Dr. COBURN, he is a thorn in my side, but he is a real gentleman, as I have said before. I think this is going to work out very well for everybody. We all have a lot of things already scheduled the next few days. Having the Saturday vote would do a lot of damage to a lot of plans—these are not vacation plans, but whatever plans people have in their home States. I hope that answers everybody's questions.

I have not said this often enough. I remind everyone that all the press is interested in is seeing Senator MCCONNELL and me jostle. We jostle very little. We have an understanding as to what is good for this body, and sometimes our views of what is good for this body are different but not very much. I express my appreciation to him for all the work we have been able to get done this week, which has been very difficult, and to work this out for a Monday vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we still have pending the motion of Mr. VITTER, the Senator from Louisiana. That was an amendment that was taken by unanimous consent or voice vote during the budget resolution. It is now here as a motion to instruct. Obviously, we are going to have a rollcall vote on it. We asked the Senator to withhold. He has asked to have a rollcall vote, which is absolutely his right. Senators will vote their judgment.

The PRESIDING OFFICER. The question is on agreeing to the Vitter motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 30, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—63

Akaka	Crapo	Lugar
Alexander	DeMint	Martinez
Barrasso	Dorgan	McCain
Baucus	Ensign	McCaskill
Bayh	Enzi	McConnell
Begich	Feingold	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bond	Gregg	Reid
Brownback	Hagan	Risch
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Byrd	Inhofe	Snowe
Carper	Isakson	Specter
Chambliss	Johanns	Stabenow
Coburn	Johnson	Thune
Cochran	Klobuchar	Udall (CO)
Collins	Kohl	Vitter
Conrad	Kyl	Voinovich
Corker	Landrieu	Webb
Cornyn	Lincoln	Wicker

NAYS—30

Bingaman	Dodd	Kerry
Boxer	Durbin	Lautenberg
Brown	Feinstein	Leahy
Burris	Gillibrand	Levin
Cantwell	Harkin	Lieberman
Cardin	Inouye	Menendez
Casey	Kaufman	Merkley
Mikulski	Schumer	Udall (NM)
Murray	Shaheen	Warner
Reed	Tester	Wyden

NOT VOTING—6

Kennedy	Roberts	Sanders
Murkowski	Rockefeller	Whitehouse

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, all statutory time is yielded back, and the Chair appoints the following conferees on the part of the Senate: Mr. CONRAD, Mrs. MURRAY, and Mr. GREGG.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—Continued

Mr. REID. Mr. President, I ask unanimous consent that the vote on the cloture motion on the substitute amendment to S. 386 occur at 5:30 p.m., Monday, April 27; that if cloture is invoked, all postcloture time be yielded back and any pending germane amendments be disposed of; then the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time, and that the vote on passage of the bill occur at 12 noon on Tuesday, notwithstanding rule XII, paragraph 4, without further intervening action or debate; that once cloture has been filed, the mandatory quorum be waived; provided further that at 4:30 p.m. Monday, there be 60 minutes of debate prior to the cloture vote, with the time equally divided and controlled between the leaders or their designees.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. 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 committee substitute amendment to S. 386, the Fraud Enforcement and Recovery Act of 2009.

Patrick J. Leahy, Debbie Stabenow, Kent Conrad, Barbara Boxer, Patty Murray, Herb Kohl, Jeff Bingaman, Russell D. Feingold, Bernard Sanders, Bill Nelson, Ben Nelson, Richard Durbin, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Harry Reid.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session I ask unanimous consent that on Tuesday, April 28, at 10 a.m., the Senate proceed to executive session to consider the Calendar No. 62, the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that there be 8 hours of debate with respect to the nomination, with

the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination and that the confirmation be subject to an affirmative 60-vote threshold; that upon achieving that threshold, the nomination be confirmed, the motion to reconsider be laid on the table and there be no further motions in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, I ask there be a modification to allow Senator BUNNING 20 minutes of the time available for the nomination of Kathleen Sebelius.

Mr. REID. No problem at all with that, Mr. President.

The PRESIDING OFFICER. If there is no objection to the request as modified, it is so ordered.

Mr. REID. Mr. President, I would finally say we are working on Tom Strickland. Senator BUNNING has written a letter to Mr. Strickland. He is entitled to a response, either orally or in writing. We hope to get that for him tomorrow. But we will work that out next week, we hope. We are going to be in session tomorrow. Hopefully I can have that information for Senator BUNNING tomorrow.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 47; that the nomination be confirmed, the motion to reconsider be laid upon the table, no further motions be in order; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Ashton B. Carter, of Massachusetts, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO STEVEN MOSLEY

Mr. REID. Mr. President, we talk a lot around here about being a family, and we are. There are people we learn to like a lot. A lot of times we see these people just passing through as they are doing their jobs.

One of the people I have known since I have come to the Senate is a man by the name of Steve Mosley. If I had a picture of Steve Mosley, everyone would recognize him. He is a big man, always smiling. He was someone who came to my office quite often for different things he was assigned to do. I had a number of conversations with him.

He loved sports activities. He was a season ticket holder for the Washington Wizards. He never missed a home game. He loved the Redskins and hated the Dallas Cowboys. He was certainly willing to say that at any time.

Steve has been a member of the Sergeant at Arms team and family. For 32 years he has been with Capitol Facilities, ensuring the service needs of the Capitol were met. It was bringing wood to an office, it was doing some work that needed to be done because someone had messed up an office, moving furniture—whatever it was, he was available.

He was a native Washingtonian, married to his wife Michelle for 26 years. Steve had one child, a son, Steven, Jr. He is 25 years old. His son Steven, Jr. and his wife Michelle of course were both stunned when Steve died. He was only 52 years old. He was born on April 12.

As I said, he loved the Redskins; was a season ticket holder. Also, he loved Cadillacs and he had two of them.

I think one of the most important things to remember about Steve is that he cared deeply about people. He was always the first to help, whether it was an Easter basket for one of the people who worked here who was in need of a little extra, or, for people who needed a ride, his Cadillac was always available to take them wherever they needed to go.

He died way too soon and we, as a Senate, certainly are not as good as we were before Steve died. He was loved by all of his coworkers at Capitol Facilities in the Capitol. I will miss him. We all will miss him. I want the RECORD to be spread with the knowledge to his family that we cared about Steve as he cared about us.

Our thoughts go with his family, that they will be able to work through this time of bereavement as we look toward a brighter day.

Mr. MCCONNELL. Mr. President, I rise to note the sad and sudden passing of a very familiar face to me and to many others around the Capitol.

Steve Mosley had been a fixture on the Capitol Facilities staff for 32 years when he passed away last night—and those of us who knew him will miss his great disposition and all that he did for so many years behind the scenes to keep this place running smoothly.

It has been noted that Steve was a pretty serious Redskins fan. That is an understatement. People who knew him say they can't remember him ever missing a single home game, rain or shine. And he liked to share his enthusiasm for the Skins with colleagues, particularly the Cowboy fans.

But Steve's friends also remember him for his generosity.

Like the time he offered to help set up the wedding reception of one of his colleagues so the colleague would be able to go out and enjoy his bachelor party. Steve never made it to the bachelor party himself. He spent the night making sure everything was ready for the reception.

One colleague recalled the time he wanted to get a limousine for his daughter on prom night but couldn't afford to spend the money. He told Steve about it at work one day, and the night of the prom, Steve showed up at the house in a black Mercedes Benz that he had washed and waxed for the occasion. Not only could the daughter use Steve's car for the prom—she could have him as a chauffeur too. A couple years later, Steve did the same thing for the girl's younger brother.

A lot of us have been here a long time, but few of us have been here as long as Steve was. He loved his job. He took a lot of pride in doing it well. And anytime someone new came on board, they knew they could learn the ropes, and a lot more, from Steve Mosley.

Senator REID mentioned earlier that the Senate is really a family. And whenever we lose somebody in the Senate, whichever office they are from or duty they perform, we lose a member of the family. And with Steve it is like we are losing one of the elders in that family. He takes a lifetime of proud and service with him and he leaves a distinguished legacy and many friends behind.

So on behalf of the entire Senate, I want to extend our condolences to Steve's wife, Michelle, and to their son, Steven, Jr, for their loss. And I want to take this opportunity to express my deep appreciation and my thanks to our friend Steve for his many years of devoted service.

We'll miss him.

CHINA

Mr. DORGAN. Mr. President, I am chairman of the Congressional-Executive Commission on China, and I want to say a few words about China and a very courageous man in China who we believe now is in a Chinese prison and likely being tortured. I think it is very important for our country to speak out about this issue.

Let me say first, there are many thoughtful and independent people in China today who understand the importance of fundamental rights and the role of strong and independent legal institutions. A few of these people work for the Chinese Government. Many work at universities or with U.S. companies and law firms. They care about the rule of law. Some of have cooperated with US agencies to increase food

safety and improve security for coal miners, and others. Those are the folks in China who get it.

There are also independent men and women in China who take a different approach. They apply what they know about the rule of law and the role of fundamental rights in very much the same way. Except that they choose to sound the alarm when the rights of vulnerable people are violated. And in so doing, they go to great lengths and place themselves at enormous personal risk. They defend the interests of consumers whose children are poisoned by powdered milk. They help the families of earthquake victims. They seek to represent the rights of illegally detained Tibetan monks. They stand up for their country and its people. By doing this, they are claimed to be enemies of the state. So who are the enemies of the state?

I want to tell you about one man today, a man who is very courageous, a man named Gao Zhisheng. His wife is visiting Washington, DC, today. I want to tell you about him because it is so important for me to do so.

This is a photograph of this courageous lawyer from China: Gao Zhisheng, with his son, his wife, and his daughter. He disappeared 80 days ago and has not been heard from since. We know 2 years ago he was arrested by the Chinese secret police and put in prison and tortured—tortured with electric shock and other devices I will not describe.

What was his transgression then? He wrote an open letter to the U.S. Congress asking us to pay some attention to the lack of human rights that existed in China. For writing an open letter to Members of the U.S. Congress, in 2007, Gao Zhisheng, one of the most noted and distinguished human rights lawyers in China, was imprisoned for over 50 days and brutally tortured.

Now, in 2009, he taken from his bed by 10 members of the secret police, and has not been heard from since. Let me tell you what has transpired.

Mr. Gao Zhisheng has represented some of the most vulnerable people in China. They include persecuted Christians, exploited coal miners, banned Falun Gong practioners, and so many others. He has always believed in the power of law, using the law to battle corruption, to overturn illegal property seizures, to expose police abuses, to defend religious freedom. He is a devout Christian. He has fought to protect those who engage in peaceful spiritual and religious practice in China.

In 2005, the government took away his license to practice law, closed his law practice. As I said, in 2007, they arrested him, threw him in prison, and tortured him. Eventually, he was released and brought back home and placed under house arrest. The police surveillance proved almost harsher than prison. In fact, authorities monitored the family's every movement, stationed an officer in the family's living room, prevented his daughter from going to school, a kind of collective punishment. His 16-year-old daughter was barred from attending school. There was 24-hour surveillance of this traumatized family.

The treatment for that family in recent months was so brutal they decided their survival depended on escaping China. But Gao was too closely monitored and could not think of leaving them without placing his family at even greater risk.

So in January, Gao's wife, 6-year-old son, and 16-year-old daughter were smuggled out of China. They then traveled to the United States. After his family fled China, security agents seized Gao from his bed and he has not been seen or heard from since.

We know this situation is extremely grave because we know what the Chinese have done to him in their prison system previously. They have not offered the slightest word about his whereabouts, despite repeated requests from United Nations agencies, the US government, foreign governments, NGOs, and the media. All have asked for information about the whereabouts of this courageous human rights lawyer, and the Chinese Government has said nothing.

The Chinese Government has signed or ratified many international human rights commitments about Mr. Gao Zhisheng that require it to come clean about Mr. Gao. I call on, and we call on, today, the Chinese Government to allow Mr. Gao to have access to a lawyer, access to his family, and for the government to publicly state and justify the grounds for the continued detention of this courageous person.

The right to speak freely and the right to challenge the Government—all of these are enshrined in the Chinese Constitution. Yet it appears the Chinese Government and the Communist Party that runs that Government is intent on upholding the violation of these basic constitutional rights in the case of Mr. Gao.

As I indicated, I am chairman of the Congressional-Executive Commission on China. We have the largest and the most significant publicly accessible repository of political prisoners in China. We have the largest, publicly accessible data base of information about many thousands of Chinese political prisoners.

There are many people today who languish in dark cells—dark cells—of Chinese prisons because they spoke out to defend the rights of others. None has done so more than Mr. Gao, who is a noted and celebrated human rights lawyer, who has lost his law office, lost his legal license, been imprisoned multiple times, has now been ''disappeared'' into the prison system, was tortured before, and we expect has been tortured again. We need to put a stop to it.

We need to find a way to convince the Chinese Government to tell us what has happened to Mr. Gao. What have they done with him? How do they justify it? And when, when, when will they tell us they will release this man to be with his family and begin to accord people like Mr. Gao and others, who stand up for the rights of others, the same human rights we would expect them to be given?

China will be a significant part of our future. I understand that. My plea today is to the Government of China to do the right thing with respect to this courageous and brave man.

As I indicated, his wife, Geng He, is with us today here in Washington, DC. I am not permitted to point her out in the Senate galleries. But she, too, is a very courageous woman, and she wishes very much to have this courageous man, her husband, released from detention in China and be given his freedom.

Mr. DODD. Mr. President, will my colleague yield?

Mr. DORGAN. Yes.

Mr. DODD. I wish to thank my colleague from North Dakota. This is a very valuable contribution my colleague has made. It may only be one individual, one family, but I think when we speak up on behalf of an individual such as Mr. Gao, we do so for a lot of other people across the globe who face the same kinds of restrictions he is going through. I wish to join with him in expressing our concern.

I urge my colleagues to maybe craft a letter of some kind we might be able to send to the Ambassador here in Washington or to the appropriate governmental personalities or agencies in China to express our collective concern about this. I am the second-ranking member of the Foreign Relations Committee, and I have a deep interest in what he is talking about.

I thank him immensely for taking a few minutes this afternoon to address this issue. As the Senator points out, we are not allowed to recognize people who are in the Chamber, but let it be said that there is an individual who is with us during these remarks who is the wife of this individual. We thank her for her courage, her family's courage, and we will do everything we can to support the efforts of our colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I know the Senator from Utah will be recognized. I wish to say that earlier this week and later today I will be here to talk about Roxana Saberi, who is imprisoned in Iran. She is a constituent of mine. I have great concern about these circumstances in Iran and China and elsewhere, as all of us do. My thoughts and prayers are with Roxana and her family. Similarly, my thoughts and prayers are with the family of Mr. Gao.

I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am indebted to the distinguished Senator from North Dakota for his remarks today, and I certainly join with him in

requesting the Chinese Government to make this matter right. I am very grateful he has taken the time to come and tell us about Mr. Gao as well as this wonderful woman who is being held in Iran. I wish to compliment him for it and say that I wish to be identified with his remarks.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another 5 months have passed, and more American troops have lost their lives overseas in Iraq and Afghanistan. I wish to honor their service and sacrifice by including their names in the RECORD.

Since I last included the names of our fallen troops on November 20, 2008, the Pentagon has announced the deaths of 123 troops in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten and today I submit their names into the RECORD:

LCpl Ray A. Spencer II, of Ridgecrest, CA; PFC Richard A. Dewater, of Topeka, KS; CPL Francisco X. Aguila, of Bayamon, Puerto Rico; SGT Raul Moncada, of Madera, CA; SPC Michael J. Anaya, of Crestview, FL; SSG Gary L. Woods Jr., of Lebanon Junction, KY; SFC Bryan E. Hall, of Elk Grove, CA; SGT Edward W. Forrest Jr., of St. Louis, MO; CPL Jason G. Pautsch, of Davenport, IA; PFC Bryce E. Gautier, of Cypress, CA; A1C Jacob I. Ramsey, of Hesperia, CA; LCpl Blaise A. Oleski, of Holland Patent, NY; LCpl Stephen F. Dearmon, of Crossville, TN; SPC Adam M. Kuligowski, of Arlington, VA; SPC Israel Candelaria Mejias, of San Lorenzo, Puerto Rico; SGT Daniel J. Beard, of Buffalo, NY; TSgt Phillip A Myers, of Hopewell, VA; SGT Devin C. Poche, of Jacksonville, NC; LCpl Nelson M. Lantigua, of Miami, FL; LTJG Francis L. Toner IV, of Narragansett, RI; LT Florence B. Choe, of El Cajon, CA; SSG Raphael A. Futrell, of Anderson, SC; SGT Jose R. Escobedo Jr., of Albuquerque, NM; Cpl Michael W. Ouellette, of Manchester, NH; Cpl Anthony L. Williams, of Oxford, PA; LCpl Daniel J. Geary, of Rome, NY; PFC Adam J. Hardt, of Avondale, AZ; SPC Gary L. Moore, of Del City, OK; SGT Christopher P. Abeyta, of Midlothian, IL; SGT Robert M. Weinger, of Round Lake Beach, IL; SPC Norman L. Cain III, of Oregon, IL; SSgt Archie A. Taylor, of Tomball, TX; SSgt Timothy L. Bowles, of Tucson, AZ; PO1 Theophilus K. Ansong, of Bristow, VA; LCpl Patrick A. Malone, of Ocala, FL; PFC Patrick A. Devoe, II, of Auburn, NY; 1LT Daniel B. Hyde, of Modesto, CA; SPC Jessica Y. Sarandrea, of Miami, FL; SGT Jeffery A. Reed, of Chesterfield, VA; Cpl Donte J. Whitworth, of Nobelsville, IN; SGT Simone A. Robinson, of Dixmoor, IL; CPL Brian M. Connelly, of Union Beach, NJ; CPT Brian M. Bunting, of Potomac, MD; SGT Schuyler B. Patch, of Owasso, OK; SGT Scott B. Stream, of Mattoon, IL; SGT Daniel J. Thompson, of Madison, WI; 1LT William E. Emmert, of Lincoln, TN; CPL Michael L. Mayne, of Burlington Flats, NY; CPL Michael B. Alleman, of Logan, UT; CPL Zachary R. Nordmeyer, of Indianapolis, IN; SSG Mark C. Baum, of Telford, PA; SSG Jeremy E. Bessa, of Woodridge, IL; MSG David L. Hurt, of Tucson, AZ; PFC Cwislyn K. Walter, of Honolulu, HA; SSgt Timothy P. Davis, of Aberdeen, WA; SFC Raymond J. Munden, of Mesquite, TX; SSG Daniel L. Hansen, of Tracy, CA; CPL Stephen S. Thompson, of Tulsa, OK; SSG Sean D. Diamond, of Dublin, CA; SSG Marc J. Small, of Collegeville, PA; LTC Garnet R. Derby, of Missoula, MT; SGT Joshua A. Ward, of Scottsville, KY; SPC Albert R. Jex, of Phoenix, AZ; PFC Jonathan R. Roberge, of Leominster, MA; LCpl Kevin T. Preach, of Bridgewater, MA; SSG Jason E. Burkholder, of Elda, OH; 1LT Jared W. Southworth, of Oakland, IL; SPC Christopher P. Sweet, of Kahului, HI; SGT James M. Dorsey, of Beardstown, IL; SGT Darrell L. Fernandez, of Truth or Consequences, NM; CW4 Milton E. Suggs, of Lockport, LA; CWO Phillip Windorski Jr, of Bovey, MN; CWO Matthew G. Kelley, of Cameron, MO; CWO Joshua M. Tillery, of Beaverton, OR; CWO Benjamin H. Todd, of Colville, WA; Sgt David W. Wallace III, of Sharpsville, PA; Sgt Trevor J. Johnson, of Forsyth, MT; PVT Grant A. Cotting, of Corona, CA; LCpl Julian T. Brennan, of Brooklyn, NY; SGT Kyle J. Harrington, of Swansea, MA; SPC Matthew M. Pollini, of Rockland, MA; SGT Ezra Dawson, of Las Vegas, NV; SSG Carlo M. Robinson, of Lawton, OK; PFC Ricky L. Turner, of Athens, AL; SSG Roberto Andrade Jr., of Chicago, IL; SSG Joshua R. Townsend, of Solvang, CA; SrA Omar J. McKnight, of Marrero, LA; Sgt Marquis R. Porter, of Brighton, MA; LCpl Daniel R. Bennett, of Clifton, VA; PVT Sean P. McCune, of Euless, TX; SGT Joshua L. Rath, of Decatur, AL; SPC Keith E. Essary, of Dyersburg, TN; SSG Justin L. Bauer, of Loveland, CO; MAJ Brian M. Mescall, of Hopkinton, MA; SPC Joseph M. Hernandez, of Hammond, IN; SGT Jason R. Parsons, of Lenoir, NC; LCpl Jessie A. Cassada, of Hendersonville, NC; SSG Anthony D. Davis, of Daytona Beach, FL; LCpl Chadwick A. Gilliam, of Mayking, KY; LCpl Alberto Francesconi, of Bronx, NY; PFC Christopher W. Lotter, of Chester Heights, PA; PFC Benjamin B. Tollefson, of Concord, CA; SPC Tony J. Gonzales, of Newman, CA; LCpl Robert L. Johnson, of Central Point, OR; CPL Charles P. Gaffney Jr., of Phoenix, AZ; MASA Joshua D. Seitz, of Sinking Springs, PA; MAJ John P. Pryor, of Moorestown, NJ; SSG Christopher G. Smith, of Grand Rapids, MI; SPC Stephen M. Okray, of St. Clair Shores, MI; SPC Stephen G. Zapasnik, of Broken Arrow, OK; LCpl Thomas Reilly Jr., of London, KY; PFC Coleman W. Hinkefent, of Coweta, OK; SSG Jonathan W. Dean, of Henagar, AL; PVT Colman J. Meadows III, of Senoia, GA; SSG Solomon T. Sam, of Majuro, Marshall Islands; SGT John J. Savage, of Weatherford, TX; CPT Robert J. Yllescas, of Lincoln, NE; MSG Anthony Davis, of Deerfield, FL; Capt Warren A. Frank, of Cincinnati, OH; 1LT William K. Jernigan, of Doraville, GA; SFC Miguel A. Wilson, of Bonham, TX; PVT Charles Yi Barnett, of Bel Air, MD; GySgt Marcelo R. Velasco, of Miami, FL;

We cannot forget these men and women and their sacrifice. These brave souls left behind parents, spouses, children, siblings, and friends. We want them to know the country pledges to preserve the memory of our lost soldiers who gave their lives for our country.

STAFF SERGEANT GARY LEE WOODS, JR.

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SSG Gary Lee Woods, Jr., from Shepherdsville, KY. Gary was 24 years old when he lost his life on April 10, 2009, from injuries sustained from a truck bomb that detonated near his vehicle in Mosul, Iraq. He was a member of the 1st Battalion, 67th Armor Regiment, 4th Infantry Division of Fort Carson, CO.

Today, I join Gary's family and friends in mourning his death. Gary, who was known to family and friends by his middle name, Lee, will forever be remembered as a loving husband, son, and friend to many. He is survived by his devoted wife, Christie; his father and stepmother Gary and Debbie Woods; his mother and stepfather Becky and Pat Johnson; sisters Britteny and Heather Woods and Mandy Maraman; brothers Courtney and Troy Woods and Newman and Corey Johnson; grandparents Marilyn Waters and Nancy and Charlie Ratliff; in-laws Rick and Elaine Houston; and a host of other friends and relatives.

Gary, a member of the JROTC at Bullitt Central High School, joined the Army following his graduation from high school. A gifted musician, Gary sang and played the trombone, drums, piano and guitar. He was also an accomplished athlete and a member of Bullitt's football team.

While we struggle to express our sorrow over this loss, we can take pride in the example Gary set as a soldier. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in

knowing that Gary's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Gary Lee Woods, Jr. in the RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Gary's family can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Gary.

WILDFIRE IN NORTH MYRTLE BEACH, SC

Mr. GRAHAM. Mr. President, our hearts go out to the people of North Myrtle Beach, SC, today. As you may know, North Myrtle Beach firefighters, along with firefighters from around South Carolina, are battling the worst wildfire to hit that area since 1976.

While the cause of the fire is unknown at this point, high winds have fanned the flames resulting in a total damage of nearly 15,000 acres—23 square miles. My understanding is that officials on the scene estimate that the wildfire is about 75 to 80 percent contained at this point which is good news. Ninety firefighters from eight different departments from across South Carolina are currently battling this blaze.

It is at times like these when you really appreciate the hard work that our firefighters do on our behalf. You also appreciate the dangers. I understand that last night, two of our South Carolina firefighters had to deploy their emergency fire shelters when they became surrounded by flames. Both, I am told, are unhurt.

At this point, no injuries or fatalities have been reported and we should be very thankful for that. However, many have lost their homes. Seventy homes have been destroyed with another 29 severely damaged. I expect that that number, unfortunately, will likely go up. Anyone who has ever lost a home to a fire understands the sense of terrible loss—the loss of the house they grew up in and the loss of irreplaceable family heirlooms.

I want to thank North Myrtle Beach Mayor Marilyn Hatley, the Governor, his emergency management team, the Forestry Commission, the State Fire Marshall, the State national guard, the officials of Horry County, the South Carolina Red Cross, and the others who are pitching in right now to put out this fire. My understanding is that the Red Cross has shelters open in North Myrtle Beach and is housing several hundred people tonight.

I want to applaud our firefighters for always standing ready to answer the call to action. I pray that they accomplish their mission soon and come home safely to their families. And I pray for the families who have suffered devastating losses.

STATE OF THE INDIAN NATION

Mr. TESTER. Mr. President, Montana has a long history with its first citizens, the Native American Indian people that comprise my State's eight tribes. Montana's history with our tribes, like those at the Federal level, has fluctuated greatly over the years. At first treatment was shameful, characterized by war and violence. After the wars, the Federal Government engaged in neglect, by placing Indians on remote reservations and trying to forget about them. At long last, we have moved to the more progressive and enlightened policy of today—self-determination. This shift has been a long time in coming, but it is critical. Under this new policy, we appreciate tribes as sovereign units of government and work with them in that capacity to become self-sufficient through self-determination.

One of the good things Montana does on a biennial basis is ask an elected tribal chairman to address a joint session of the Montana Legislature and present a State of the Indian Nations speech. On March 10, 2009, James Steele, Jr., who is both chairman of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and, the recently elected Chairman of the Montana-Wyoming Tribal Leaders Council, addressed my former colleagues in the legislature. I found his speech to be a thoughtful call for cooperation in addressing the current economic problems we face. It was also a fascinating description of the history of State/tribal relations. I think my colleagues in Congress will appreciate, and learn from it. I therefore ask unanimous consent to have Chairman Steele's speech printed in today's RECORD.

There being no objection the material was ordered to be printed n the RECORD, as follows:

Good afternoon.

Thank you House Speaker Bob Bergren.

Thank you Senate President Robert Story.

Thank you also to Margarett Campbell, a Fort Peck Tribal member and the first Indian House Majority Floor Leader.

Thank you for the opportunity to speak in this distinguished chamber and for the opportunity to speak to the leaders of Montana, who have gathered here for this State of the Tribal Nations address.

I also thank the Montana National Guard that presented the colors. You have served our Nation well in putting yourself in harms way and you continue to serve through your community service. As United States Senators John McCain and Dan Inouye—themselves both war heroes have often pointed out—American Indians have a proud tradition of serving in the military in the highest percentage of any ethnic group in the United States. We ask our Creator for Godspeed for all Americans that serve this great country in places far away and pray for their families who also make tremendous sacrifices for the freedoms we have.

May I ask Bruce Sun Child from the Chippewa Cree Tribe to lead us in a prayer.

(Sun Child speaks in the Cree language.)

Thank you Bruce for your words of prayer.

I am pleased to introduce the Tribal Government leaders that have joined us today.

(Identifies tribal leaders by name)

Tribal leaders, I am honored to represent you today, as Chairman of the Montana-Wyoming Tribal Leaders Council and as Chairman of the Confederated Salish and Kootenai Tribes.

Honorable Governor Brian Schweitzer and Lieutenant Governor John Bohlinger, thank you. Throughout your administration, you have opened the front doors of the Capitol to the Tribes and we have walked through those doors many times. We look forward to continuing our government-to-government relationship throughout the next four years.

I thank the distinguished members of the Senate and House of Representatives and in particular, the American Indian legislators of Montana:

Representative Shannon Augare, House Majority Whip

Representative Tony Belcourt

Representative, Frosty Calf Boss Ribs

Representative Carolyn Pease-Lopez

Representative David Roundstone

Senator Carol Juneau

Senator Sharon Stewart-Peregoy, and Senator Jonathan Windy Boy

We look to you for leadership and guidance as the legislative session continues.

I would also like to recognize the statewide elected officials in attendance today Superintendent of Public Instruction, Denise Juneau, the first Indian woman to be elected to state-wide public office; Attorney General Steve Bullock; Secretary of State Linda McCulloch and State Auditor Monica Lindeen.

There are members of the Governor's cabinet present today, as well as representatives from the offices of Senator Baucus, Senator Tester, and Representative Rehberg.

I would especially like to thank and honor today Mr. Gilbert Horn, Sr. an Assiniboine of the Fort Belknap Indian Reservation, who, like the more storied Navajos, used the Assiniboine language with Gerald Red Elk of the Ft. Peck reservation to create a code our enemies in World War II were never able to break. At one point in the war Gilbert Horn successfully attacked a Japanese machine gun post and despite finding his uniform riddled with machine gun bullets managed to survive unscathed. He was awarded the Congressional Medal of Honor but this humble man felt like he didn't deserve special recognition because he was only doing his job. Thank you Gilbert Horn for your service to this country.

Thank you all.

Elected leaders, tribal elders, ladies and gentlemen: On behalf of the Tribal Nations across the State of Montana, I am honored to present the State of the Tribal Nations address. My name is James Steele, Jr., and I am the Chairman of the Confederated Salish and Kootenai Tribes and the Chairman of the Montana-Wyoming Tribal Leaders Council.

We live in times of tremendous change, politically and economically. We have seen history made in the election of President Barack Obama and his appointments of the most diverse cabinet in the history of the nation.

And we have also lost a great leader. This past month, Crow Tribal Chairman Carl Venne passed away—a tremendous loss for the Crow Nation, Montana, and the Country. Carl was a former Chairman of the Montana-Wyoming Tribal Leaders Council and gave this address during the 2007 legislative session. Please let us honor the passing of this great leader, this great man, and my friend, with a moment of silence.

The Charles M. Russell painting that dominates this Chamber serves as a reminder of the historic relationship between the Tribes and those who came west to this great country. Charlie Russell recognized that the coming of Lewis and Clark had a profound impact on the Indian people, as our way of life

was changed forever. In 1805, the economies of Native America were strong and thriving. In fact, in his orders to Lewis and Clark, President Jefferson instructed the two captains to take note and report to him on the economic activities of the Tribes, for Jefferson knew they were vibrant. Our families were strong units. We depended on each other for our survival. There was food, clothing and shelter with a strong religion and value system. An interesting aspect of Thomas Jefferson is that he had studied the governing structure of the six nations that comprise the Iroquois Confederacy and he was fascinated by the idea that there could be independent tribal governments who had autonomy from one another but who also coalesced for their common good. Historians believe that the relationship between those tribes influenced Jefferson and played a role in the crafting of the Constitution and the establishment of the United States.

The Russell mural depicts an event that took place on September 4, 1805 when Lewis and Clark's journey embarked on Salish territory at Ross Hole. The encounter between them and the Salish tribal people was a monumental event that ultimately led to the success of the expedition. The Salish people graciously provided the explorers with fresh horses, food and other vital supplies that were needed for their trek across the Bitterroot Mountains to the Pacific Ocean.

Without our assistance at Ross Hole and that of other tribes along the way, who knows what the outcome of the journey would have been. These people came looking for a new life, for opportunity, for the freedom to practice any religion they chose. They came looking for hope and opportunity, and we as Indian people hold that in common with them today. Maybe if Indian people had a strong policy on immigration things might have turned out quite differently!!

Today, we begin another partnership. It is a partnership that must be based on mutual respect and an understanding. We all must benefit if we as a state are to move forward. What is essential if we as Indian people are going to survive is that the State of Montana accepts the most basic premise that Indian tribes are sovereign units of government. It should be noted that the Constitution of the United States identifies three units of government and those are federal, state and Indian tribal governments. We are not racial groups who happen to live on a particular land base and want what other interests groups want. We are the successors in interest to those who signed treaties with the United States that allowed for Montana to be created. The United States does not sign Treaties with interest groups, they sign treaties with governments and our treaties were ratified by the United States Senate. They are binding contractual agreements in which we reserved to ourselves the rights of self-government and when the western states joined the Union their enabling acts committed them to respecting that authority. There are times when this phenomenon has created jurisdictional problems but to a great extent Montana, particularly in more recent years, has come to understand that our relationship is one of two governments that must be built on mutual respect. I believe that by carrying out this relationship in a mutually respectful fashion we can better the lives of the people who live on Indian reservations as well as those who do not. I believe that Indian reservations are good for Montana and can in fact significantly aid Montana in the area of economic development.

At this time it is important that we focus on economic development, job creation, education and health care. These things go hand in hand and our concerns are the same as yours. For too long our people have struggled in economically depressed communities. Our country is in the most severe economic downturn in a generation. But for Indian Country, this is not new as reservations have long suffered with high levels of unemployment. The question is how can Montana help its tribes develop and how can those tribes in turn assist Montana to develop its economy? One source of information that I would ask Montana's officials to look at is the study funded by the State & Tribal Economic development Commission and the University of Montana called the Uncovering Economic Contributions of Montana's American Indian Tribes.

Montana's reservations contribute to the state economy by purchasing goods and services from surrounding communities throughout the state with revenue generated from natural resource-based jobs, tribal businesses, federal funds that support some tribal operations and revenue from tribal assets.

Cooperative agreements between the Tribes and State will improve the economic conditions of the reservations and would benefit the State of Montana.

State and tribal leaders, consider these areas for cooperative agreements:

Partnerships focused on bringing a business development approach to tribal communities though technical assistance and strategic partnerships.

Improve management skills and the ability to land job-creating grants by using tribal colleges to train the workforce.

Assist Tribes with due diligence on energy development technologies.

These are just a few items to consider in the efforts to improve the health and well-being of our communities.

The Salish and Kootenai Tribes are mapping out our future as energy providers. This effort will reach a new stage in 2015 when CSKT purchases Kerr Dam and becomes a supplier of hydroelectric energy. CSKT has also successfully managed our local electric utility, Mission Valley Power, for the past 20 years and now serves 14,000 Indian and non-Indian customers.

The great Crow Nation has taken a bold step and signed an agreement with the Australian Energy Company to form the Many Stars Coal-to-Liquids Project. This effort will bring significant opportunities to the Crow people and to all Montanans, through the creation of 4,000 Montana-based jobs, an increased tax base, and will have a vast positive economic impact.

The GROS Ventre and Assiniboine Tribes of the Fort Belknap Reservation have used their Indian Country Economic Development funds for the creation of the Little River Smokehouse. This has brought great pride to the Assiniboine and Gros Ventre people. Thank you for this important program and please continue its funding this session.

The Little Shell Chippewa Tribes continue to receive our support in their endeavors to gain federal recognition. Senators Max Baucus and Jon Tester and Congressman Denny Rehberg have also supported the tribes in their 31-year effort for recognition.

The Northern Cheyenne is delicately balancing energy development to create jobs while being environmentally conscience with their traditional values.

The Assiniboine and Sioux Tribes of the Fort Peck Reservation are proud to report that they were the first to sign a revenue sharing agreement with the State of Montana to eliminate duplicate taxation of new oil and gas development on the reservation. This creates a competitive business environment on the reservation, leading to more development of tribal oil and gas resources and increased economic opportunities for tribal members.

The Chippewa Cree Tribe is engaging in energy development on and around the Rocky Boy's Reservation that will create more jobs, generate revenue, and provide direct control over development of land and resources. The Tribe has partnered with Native American Resource Partners (NARP) to create a tribally-owned energy company for exploring and developing oil and gas resources. The priorities will be on natural gas exploration and development followed by wind energy progress.

The Blackfeet Nation is working to upgrade Pikuni Industries to manufacture materials for Defense Department contracts; and oil drilling efforts have increased on the western side of the Blackfeet Reservation. The Tribe is also in discussion with wind energy producers about several wind projects on the Reservation.

These are just a few examples—from among many—of the efforts tribal governments are making to improve the health and well-being of our peoples.

Even with high rates of unemployment, the seven Indian Reservations of Montana and the state-recognized Little Shell Band of Chippewa, contribute a combined total of $1 billion annually to the Montana economy. Those numbers may surprise some people, but to those of you who work every day to make your home communities better for your people, these figures come as no surprise.

This is an important time to come together. It's important to remind ourselves and our surrounding communities that together, we are greater than the sum of our parts. An example of that played out when Transportation Director Jim Lynch reached out to Indian Country to coordinate conference calls about economic stimulus dollars and transportation funds. Our Nations are hungry for improvement and the tax status of Indian reservations can be attractive to industry.

In the more immediate term, during this legislative session, you will hear many ideas to help make Montana, even better.

The Governor has already signed into law Senate Bill 39, sponsored by Senator Carol Juneau, extending the duration of the Reserved Water Rights Compact Commission. I thank Senator Juneau, this legislative body, and the Governor for taking quick action on this bill, which is so vital to the economic future of my people and all Montanans. SB 39 will allow the CSKT and the State the time to negotiate a water compact that is fair for all who live on the reservation.

While there are many bills worthy of support, I must urge your support in particular for several bills that are vital in Indian Country because of their effect on our economies:

House Bill 161, sponsored by Representative Shannon Augare, ratifying the Blackfeet water compact. This bill represents a vital step in the journey towards fair and just water rights for the Blackfeet Tribe and tribal members, and I thank Representative Augare for sponsoring the bill.

House Bill 135, sponsored by Representative Tony Belcourt, funding the Peoples Creek mitigation account, as part of the Fort Belknap water compact. With this bill, the State begins to fulfill its obligations under the compact to the people of the Fort Belknap Reservation. Thank you Representative Belcourt—or Landslide Tony as some of us call him—for your sponsorship.

Senate Bill 201, sponsored by Senator Jesse Laslovich, revising the Crow water compact. This important bill allows the Crow Nation to access their interest earnings on funds appropriated as part of the State of Montana's obligation under the compact. With these monies, the Crow will be able to set up their

water administration office, as well as complete the ratification process of their water compact in the U.S. Congress. I thank Senator Laslovich for sponsoring this legislation.

House Bill 158, sponsored by Representative Shannon Augare, allowing for direct tribal access to economic development funding. This bill allows tribes to directly access the state's Big Sky Economic Development program funding. Representative Augare understands that the tribes will need to access all the resources they can to help their peoples during these times of economic crisis.

Senate Bill 456, sponsored by Carol Juneau, exempting tribally owned property from state property taxes, just as all governments in Montana are exempt from state property taxes. I am thankful for Senator Juneau's persistence in sponsoring this important bill, which is a simple matter of fairness and an important symbol of respect for the state-tribal government-to-government relationship.

I thank you for supporting the Indian Country Economic Development program, contained in House Bill 2. This program, established as part of the Governor's budget in 2005, has been a critical engine of economic growth in Indian Country, and is now more important than ever given the economic crisis.

Legislators, as you deliberate in making laws and decisions that affect the great State of Montana, let Charlie Russell's painting remind you of your obligation to include Native peoples as your neighbors, partners and friends. Let us move forward together.

Thank you.

LEM LEMTS.

GLOBAL YOUTH

Ms. MURKOWSKI. Mr. President, I rise to speak about a resolution designating April 24 through 26, 2009, as Global Youth Service Days. S. Res. 105 recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on the last weekend in April and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts. S. Res. 105 passed the Senate by unanimous consent on April 20, 2009. This sends a very strong message of support to the thousands of youth across our great Nation who are contributing positively to their communities your efforts are recognized and appreciated.

Over the weekend, beginning this Friday, April 24, youth from across the United States and around the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

This event is not isolated to one weekend a year. Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year.

The participation of youth in community service is not just a nice idea for a way to spend a Saturday afternoon. All year long, young people across America, indeed across the globe identify and address the needs of their communities through community service and service-learning opportunities. They make positive differences in the world around them, learn leadership and organizational skills, and gain insights into the problems of their fellow citizens.

Youth who are engaged in volunteer service and service-learning activities do better in school than their classmates who do not volunteer because they see a direct connection to what they are learning and the real world in which they live. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity. Service within the community also contributes positively to young people's character development, civic participation, and philanthropic activity as adults.

A survey by Civic Enterprises found that 47 percent of high school dropouts reported that boredom in school was a primary reason why they dropped out. High quality service-learning activities can, however, help young people make important connections between the curriculum and the challenges they see in their communities.

It is important, therefore, that the Senate encourage youth to engage in community service and to congratulate them for the service they provide.

In an effort to recognize and support youth volunteers in my State, I am proud to acknowledge some of the activities that will occur this year in Alaska in observance of National and Global Youth Service Days:

Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth, has sponsored the annual Kids' Day 3-day events in Anchorage again this year. Youth provided significant service to their peers and to adults who attended Kids' Day activities last weekend:

Students educated the public on the 5 Promises: Caring Adults, Safe Places, Healthy Start and Future, Marketable Skills, and Opportunities to Serve.

Students from King Career Center served as volunteer safety patrols.

Teens served as greeters and passed out bags, helped vendors set up their booths, and cleaned up during and after the event.

Junior ROTC members provided security and helped with parking.

Teens assisted Anchorage's Promise Board members with tours and Opening Ceremony activities.

Three teens assisted the Kids in Nature Workshop for Parents and Caregivers instructor.

One youth volunteer assisted staff at the Alaska Natural History Museum.

Youth created cards to express support for our troops.

In addition to the Kids' Day events, young people from every region of Alaska will serve their communities in the following ways:

Youth volunteers, coordinated by Covenant House, will bring attention to the importance of conservation, recycling, and educate youth about Earth Day.

Various youth service projects will be performed by Juneau youth at local nonprofits.

Members of the Eagle River Boys & Girls Club provided ''kid power'' to fill 3000 Easter eggs.

The Eielson Air Force Base Youth Programs' Inside & Out Club will clean to make it shine as much as the kids do.

Youth volunteers, coordinated by the Anchorage Public Library, will help organize summer reading celebration materials.

Youth at Chugiak High School have produced and will show a docudrama that simulates a drunk driving collision and help educate their peers about the dangers of drunk driving.

Students at Steller Secondary School will provide the Covenant House residents with gift bags containing personal hygiene products.

Alaska Youth and Family Network volunteers will promote personal responsibility for wellness that focuses on youth with behavioral health problems.

Spirit of Youth volunteers from all across Alaska, including Thorne Bay, Ketchikan, Eagle River, Kodiak, Anchorage, Palmer, Juneau, Cantwell, Kasaan, Nenana, Nome, Shageluk, Cordova, Palmer, and Chugiak, will work with their peers and adults on projects as varied as sharing their artistic talents; organizing a potato feed fundraiser to help the local library; running a girls' study group; offering free babysitting, teaching Sunday school, and helping the elderly at the local hospital; raising money for youth activities and easing community tensions; improving the collective well-being of youth; including people with disabilities in social activities; teaching cheerleading and dance skills; coordinating canned food drives; honoring Haida culture through art and music; working with Native elders to retain Alaska Native boat making skills; responding to emergencies; restoring salmon habitat; learning about climate change and fire science; owning, operating, and crewing a seine fishing boat; giving teens a forum to discuss political issues; educating others about child labor; helping other youth to succeed in realizing their dreams; helping students with disabilities excel in physical education; and educating the public about domestic violence while advocating for justice and change.

The Alaska Teen Media Institute will provide teens with the tools and training needed to produce their own stories told in their own voices to be shared through a variety of media.

Members of the Mountain View Boys & Girls Club will kick off Mountain View Cleanup Day.

Members of Alaska Youth Environmental Action attended the Civics and Conservation Summit in Juneau where they met with legislators to talk about issues they care about in their communities, including the Renewable Energy Campaign.

The Anchorage Youth Parent Foundation Peer Outreach Workers will spread awareness of sexual assault in April by hosting an Art Competition at the POWER Teen Clinic.

Mr. President, I am so proud of all of these young people. I value their idealism, energy, creativity, and unique perspectives as they volunteer to make their communities better and assist those in need.

Many similarly wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to visit the Youth Service America Web site—www.ysa.org—to find out about the selfless and creative youth who are contributing in their own States this year.

I thank my colleagues Senators AKAKA, BAYH, BEGICH, BINGAMAN, BROWN, BURR, CARDIN, COCHRAN, COLLINS, CORNYN, DODD, DURBIN, FEINGOLD, FEINSTEIN, GILLIBRAND, GREGG, HAGAN, HATCH, INOUYE, JOHNSON, KENNEDY, KLOBUCHAR, LANDRIEU, LAUTENBERG, LEVIN, LIEBERMAN, LINCOLN, MARTINEZ, MENENDEZ, MIKULSKI, MURRAY, BEN NELSON, BILL NELSON, SPECTER, and WHITEHOUSE for standing with me as original cosponsors of this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HUMAN RIGHTS IN KENYA

• Mr. KENNEDY. Mr. President, I take this opportunity to call the attention of my colleagues to the serious dangers that exist for human rights today in Kenya. I particularly express my concern about the death threats being made against Paul Muite, a distinguished human rights attorney in that country.

Mr. Muite is a native of Kenya who has been an outspoken critic of the hundreds of extrajudicial killings that have taken place in Kenya since 2006, and he has sought an investigation by the International Criminal Court of these killings.

The threats against him have escalated in recent weeks. This week, I learned that someone had thrust an AK–47 in Mr. Muite's face.

I urge the Government of Kenya to give high priority to this alarming situation, and to take all necessary steps to protect the safety of Mr. Muite and others struggling to defend the fundamental human rights of the people of Kenya. The world is watching and I hope my colleagues in the Senate will join in calling attention to this basic issue.•

EXERCISE TIGER

Mr. BOND. Mr. President, today I rise to honor the 65th anniversary of the Exercise Tiger operation and the American servicemen who took part in this exercise. I extend my gratitude to their dedication and service to the people of Missouri and of the Nation.

On April 28, 1944, German Navy ''E'' boats, patrolling the English Channel, attacked eight American landing ships engaged in training operation Exercise Tiger. These operations, organized by the U.S. Army, were undertaken off a beach in Devon, England often patrolled by German ''E'' torpedo boats. With only one English ship to guard the convoy, there was a devastating surprise attack on the American ships ending in multiple ships being sunk.

Of the four thousand men who participated in this critical operation, nearly a quarter lost their life including over 200 men from the 3206th Quartermaster Company located in Missouri. Due to the secrecy of the mission, information on the fatalities was only released after the successful completion of the D-Day invasion.

April 28, 2009 marks the 65th historic anniversary of the WWII Battle of Exercise Tiger and an opportunity to recognize all the men who served and gave their life in that historic battle. I am proud to say that we have renamed U.S. Highway 54 in my home State of Missouri as the WWII Exercise Tiger Expressway, in honor of the sailors and soldiers who paid the ultimate sacrifice. The Missouri Exercise Tiger Army and Navy Anchor Memorial has been built on the Audrain County Court House Lawn in their memory.

The servicemen who participated in the Battle of Exercise Tiger are to be commemorated for their heroic actions. These men were an example for all American soldiers and a credit to the United States as it remains the free and great country that it is today.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

It is time to wake up, America. All it would take [for the price to drop] is for Congress to allow the oil companies to drill for oil anywhere in this country and the crude oil price would drop $30 to $50 a barrel. I, for one, am tired of Congress blaming business or the President for the problems of this country. Congress holds the key and they sit back and run up the government deficits until the value of our dollar is falling like a rock, which, in turn, is driving up the price of crude oil.

It was not that long ago that the Congress of the 1990s showed fiscal responsibility. But, this Congress shows that it is unwilling to try to solve any of the nation's problems. The deficit is snowballing into a problem that cannot be ignored any longer it is having an effect on all of our daily lives.

There has been many articles recently about the amount of oil that this country has is not enough to solve this countries demands for oil, but it sure would go a long way towards balancing trade deficits and have a huge effect on the economy. If Congress shows a willingness to do something about this problem, the commodities markets reaction would be swift; no action, be prepared to keep paying at the pump!

It is time to write our Senators and Representatives and tell them it is long overdue that they do something about utilizing our nation's oil resources, and with a percentage of the revenue from it to build renewable energy plants like solar and wind generation projects. The politicians keep saying that they are all for looking out for the poor and the working class in this country but [that is not happening.] There is some huge possibilities if Congress acts, if not we are starting to see what the future looks like.

KYLE, *Genesee*.

These high gas prices are making it more and more difficult for my family to just get to town for the basic essentials. We live on top of a mountain in Idaho, and it takes us 25 minutes just to drive down in town where we do our grocery shopping, banking, medical care and prescription pick-up as well as postal service, and any hardware or building supplies we might need as we are building a large house. Due to the increasing gas prices, we have had to condense our trips down to once a week, so we are not near as frequently patronizing the local businesses like we used to. I would plead with Congress to please increase our domestic oil supply as this is an extreme hardship on thousands and thousands of Idaho residents as well as the local businesses.

DARLENE, *Kamiah*.

Let me begin by saying that I sincerely appreciate your decision to consult your constituents about the energy issue. Though the electorate may be vastly uninformed, it is nevertheless every citizen's duty to be active and politics, and you are encouraging this laudable behavior. You deserve to be commended.

Yet now I fear I must turn from a tone of praise to one of criticism because you requested personal—and thus emotionally-charged—anecdotes. Indeed you asked for policy opinions, too, but from your email, those seemed of secondary importance. Anecdotes and emotions have no rightful place in the policy-making process, no matter how many you receive and how depressing they are. The responses you receive will

be surely come primarily from the constituents hit hardest by the high prices, yielding a very skewed measurement of public opinion.

The hysteria regarding the oil ''crisis'' of the day invariably clouds our judgment. It leads to proposals that lack all substance and justification such as the gas tax holiday. These ideas are motivated chiefly by personal electoral concerns rather than a sincere desire to help citizens. Using a conservative estimate of 20 mpg for my compact car, I would have to drive 725 miles a week this summer just to save $100. This is the kind of relief the American people need, really? Oh and, by the way, it would cost an estimated $9 billion when our nation is the largest debtor in the world. (I am not accusing you of supporting this proposal, but it illustrates my point.)

Instead let us look at a major cause of this problem; it is not speculators or Al-Qaeda. Over the period from 2000 when national prices were at approximately $1.50 per gallon till the year 2007 when prices were at approximately $2.75 per gallon, inflation is estimated at 17 to 40 percent. (This according to http://www.measuringworth.com.) Conservative numbers indicate $1.50 in 2000 is worth $1.80 in 2007, while aggressive estimates would value that same $1.50 at $2.11 in 2007. And as the average gas price in 2007 was at $2.75, simple arithmetic shows that inflation accounts for at least a quarter of the price increase and possibly as much as half of the increase.

Yet in the public arena, most still blame the increase on speculators or price-gouging oil companies or OPEC. Inflation is seldom mentioned even though we have just seen how integral a role it has played. This problem needs to be addressed. Our inflation in turn is caused chiefly by our growing national debt and the expensive foreign policy that it finances. I submit that entitlement spending is problematic too, but our military spending is much more easily curtailed because public opinion is not as deeply entrenched in support of it.

Although I personally believe we should bring the troops home from Iraq and Afghanistan, I know you disagree, and I realize that I will be unable to sway you on this issue. However, military spending can still be readily cut back in other areas. I think our global military presence is a great place to start. As of 2005, America held 737 foreign military bases. The simple question is why. Why do we need a military presence in Japan or Germany? This cannot be defended as merely part of the War on Terror, and yet these bases and others like them are costing the American taxpayer billions of dollars every year. This is an encroachment on the national sovereignty of other countries, but, more importantly, it is an exorbitant waste. If there is a legitimate reason for our costly global military presence, please inform me. But if not, you must agree that the financial benefit of shutting down these bases is too great to ignore. (Check out Nemesis by Chalmers Johnson for more information on this topic.)

I sincerely thank you for soliciting the opinions of your constituents. As you may have assumed by now, I have not been hard hit by high energy prices. I am going to be a college student in the fall, and I prefer riding my bike to driving my car. I hope that you acknowledge the role of inflation in today's energy crisis, and I urge you to look at the rationale for our global military deployment. Getting our fiscal house back in order will have a real and palpable benefit for the American people, and solutions like scaling back the military are the first step.

EDDIE, *Meridian*.

I work for a small semi-trailer manufacturer here in Boise. Our orders for new trailers have fallen off considerably. Existing orders are now being canceled at an alarming rate. Every Monday morning there is a number of trailers parked in front of our building from owner operators calling it quits. I ask all of my customers why and they all say the diesel fuel prices are the reason.

Today, in our weekly sales meeting, the owner told us we needed to get some orders on the schedule or the company will be laying off 100 people. We have already reduced our workforce by 50 since March. He went on to say that if it continues he will have to send 50 more home by the end of July. Like I said above, we are a small company, we had 400 employees total at the first of 2008. By the end of July, we could cut our work force by 50 percent. I have heard that since January 1st the trucking industry has lost around 800 trucks due to fuel prices. This is unacceptable and very unreasonable and our government just stands by and lets it happen.

GARY, *Boise*.

We need relief fast. These fuel and food costs are killing our home budget. The baby boomers have having to continue to work to pay for fuel. We are very concerned and we vote, so please help.

JOE and CHERI.

The oil-producing countries recent pursuit of nuclear power—and their interest in investing in British nuclear power is an interesting trend, I think.

CLAUDIA.

Like most Americans, the high cost of gas has limited my trips to visit family and conduct personal business—a necessity in rural Idaho.

The only real solution to our energy problem is to wean this country off oil. Increased domestic oil production would only be putting a band-aid on a gaping hole. It would not solve our energy needs and we would still be buying oil from abroad. It is also a finite resource so in a few years time whatever drop in the bucket ANWR might provide (no one knows how much oil resides there), will eventually be gone. The only real solution is investment in alternative energy. Government-provided grants and subsidies to innovative entrepreneurs would eventually solve our problems and sever the dependence on Venezuela and the Middle East once and for all.

At the very least, this country can ''tighten its belt'' with regard to conservation. As we all know, America uses more energy per capita than any other country. I have traveled abroad extensively and have thoroughly enjoyed the availability of public transportation—most of which is subsidized by the government and small hot water heaters.

Thank you for considering my thoughts.

COURTNEY, *Kamiah*.

Even though I have a secure job at the INL I do not consider myself to be rich I have seen many problems brought on by the energy/housing/banking fiascoes. I just saw a news article where people who have minimum wage jobs are having to quit because they cannot afford to drive to work!! Bread has doubled in price due to the new emphasis of the administration placed on ethonal production. My 401K plan has lost over $50,000 since January 1, 2008.

I challenge you to try to live as a 'normal' American. I have a $1,100 mortgage, a $500 payment for my daughter's college education, $250 in car insurance (for myself, my wife and two daughters), $300 for food (that is just for my wife and myself) and about $300 for gas. Why do not you challenge your fellow Congressman to this little test: Live like this for a month, no congressional [perks].

Assume you bring home $3,000/month:
$1,000 mortgage or rent
$500 college
$200 medical
$300 gas
$300 food
$250 car insurance
$400 credit card
Total: $2,950.00

In my exaggerated case, that does not leave much for any car repairs (did I mention your car is 10 years old and because of all the money worries, it has lost 50 percent of its value since Jan!)—So a new hybrid car is totally out of the question. Also, I forgot to tell you that you worked in construction and have to have a big truck (3/4 ton) to haul your tools and supplies around—no sissy two-seater hybrid for this job! Now that you see what a family in Idaho is probably facing.

Big oil wants the offshore oil leases opened made available. . . . Gee, from what I saw on C–SPAN the other night, big oil is buying and holding leases, but not drilling. This has been going on since I believe the speaker said 1999 or so. Is not that kinda like artificially controlling the supply? They want the leases, they have to work or forfeit them, no refund. We will not even mention the $56+ billion profit (Websters definition: Income minus expenses). And then they have the nerve to say they need the tax handouts because it is ''good for the economy'' and they need it to protect the environment. We just do not understand them! In a recent interview shown on TV, none of the big oil CEOs would support environmental advertisements.

The banks are making money investing in oil, etc. Then they charge 11–>30 percent for credit cards. Not every American is to blame for the housing/banking bust! I just looked up my credit union rates for 0–$999.00, they are paying 0.50 percent APY.

It is about time to put [partisan and parochial interests aside] and do what is right for the country. It does not matter if it is the idea of a Republican, Democrat, or Independent, if it is the right thing to do, support it!

After all of the ranting above, believe me that I still love and support America and what its real values are. But I do [believe that far too many people in power have collectively trashed America and are not being forced to fix it.]

JERRY.

My husband and I have been retired for almost four years. We make $2,200 a month. We have a house payment of $1,000 a month. When we retired, we were making plenty to keep us. Since we have retired, everything has gone up. The nearest grocery store (very small corner market) is 15 miles away. We have to drive 100 miles round trip to do any kind of shopping, doctors, etc. Our home is very rural, so when we built it 28 years ago it would have cost us $10,000 to run a natural gas line, so we opted for propane, which has risen to $3.00 a gallon. We have a wood stove to help, but the nearest wood to cut is 70 miles one way. My husband has bone on bone knees, and is in a lot of pain, so getting wood is going to get harder and harder. When we retired we figured on being able to draw Social Security at 62½. Now they have changed it to 66. My husband worked for 38 years and was able to retire while he is still young. He will be 60 in three days. Yes, we are able to live, but there is nothing extra. At least we are doing better than my parents making $1,200 a month and having to decide between eating, staying warm, and being able to buy their prescription drugs, (that before the

Medicare Part D program were free). We need to take care of our own. Use our own oil, feed our own people, keep the illegal aliens out because they are using more of our governments money than we are. I have my doubts you will ever read this, but it is worth a try.

TRISH.

I work for the federal government, but had to make a difficult choice last week. I had to decide on buying enough gasoline to get to work for the next two weeks or providing additional food for my family. I commute daily from 20 miles one way to work and do not have an option to move at this time. The need for gasoline won over the additional food. Please support Senator Crapo and Congressman Simpson as they work to provide real solutions to our increased costs for energy instead of merely blaming the current administration and promising to raise taxes as the only solutions.

TOM, *Ririe*.

I have just read through your website and have found only responses that support your conclusions. Are you afraid to post any dissent on the subject? Yes, gas prices are at a record high and yes, many people are seeing significant new bills and a reduction in their spendable income. Some, certainly, are no longer able to stay out of debt. Nonetheless, all of the solutions that you are proposing will do little to impact anyone's pocketbook or bottom line. Offshore drilling, whether it be in Florida or Alaska, will not ease the current situation. No new oil will flow out of those areas for years. If you allow such exploration, who do you think will pay for the new equipment and technology required to access such oil? I know who—either the consumers or the taxpayers, but probably, both.

More importantly, why are many Americans struggling to pay the increased cost of gas? How many Prius drivers are complaining? How many times did the Senate vote down legislation to force automakers to manufacture more fuel efficient vehicles?

On your website, you state, ''It is why I support legislation to fully utilize proven American oil and natural gas reserves in a way that preserves the environment for future generations.'' How are you going to fully utilize reserves and preserve the environment? Has there ever been an oil installation that preserves, or benefits the environment?

I am extremely happy that you support renewable energies. Idaho certainly has a great deal of renewable potential. We have great solar, wind, and water resources. Are you aware that Idaho, as a state, offers some of the most paltry incentives in the entire country? As a state, we do not even have a net-metering law.

Renewable energies are currently poised to be rapidly deployed, far faster than the decades required to extract the limited quantities of oil out of ANWR.

Before we vote to open vast areas to development, let us look forward to the future to determine if this is a prudent thing to do. At the very least, let us determine if it will even solve the issue at hand.

JAKE, *Driggs*.

Please check out this web site. We would love to have your signature. http://www.drillforamericanoil.com.

BOB.

I worked on building the Alaska Pipeline from 1972 to 1986 and have been back several times. I have been on every National Geographic and all the magazines, so I have seen oil as crude and the finished product. The refining is basically the same as in 1973. The cost is low to refine to gas stage. What I am getting at is what Ted Stevens said to Leo Lucas and I back in the 1980s when I lived next door to him on Leo's ranch. He said, ''There can be no crooked oilmen without crooked Senators and Congressmen. He went on to predict this ''crunch'' we are having as something that OPEC has always said would happen.

Maybe it is time to take it away from the oil people. We have more oil in Alaska than Saudi Arabia, same with North Dakota, Pennsylvania, and nobody has any idea how much is in Utah. But I would never go for drilling in ANWR.

That is something you cannot image. The beauty is stunning, although they say the impact would be like a sheet of plywood in the middle of a football field. I believe them to be liars. They have the best drillers in the world in Alaska. I have worked with all but a few of them. They can drill from elsewhere and get all the oil without going there, even if it is like the sheet of plywood. It will not stay that way. They are pigs and will ruin all they touch. Anyway, who would want a sheet of plywood in the middle of their football field?

For all they would get offshore would be dwarfed by it, anyway. Let us use our resources and tell OPEC that grain is $139 a bushel. Leave them alone. They hate us. If someone wanted me to stay away from them there is no way they would ever have to say it twice.

OLIVER, *Salmon*.

ADDITIONAL STATEMENTS

HONORING RECIPIENTS OF THE PRESIDENTIAL UNIT CITATION

• Mr. BUNNING. Mr. President, today I am honored to invite my colleagues to join me in congratulating seven of my constituents who are recipients of the distinguished Presidential Unit Citation. This rare and prestigious citation is given to military units for their outstanding bravery, gallantry and service as well as the unit's performance in accomplishing its mission under extreme and hazardous conditions. In January 2009 this heroic award was conferred upon the Alpha Troop, 11th Armored Cavalry Regiment for service in the Republic of South Vietnam.

The individuals who received this award include Mr. Dale H. Hollabaugh, Mr. James E. Jackson, Mr. Joseph D. Boone, Mr. Gregory R. Stumbo, Mr. Kenneth Mosley, Mr. Clifton T. Geerde, and Mr. Kenneth E. Fulkerson. In 1970, in War Zone C during the Vietnam conflict, the Alpha Troop, First Squadron, 11th Armored Cavalry Regiment performed heroically through a series of combat missions over several months. After a 5-year review by the Department of Defense, the unit was awarded this citation. It is an incredible honor to be a recipient of this award and I am humbled to be able to speak of these brave individuals.

We will never forget the brave citizens who fought to protect our freedoms during this time. It is with great honor that I recognize these citizens for what they have done and I know that their families and friends are proud to be a part of their lives.

I would like to thank these individuals for their contributions to the state of Kentucky and to the United States, and I wish them well in all of their future endeavors.•

REMEMBERING TIM WAPATO

• Mr. JOHNSON. Mr. President, I wish to honor one of the most dedicated advocates for American Indian tribes in my State of South Dakota and throughout the United States. On Sunday, April 19, 2009, Tim Wapato was called home. Tim has long served many issues important to Indian Country throughout his life and I have included his obituary below and ask that it be printed in the RECORD. An enrolled member of the Colville Confederated Tribe in Eastern Washington, he made his home in Rapid City, SD. My thoughts and prayers go out to his family, including his wife, my friend, Gay Kingman-Wapato, and their family. He will be greatly missed by everyone he touched on his journey through this world.

The information follows:

Sherman Timothy Wapato, 73, entered the Spirit World at his home in Rapid City, SD on Sunday, April 19, 2009 as a result of heart failure. He was an enrolled Member of the Colville Confederated Tribe in Eastern Washington.

Sherman Timothy Wapato was the second child of six children born to Paul and Elizabeth Wapato. During Tim's early years of schooling, the Family moved frequently, as Paul Wapato was an Evangelist Minister. Tim went to nine different elementary schools prior to settling down in the Methow Valley (Washington) for Jr. High and High School. The ''Wapato Boys'' were the only Indians attending Winthrop, H.S. and were admired for their abilities in school and in sports.

Tim graduated High School in 1953 in Winthrop, WA, where he excelled in sports and government. Tim was a popular student and was well known for his basketball prowess, good humor and leadership abilities. He was Class President as well as Homecoming King.

Tim then attended Washington State University and California State University at Los Angeles Majoring in Political Science, Public Administration and Police Administration.

In 1955, Tim enlisted in the U.S. Army and was honorably discharged in 1957 where he was in Communications and played basketball for the Army.

Tim moved to Los Angeles, California in 1958 where he joined the Los Angeles Police Department. (LAPD) With his quick-wit, coupled with passing a series of LAPD exams and obvious leadership abilities, at the young age of 34, Tim quickly rose to the rank of Lieutenant, LAPD. Tim was the youngest to achieve that rank at that age and at that time. Older Officers learned to ''Trust'' his Leadership and follow his supervision. He supervised up to 188 Officers depending upon the assignment and circumstances.

As a LAPD Lieutenant of Police, Tim served as Officer-in-Charge of Detective Special Investigative Teams handling homicide, robbery and narcotics; Sex Crimes; Vice-Unit Investigations; Equal Opportunity and Development, and the Affirmative Action Unit/Discrimination Complaint Unit. Tim also served as Patrol Division Watch Commander, Patrol Division Supervisor, and an Instructor at the Academy on robbery and homicide investigations, police-community relations and American Indian Culture awareness. He was a frequent Instructor at the Indian Police Academy at Roswell, New Mexico, training Officers to work on Indian Reservations. While Officer-In-Charge he was responsible for assessing the legal implications of each investigation, assignment of investigative personnel, and analysis, evaluation of status and crime trends and recommendations for strategic planning to address issues and programmatic concerns.

In 1972 and 1973, through the Intergovernmental Personnel Act, the LAPD loaned S. Timothy Wapato to the Colville Confederated Tribe for a Special Assignment to plan and design a Tribal Police Department and a Tribal Court. Tim completed the design for the Department with a fish and wild life enforcement section, fish and wildlife biology section, court system, and public highway safety program.

During the 21 years Tim served with the LAPD, Tim volunteered his off-duty time to work for the City of Los Angeles (LA) including the following; Chairman of the Los Angeles City-County Native American Commission, Member of the Council for Peace and Equality in Education, Member of the Board for the LA Indian Center, President, United American Indian Council, and President, American Indian Welcome House.

Sherman Timothy Wapato retired from the LAPD in 1979, after 21 years of service to the City of Los Angeles and after receiving numerous commendations for his work.

After retirement, Tim immediately took a post with the Columbia River Inter-Tribal Fish Commission (CRITFC) where he worked for 10 years, (1979–1989). Initially Tim was the Director of Fisheries Protection and Enforcement. In 1980 Tim was appointed by the Board of Directors to Executive Director of the Commission. He executed and administered grants and contracts, supervised over 65 legal, technical and administrative employees and was responsible for administering a $5.5 million annual budget. He directed the analysis, evaluation, formulation and implementation of policy, judicial and legislative initiatives, developed cooperative working agreements with international, national, federal state, and regional parties for the benefit of Tribal and intertribal interests in the areas of water rights, regulation and enforcement, treaty rights, hydropower fishing rights and resource management.

While Tim was at CRITFC, he was appointed by President Reagan in 1986 to serve on the U.S. Pacific Salmon Commission. President Reagan re-appointed Tim to negotiate the Treaty between Canada and the United States to serve a second term in 1988. As a Commissioner, Tim reported to U.S. Secretary of State and was responsible for implementing the International Treaty provisions between the U.S. and Canada. His peers elected Tim to be the Chairman of the International Treaty Council, (the full Commission comprised of Canadian and U.S. Commissioners) with the responsibility of U.S. Chief Negotiator in the annual negotiations on the Treaty with Canada. The result was the Pacific Salmon Treaty between the U.S. and Canada which acknowledged Tribes as sovereigns and equal co-managers.

In 1989 Tim accepted a Senior Executive Service, Political Appointment and became the Commissioner of the Administration for Native Americans in the Department of Health and Human Services (HHS). Tim led ANA from 1989–1993. As, Commissioner for ANA, Tim was responsible for formulating and administering a $34,000,000.00 budget to provide grants, contracts, technical assistance and training, interagency agreements and activities beneficial to ANA clients. He served as the principal advisor to the Sec. of the U.S. Department of Health and Human Services (HHS) on Native American Affairs, including Native Hawaiians, Samoans and other Pacific Islanders. Tim provided testimony before Congress, delivered keynote speeches at national, regional, tribal, federal and state meetings and worked on the reauthorization of the ANA Legislation within the Federal Govt., with Congress and with key Indian organizations. Tim saw the need for improved coordination for Indian Tribes and helped establish the Inter-Agency Council which served as liaison and coordination within HHS and among federal agencies to ensure effective integration of programs and policies affecting Native Americans.

While ANA Commissioner, Tim was also appointed to membership in the Senior Executive Service Advisory Board, U.S. Office of Personnel Management, and to the Native American Veterans Coordinating Council with the Department of Veterans Affairs.

Upon leaving Government Service in 1993, the Tribal Nations asked S. Timothy Wapato and his wife, A. Gay Kingman to develop and establish a National Indian Gaming Association (NIGA) Office in Washington, DC. Tim and Gay founded NIGA and through hard work and long hours developed NIGA into a powerful national organization for Indian Tribes. NIGA's DC office roots began in their home, discussions held frequently around the kitchen table, but the success of their work on the organization quickly expanded to increasingly larger offices on Capitol Hill. In 1995, the NIGA was the first Indian Organization ever to purchase and own property on Capitol Hill.

As Executive Director and chief management officer of NIGA, Tim provided overall leadership, direction and guidance to Indian Tribal Nations. He supervised employees, managed and guided all NIGA projects, developed and implemented operating policies and procedures for investment funds, and public relations, including working with Congress. Namely, Tim developed and directed a strategy for a coordinated effort among public relations staff, attorneys, lobbyists, and Indian Tribes to realize success with Congress and the Administration. Under his leadership, this coalition was effective in stopping attempts to pass harmful legislation in Congress; and strategies and recommendations were developed to support amendments beneficial to Tribes.

The national press called upon Tim often; again his quick wit and humor gained him enduring relationships with the media. In April 1994, NIGA won the coveted National AWARD FOR ''Creativity in Public Relations'' in New York City for the campaign/strategy implemented to educate the Public on Indian Gaming.

Besides the coordinated Communication effort, two major programs were developed under Tim's NIGA leadership to assist Tribes:

The ITN or Integrated Tribal Network, an electronic communication system, and the Institute for Tribal Government, an educational department within NIGA to offer courses and workshops to train and educate Tribes, States and staff of Casinos on a wide range of topics. In 1998, Tim first resigned from NIGA, wanting to make an attempt at a third retirement, but his resignation was not accepted by the Board. Later, Tim resigned again but remained faithfully committed to Indian Tribes but relocated to Rapid City, SD, so that he and Gay could be near family and take care of Gay's father, Gus Kingman, who lived to be 104 years old.

In his fourth retirement, Tim served as the Executive Director of the Inter-Tribal Bison Cooperative in Rapid City until he experienced a stroke in August of 2000.

Tim and Gay formed Kingman/Wapato & Associates, an Indian owned consulting, lobbying and technical assistance firm. Soon thereafter, the Great Plains Tribes asked them to help organize the Great Plains Tribal Chairman's Association where Gay continues to work as Executive Director.

Tim never let his health challenges hold him back; right up until his death, he continued to give speeches, expert advice and served on several national boards, including the National Center for American Indian Enterprise Development and the Institute for Tribal Government, Portland State University. He remained active in NIGA, National Congress of American Indians, Veterans Affairs, legislation politics,

and was a mentor to many young people as they continued the battles for Indian Tribes.

Tim was highly respected throughout the United States and touched many lives. He received many honors and was known for his brilliant mind, his wise advice, his humor, his vision, his capabilities, his ability to provide leadership in crisis and his strength of will. Though a tireless leader, he always made time and always had a kind word for his family and his extended family, of which he has legion. In his life's work, Tim had a skill for cutting through to the core issue, no matter how complex, then inspiring those around him to join hands to either take care of a problem or take advantage of an opportunity. It would be inadequate to label Tim simply as a visionary, because he himself would correct such a label and point out that together, we did not all just see or talk, rather we all made real things happen and stood our shared ground. That is Tim's truly unique legacy, providing guideposts to those who stand proudly in Tim's wake by having experienced a man—never daunted, habitually principled, strategically defiant, possessing great perspective yet a healthy appreciation for satire, and always hopeful.

Tim was preceded in death by his parents, Reverend Paul Wapato (1955) and Elizabeth Wapato (1994), his Sister, Esther KeAna Wapato (1965) and Phillip Francis Wapato (1961)

S. Timothy Wapato is survived by his wife, Gay Kingman, of Rapid City, SD; son Stephen Timothy Wapato (Megan), Wenatchee, WA and daughters KeAna Wapato Conrad and Theresa Wapato Borgia of Southern California; son Charles Robertson (Kathy), Vernon Robertson (Corina); and brothers Paul G. Wapato Jr. (Ruth), Spokane, WA, Titus R. Wapato, Santa Monica, CA, and James W. Wapato, Bouse, AZ. Together, Tim and Gay have 20 Grandchildren and 4 Great Grandchildren with one on the way. Over the years, Tim & Gay have mentored numerous young people and have a vast extended family who love and respect them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:51 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House insists upon its amendment to the resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SPRATT, Mr. BOYD, Ms. DELAURO, Mr. RYAN of Wisconsin, and Mr. HENSARLING as managers of the conference on the part of the House.

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 586. An act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

H.R. 749. An act to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

H.R. 957. An act to authorize higher education curriculum development and graduate training in advanced energy and green building technologies.

H.R. 1580. An act to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes.

H.R. 1626. An act to make technical amendments to laws containing time periods affecting judicial proceedings.

H.R. 1679. An act to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes.

H.R. 1824. An act to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

The message also announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 86. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth.

H. Con. Res. 101. Concurrent resolution providing for the acceptance of a statue of Ronald Wilson Reagan from the people of California for placement in the United States Capitol.

At 5:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1139. An act to amend the Omnibus Crime Control and Safe Streets Act of 1986 to enhance the COPS ON THE BEAT grant program, and for other purposes.

H.R. 1145. An act to implement a National Water Research and Development Initiative, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 749. An act to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; to the Committee on Rules and Administration.

H.R. 957. An act to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; to the Committee on Energy and Natural Resources.

H.R. 1139. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

H.R. 1145. An act to implement a National Water Research and Development Initiative, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1580. An act to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1679. An act to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1824. An act to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1664. An act to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHUMER, from the Committee on Rules and Administration:

Special Report entitled ''Report on the Resolution (S. Res. 73) Authorizing Expenditures by Committees of the Senate'' (Rept. No. 111–14).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*April S. Boyd, of the District of Columbia, to be an Assistant Secretary of Commerce.

*Cameron F. Kerry, of Massachusetts, to be General Counsel of the Department of Commerce.

*Robert S. Rivkin, of Illinois, to be General Counsel of the Department of Transportation.

*Roy W. Kienitz, of Pennsylvania, to be Under Secretary of Transportation for Policy.

*Peter H. Appel, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

*Dana G. Gresham, of the District of Columbia, to be an Assistant Secretary of Transportation.

*Joseph C. Szabo, of Illinois, to be Administrator of the Federal Railroad Administration.

*Sherburne B. Abbott, of Texas, to be an Associate Director of the Office of Science and Technology Policy.

*Coast Guard nomination of Vice Adm. David P. Pekoske, to be Vice Admiral.

*Coast Guard nomination of Rear Adm. John P. Currier, to be Vice Admiral.

*Coast Guard nomination of Capt. Robert E. Day, Jr., to be Rear Admiral (Lower Half).

*Coast Guard nomination of Rear Adm. Jody A. Breckenridge, to be Vice Admiral.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nomination of Michael J. McNeil, to be Lieutenant Commander.

*Coast Guard nomination of Desarae A. Janszen, to be Lieutenant Commander.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. LEAHY for the Committee on the Judiciary.

R. Gil Kerlikowske, of Washington, to be Director of National Drug Control Policy.

Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. INOUYE (for himself and Mr. AKAKA):

S. 871. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Honoliuli Internment Camp site in the State of Hawaii, to determine the suitability and feasibility of establishing a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH:

S. 872. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR:

S. 873. A bill to expand and improve Cooperative Threat Reduction Programs, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 874. A bill to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Mr. TESTER, and Mr. GRASSLEY):

S. 875. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. WHITEHOUSE):

S. 876. A bill to provide for the substitution of the United States in certain civil actions relating to electronic service providers and FISA; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 877. A bill to provide for the non-discretionary Supreme Court review of certain civil actions relating to the legality and constitutionality of surveillance activities; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. VOINOVICH):

S. 878. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 879. A bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. BAYH):

S. 880. A bill to amend title XVIII of the Social Security Act to permit a Medicare beneficiary to elect to take ownership, or to decline ownership, of a certain item of complex durable medical equipment after the 13-month capped rental period ends; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. AKAKA, and Mr. INOUYE):

S. 881. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KENNEDY (for himself and Mr. GRASSLEY)):

S. 882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety and quality of medical products and enhance the authorities of the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. GRAHAM):

S. 883. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 884. A bill to amend title 23, United States Code, to remove privatized highway miles as a factor in apportioning highway funding; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 885. A bill to amend the Internal Revenue Code of 1986 to provide special depreciation and amortization rules for highway and related property subject to long-term leases, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 886. A bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 887. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 888. A bill to amend the Internal Revenue Code of 1986 to terminate certain incentives for oil and gas; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 889. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. ROCKEFELLER):

S. 890. A bill to provide for the use of improved health information technology with respect to certain safety net health care providers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. DURBIN, and Mr. FEINGOLD):

S. 891. A bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 892. A bill to authorize the Secretary of Education to award grants to educational organizations to carry out programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 893. A bill to establish the Office of Imported and Domestic Product Safety in the Department of Commerce and the Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of food and product safety responsibilities, to improve consumer and business access to food and product safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY (for himself and Mr. BAYH):

S. 894. A bill to provide for an annual comprehensive report on the status of United States efforts and the level of progress achieved to counter and defeat Al Qaeda and its related affiliates and undermine long-term support for the violent extremism that helps sustain Al Qaeda's recruitment efforts; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. VOINOVICH):

S. Res. 111. A resolution recognizing June 6, 2009, as the 70th anniversary of the tragic date when the M.S. St. Louis, a ship carrying Jewish refugees from Nazi Germany, returned to Europe after its passengers were refused admittance to the United States; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BAYH, Mr. CRAPO, Mr. BUNNING, Mr. ENZI, Mr. COBURN, Mr. LUGAR, Mr. CHAMBLISS, Mr. BURR, Mr. BROWN, Mr. CARPER, Mr. ALEXANDER, Mr. INHOFE, Mrs. LINCOLN, Mr. RISCH, Mr. BENNETT, Mr. THUNE, Mr. CASEY, Mr. HATCH, Mr. WARNER, Ms. MURKOWSKI, Mr. BEGICH, Mr. CONRAD, and Mr. JOHANNS):

S. Res. 112. A resolution designating February 8, 2010, as ''Boy Scouts of America Day'', in celebration of the 100th anniversary of the largest youth scouting organization in the United States; to the Committee on the Judiciary.

By Mr. WEBB (for himself and Mr. WARNER):

S. Res. 113. A resolution designating April 23, 2009, as ''National Adopt A Library Day''; considered and agreed to.

By Mrs. BOXER (for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. MURRAY, Mrs. GILLIBRAND, Ms. CANTWELL, Mrs. SHAHEEN, Mrs. FEINSTEIN, and Ms. COLLINS):

S. Con. Res. 19. A concurrent resolution expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 301

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 301, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 307

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 310

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 310, a bill to amend the Public Health Service Act to ensure that safety net family planning centers are eligible for assistance under the drug discount program.

S. 354

At the request of Mr. WEBB, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 395

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 395, a bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recording of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

S. 405

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 456

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 491

At the request of Mr. WEBB, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 557

At the request of Mr. MARTINEZ, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 636

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 636, a bill to amend the Clean

Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 639

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 639, a bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 655

At the request of Mr. JOHNSON, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 655, a bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mr. SCHUMER) 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. 671

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 683

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 714

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 731

At the request of Mr. NELSON of Nebraska, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 779

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 779, a bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 816

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 864

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 864, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 869

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 869, a bill to require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 18

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 18, a concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria.

S. RES. 84

At the request of Mr. LEVIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 84, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 94

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 94, a resolution designating April 2009 as ''Financial Literacy Month''.

AMENDMENT NO. 996

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 996 proposed to S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

AMENDMENT NO. 1000

At the request of Mrs. BOXER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1000 proposed to S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

AMENDMENT NO. 1002

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 1002 proposed to S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 871. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Honoliuli Internment Camp site in the State of Hawaii, to determine the suitability

and feasibility of establishing a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. INOUYE. Mr. President, I rise today to introduce a bill that would authorize the Secretary of the Interior to conduct a Special Resources Study of the Honouliuli Gulch and associated sites located in the State of Hawaii in order to determine the suitability and feasibility of designating these sites as a unit of the National Park System.

During World War II, over 1,000 Japanese Americans were incarcerated in at least eight locations on Hawaii. In a report completed in 2007, the Japanese Cultural Center of Hawaii documented these sites that include Honouliuli Gulch, Sand Island, and the US Immigration Station on Oahu, the Kilauea Military Camp on the Big Island, Haiku Camp and Wailuku County Jail on Maui, and the Kalaheo Stockade and Waialua County Jail on Kauai. These camps also held approximately 100 local residents of German and Italian ancestry.

Those detained included the leaders of the Japanese immigrant community in Hawaii, many of whom were taken from their homes and families in the hours after the attack on Pearl Harbor. The forced removal of these individuals began a nearly four year odyssey to a series of camps in Hawaii and on the continental US. Over 1,000 immediate family members of these men joined their husbands, fathers and relatives in mainland camps. The detainees were never formally charged and granted only token hearings. Many of the detainees' sons served with distinction in the US armed forces, including the legendary 100th Battalion, 442nd Regimental Combat Team and Military Intelligence Service.

This report found that both the Kilauea Military Camp and the Honouliuli sites feature historic resources and recommended that the sites be nominated for listing on the National Register for Historic Places. In 2008, the Japanese Cultural Center of Hawaii published a more detailed archeological reconnaissance of the Honouliuli site. This report found that there were numerous historic features that would qualify the site for National Historic Register and further recommended that the site be conserved. The Japanese Cultural Center of Hawaii is currently working with Monsanto, the landowner, to nominate the Honouliuli Gulch site to be listed on the National Historic Register.

So far I have received letters in support of this legislation from a range of local, regional and national organizations, including the Japanese American National Museum, Hawaiian Historical Society, Go For Broke National Education Center, Japan America Society of Hawaii, Honolulu Chapter of the Japanese Citizens League, Japanese Cultural Center of Hawaii, Honolulu Japanese Junior Chamber of Commerce, MIS Veterans Club of Hawaii, the United Japanese Society of Hawaii, Japanese American Citizens League, The Conservation Fund, Densho, National Trust for Historic Preservation, Japanese American National Heritage Coalition and the Friends of Minidoka.

This legislation will enable the National Park Service to study these important sites in my state and make recommendations to Congress regarding the best approach to conserve and manage these sites to tell this chapter in our Nation's history to current and future generations.

I would urge my colleagues to support this legislation.

By Mr. VOINOVICH:

S. 872. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today with my good friend and partner on the Oversight of Government Management Subcommittee, Senator AKAKA, to address the critical management challenges facing the Department of Homeland Security, DHS, by introducing the Effective Homeland Security Management Act of 2009. I am proud to have Senators CARPER and LEVIN also joining us in this important effort.

This legislation would elevate the role and responsibilities of the current DHS Under Secretary for Management to a Deputy Secretary of Homeland Security for Management while preserving the authority of the Secretary and Deputy Secretary of DHS as the first-and second-highest ranking DHS officials, respectively. Under the legislation, the individual appointed as the Deputy Secretary for Management would be the third highest ranking official at DHS and would serve a five year term in order to provide management continuity at DHS during times of leadership transition, such as following a presidential election like the one we just experienced.

In the Homeland Security Act of 2002, Congress established the position of Under Secretary for Management to oversee the management and administration of DHS. However, management issues have persisted at DHS since its creation. In 2003, the Government Accountability Office, GAO, included implementing and transforming DHS on its high-risk list of programs susceptible to waste, fraud, abuse, and mismanagement. Similarly, in December 2005, the DHS Inspector General issued a report warning of major management challenges facing DHS. The report noted that although progress has been made since DHS' inception, ''[i]ntegrating its many separate components in a single, effective, efficient, and economical Department remains one of DHS's biggest challenges.'' Further, DHS's own Performance and Accountability Report, released in November 2006, states that it did not meet its strategic goal of ''providing comprehensive leadership and management to improve the efficiency and effectiveness of the Department,'' further underscoring the need for good management. In 2007, the Homeland Security Advisory Council Culture Task Force Report also detailed persisting organizational challenges within DHS and prescribed leadership and management models designed to empower employees, foster collaboration, and encourage innovation. The third recommendation of the report was that DHS establish an operational leadership position. The report noted, ''[a]lignment and integration of the DHS component organizations is vital to the success of the DHS mission. The [Culture Task Force] believes there is a compelling need for the creation of a Deputy Secretary for Operations, DSO, who would report to the Secretary and be responsible for the high level Department-wide measures aimed at generating and sustaining seamless operational integration and alignment of the component organizations.''

For these reasons, as part of the Implementing Recommendations of the 9/11 Commission Act of 2007, Congress clarified that the role and responsibilities of the Under Secretary for Management would include serving as the Chief Management Officer and principal advisor to the Secretary on the management of DHS. In that legislation Congress also provided that the Under Secretary for Management would be responsible for strategic management and annual performance planning, identification and tracking of performance measures, and the management integration and transformation process in support of DHS operations and programs. The Implementing Recommendations of the 9/11 Commission Act of 2007 also established managerial and leadership qualifications for the Under Secretary for Management and increased the pay scale for that Under Secretary.

However, there continue to be significant management challenges associated with integrating DHS, whose creation represented the single largest restructuring of the Federal Government since the creation of the Department of Defense in 1947. In addition to its complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery, leadership of DHS has the enormous task of unifying 200,000 employees from 22 disparate Federal agencies. This January, GAO again included implementing and transforming DHS on its high-risk list, noting that ''[a]lthough DHS has made progress in transforming into a fully functioning department, this transformation remains high risk because DHS has not yet developed a comprehensive plan to address the transformation, integration, management and mission challenges GAO identified since 2003. . . DHS has developed an Integrated Strategy for High Risk Management that outlines the department's process for, among other things,

assessing risks and proposing initiatives to address challenges, but the strategy lacks details for the transformation of DHS and integration of its management functions. DHS has also developed corrective action plans to address management challenges that contain several of the key elements GAO has identified for a corrective action plan . . . However, the plans generally do not contain measures to gauge performance and progress, nor do they identify the resources needed to carry out the corrective actions identified.''

As former Chairman and now Ranking Member of the Oversight of Government Management Subcommittee, improving the management structure at DHS has been one of my top priorities. The Subcommittee's Chairman, Senator AKAKA, and I have been committed to ensuring that DHS has the proper tools to make continual improvements in its operations. Because management challenges persist at DHS, I believe the existing Under Secretary for Management position at DHS's lacks sufficient authority to direct the type of sustained leadership and overarching management integration and transformation strategy that is needed department-wide, and Congress must elevate that Under Secretary's role. The legislation I offer today would do that and would provide the focused, high-level attention that will result in effective management reform. I believe this legislation is vital to DHS's success, and I urge my colleagues to join me in supporting this legislation.

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. 872

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 ''Effective Homeland Security Management Act of 2009''.

SEC. 2. DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''DEPUTY SECRETARY'' and inserting ''DEPUTY SECRETARIES'';

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

''(1) A Deputy Secretary of Homeland Security.

''(2) A Deputy Secretary of Homeland Security for Management.''; and

(2) by adding at the end the following:

''(g) VACANCIES.—

''(1) VACANCY IN OFFICE OF SECRETARY.—

''(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

''(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

''(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

''(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.''.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking ''**UNDER SECRETARY**'' and inserting ''**DEPUTY SECRETARY OF HOMELAND SECURITY**'';

(2) in subsections (a) through (c) by striking ''Under Secretary for Management'' each place that term appears and inserting ''Deputy Secretary of Homeland Security for Management''.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701(c) of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the subsection heading, by striking ''AND EVALUATION'' and inserting '', EVALUATION, AND REAPPOINTMENT'';

(2) in the matter preceding paragraph (1), by striking ''shall'';

(3) in paragraph (1), by inserting ''shall'' after ''(1)'';

(4) in paragraph (2)—

(A) by inserting ''shall'' after ''(2)''; and

(B) by striking ''and'' after the semicolon;

(5) in paragraph (3)—

(A) by inserting ''shall'' after ''(3)''; and

(B) by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

''(4) shall—

''(A) serve for a term of 5 years; and

''(B) be subject to removal by the President if the President—

''(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

''(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal; and

''(5) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (3) for the 3 most recent performance years.''.

(d) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

''Sec. 701. Deputy Secretary of Homeland Security for Management.''.

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Homeland Security for Management, and inserting the following:

''Deputy Secretary of Homeland Security for Management.''.

By Mr. LUGAR:

S. 873. A bill to expand and improve Cooperative Threat Reduction Programs, and for other purposes; to the Committee on Armed Services.

Mr. LUGAR. Mr. President, today I rise to introduce the Nunn-Lugar Cooperative Threat Reduction Improvement Act of 2009.

The proliferation of weapons of mass destruction remains the number one national security threat facing the United States and the international community. Our success in responding to this threat depends on cooperation with other nations and on maintaining a basic consensus on non-proliferation principles. The Nunn-Lugar Program has become the primary tool through which the U.S. works to safely destroy nuclear, chemical, and biological warfare capacity. Through Nunn-Lugar, the U.S. has eliminated more nuclear weapons than the combined arsenals of the United Kingdom, France, and China. When the Soviet Union dissolved Ukraine, Kazakhstan and Belarus emerged as the third, fourth and eighth largest nuclear weapons powers in the world. Today they are nuclear weapons free.

I am delighted that President Obama made the Nunn-Lugar Cooperative Threat Reduction Program such a high profile issue during his campaign. In 2005, then-Senator Obama and I traveled to Russia to see the Nunn-Lugar Program in action. We visited the Russian nuclear warhead storage facility at Saratov and the mobile missile dismantlement facility near Perm. This experience gives him a unique vantage point to take important steps to revitalize and expand the program.

The Nunn-Lugar Program has accumulated an impressive list of accomplishments. To date it has deactivated 7,504 strategic nuclear warheads, 742 intercontinental ballistic missiles, ICBMs, destroyed, 496 ICBM silos eliminated, 143 ICBM mobile launchers destroyed, 633 submarine launched ballistic missiles, SLBMs, eliminated, 476 SLBM launchers eliminated, 31 nuclear submarines capable of launching ballistic missiles destroyed, 155 bomber eliminated, 906 nuclear air-to-surface missiles, ASMs, destroyed, 194 nuclear test tunnels eliminated, 422 nuclear weapons transport train shipments secured, upgraded security at 24 nuclear weapons storage sites, and built and equipped 16 biological monitoring stations.

While originally focused on the states of the former Soviet Union,

Nunn-Lugar has also produced results outside of Russia. The program eliminated a formerly secret chemical weapons stockpile in Albania. Other governments, such as Pakistan, Afghanistan, Congo, the Philippines, and Indonesia are now inquiring about Nunn-Lugar assistance with dangerous weapons and materials.

Mr. President, last month the National Academy of Sciences, NAS, released a report on the future of the Nunn-Lugar Program. It provided a critically important set of recommendations that should guide the Obama Administration's efforts to expand the Nunn-Lugar Program around the world.

The report was required by the 2008 National Defense Authorization Act to recommend ways to strengthen and expand the Defense Department's Nunn-Lugar Cooperative Threat Reduction program. The report argues persuasively that the Nunn-Lugar Program should be expanded geographically, updated in form and function and supported as an active tool of foreign policy. Over the last 16 years Nunn-Lugar has been focused heavily on the destruction and dismantlement of massive Soviet weapons systems and the facilities that developed them. In the future, the program will be asked to address much more complex and diverse security threats. The changing security environment means that the magnitude of projects focused on former Soviet weapons threats are likely to be the exception and not the norm. As a result, the NAS report argues that the program must be less cumbersome and bureaucratic so it can be more agile, flexible, and responsive to ensure timely contributions across a larger number of countries. It concludes by saying ''that expanding the nation's [Nunn-Lugar] cooperative threat reduction programs beyond the former Soviet Union, as proposed by Congress, would enhance U.S. national security and global stability.'' The report argues that Nunn-Lugar ''should be expanded geographically, updated in form and function . . . and supported as an active tool of foreign policy by engaged leadership from the White House and the relevant cabinet secretaries.''

Specifically, the NAS Report recommends that the Pentagon take the following steps: Remove any remaining geographic limitations on the program and streamline contracting procedures. Request from Congress limited ''notwithstanding authority'' to give Nunn-Lugar the flexibility it needs for future engagements in unexpected locations. Request that Congress exempt the Nunn-Lugar Program from the Miscellaneous Receipts Act to enable the program to accept funds from foreign countries and to co-mingle those with program funds to accomplish nonproliferation and disarmament goals. Review the legal and policy underpinnings of the Nunn-Lugar Program because many are cumbersome, dated, limiting, and often diminish value and hinder success. In addition to supporting traditional arms control and nonproliferation goals, Nunn-Lugar should be used to advance other multilateral instruments such as the Proliferation Security Initiative and United Nations Security Council Resolution 1540. While the Nunn-Lugar Program grew through the 1990s there was little corresponding growth in the size of the staff that guided policy—the office must be expanded. Engage broader military components, including the Unified Combatant Commands, to ensure full coordination and effective implementation of Nunn-Lugar.

The majority of these items do not require legislation but rather simple Executive Branch management actions and improvements. As a result, I have written to Under Secretary of Defense for Policy, Michele Flournoy, and the new WMD Coordinator at the White House, Gary Samore, urging them to adopt these important recommendations. But the granting of limited notwithstanding authority for the Nunn-Lugar Program and its exemption from the Miscellaneous Receipts Act does require Congressional authorization. The bill I am introducing today is focused on accomplishing this task.

One of the most striking points made by the report's authors was that the Nunn-Lugar Program has suffered from a lack of leadership. It states that ''since 1995, the level of leadership in DoD has been downgraded from a high priority program managed by a Deputy Assistant Secretary of Defense for Cooperative Threat Reduction, and Special Assistant to the Secretary of Defense, to a CTR Policy Office under a Director for the CTR Program.'' An even more stark contrast is the time and diplomacy that former Secretaries Perry and Cohen committed to visiting project sites and engaging foreign capitals when compared to their successors. I am confident this is a trend that can be reversed quickly by the Obama administration with proper leadership. Under Secretary Flournoy, the Deputy Secretary of Defense, and Secretary Gates should make visiting Nunn-Lugar sites a high priority and offer their personal diplomacy to assisting the program in meetings its goals.

The Nunn-Lugar Program has made critically important contributions to US national security through the elimination of strategic weapons systems and platforms arrayed against us. Even as the threat changes, I am confident that it will continue to serve US interests with the right leadership and direction. I commend the members of the NAS committee for an insightful and invigorating set of recommendations. I ask my colleagues here in the Senate to support this legislation and I am hopeful that the Obama administration will use the report's recommendations as a resource as they move to expand the program.

In sum, we must take every measure possible in addressing threats posed by weapons of mass destruction. We must eliminate those conditions that restrict us or delay our ability to act. The US has the technical expertise and the diplomatic standing to dramatically benefit international security. American leaders must ensure that we have the political will and the resources to implement programs devoted to these ends.

By Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico):

S. 874. A bill to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce El Río Grande Del Norte National Conservation Area Establishment Act. This legislation will designate approximately 235,980 acres of public land managed by the Bureau of Land Management in Taos and Río Arriba counties as a National Conservation Area. The conservation area includes two new wilderness areas—the 13,420-acre Cerro del Yuta Wilderness on the east-side and the 8,000-acre Río San Antonio Wilderness in the west.

The conservation area will protect and enhance cultural, ecological, and scenic resources in an area with premier recreational opportunities important to the region's economy. It incorporates the upper reaches of the Rio Grande Gorge, previously designated as a Wild and Scenic River, and protects elk wintering grounds and migratory corridors along the plateau between Ute Mountain to the east and San Antonio Mountain to the west. The conservation area will protect breeding habitat for other game species like deer and antelope and for birds of prey that hunt throughout the area, including peregrine falcons, golden eagles, and bald eagles. The riparian area along the Río Grande also provides important habitat for brown trout and the federally-listed endangered southwestern willow flycatcher.

The Cerro del Yuta Wilderness will add protections to Ute Mountain, a mountainous and forested extinct volcano which rises to more than 10,000 feet from an elevation of about 7,600 feet at its base. From its peak Ute Mountain offers views of the Sangre de Cristo Mountains to the east, the deep canyon walls of the Río Grande Gorge at its western base, and the high mesa sagebrush-grasslands interspersed with piñon juniper woodlands that form the majority of the conservation area to its west. Known as Tah Ha Bien to members of the Taos Pueblo and Cerro del Yuta to the earliest Hispanic settlers of the region, Ute Mountain was named for the historic Ute tribe that traversed this area along its route to the eastern plains. The mountain has a long history both geologically and culturally speaking, and evidence of human interaction with Ute Mountain can be still be found, including prehistoric hunting stations, historic

sheep herding camps, and important sacred sites on the mountain. As a relatively new addition to the public domain, the Bureau of Land Management has only begun to account for all the cultural resources that may be present on Ute Mountain.

The Río San Antonio Wilderness Area lies northwest of San Antonio Mountain and is currently managed as a Wilderness Study Area by the Bureau of Land Management. Composed of grassland vegetation similar to the majority of the conservation area, its unique character is shaped by the 200-foot-deep canyon formed by the waters of the Río San Antonio that bisects the wilderness area. The canyon provides important riparian habitat to wildlife and offers visitors opportunities for solitude and primitive and unconfined recreation. A favorite pastime of locals and visitors alike is the outstanding opportunity for fly fishing the Río San Antonio. By affirmatively designating this area as wilderness, we can help preserve its natural character that draws visitors to the area.

This legislation seeks to protect the valuable natural and cultural resources found in the area while also recognizing that the history of these lands is still being written by the local community, composed of Pueblo Indians, descendents of Hispanic and American settlers, and new generations of settlers drawn to the area for similar reasons as those who came before them. Residents maintain a strong connection to these public lands and are interested in preserving the traditional ways in which they have used them. A good example of this is the importance to the local community to ensure that the continued and sustainable collection of piñon nuts and firewood from the public lands is permitted. Based on this input, earlier drafts were revised to make specific mention that these uses are permissible within the conservation area. In addition, existing grazing within the conservation area will be preserved consistent with current management practices.

Visitors and residents of northern New Mexico also enjoy these public lands for recreational purposes, including hiking, camping, mountain biking, river rafting, skiing, hunting, fishing, photography and bird watching, among many others. The local economy benefits greatly from the tourists who visit this area to take in the scenic beauty and natural character of the region, and it is my hope that this designation will further highlight the region as a premier destination in the State, nationally and internationally.

This bill is the culmination of more than 2 years of work with members of the local community to craft language that achieves the balance vital to ensure a thriving economy, the preservation of the region's natural resources, and a sustained way of life for residents of northern New Mexico. Without the constructive input from the local community, this bill would look very different from the one that I am privileged to introduce today. I am also pleased that my colleague Senator TOM UDALL is a cosponsor of this legislation, and I look forward to working with him and other members of the Senate toward its ultimate passage.

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. 874

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 ''El Río Grande Del Norte National Conservation Area Establishment Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means El Río Grande Del Norte National Conservation Area established by section 3(a)(1).

(2) LAND GRANT COMMUNITY.—The term ''land grant community'' means a member of the Board of Trustees of confirmed and nonconfirmed community land grants within the Conservation Area.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Area developed under section 3(d).

(4) MAP.—The term ''map'' means the map entitled ''El Río Grande Del Norte National Conservation Area'' and dated March 23, 2009.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established El Río Grande Del Norte National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 235,980 acres of public land in Taos and Rio Arriba counties in the State, as generally depicted on the map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, scientific, geological, historical, biological, wildlife, educational, recreational, and scenic resources of the Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this Act; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area that the Secretary determines would further the purposes described in subsection (b).

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Area shall be permitted only on roads designated for use by motorized vehicles in the management plan.

(ii) NEW ROADS.—No additional road shall be built within the Conservation Area after the date of enactment of this Act unless the road is needed for public safety or natural resource protection.

(C) GRAZING.—The Secretary shall permit grazing within the Conservation Area, where established before the date of enactment of this Act—

(i) subject to all applicable laws (including regulations) and Executive orders; and

(ii) consistent with the purposes described in subsection (b).

(D) COLLECTION OF PIÑON NUTS AND FIREWOOD.—Nothing in this Act precludes the traditional collection of firewood and piñon nuts for noncommercial personal use within the Conservation Area—

(i) in accordance with any applicable laws; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(E) UTILITY CORRIDOR UPGRADES.—Nothing in this Act precludes the Secretary from authorizing the upgrading of an existing utility corridor (including the widening of an existing easement) through the Conservation Area—

(i) in accordance with any applicable laws; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(F) TRIBAL CULTURAL USES.—

(i) ACCESS.—The Secretary shall, in consultation with Indian tribes or pueblos—

(I) ensure the protection of religious and cultural sites; and

(II) provide occasional access to the sites by members of Indian tribes or pueblos for traditional cultural and customary uses, consistent with Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996).

(ii) TEMPORARY CLOSURES.—In accordance with Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996), the Secretary, on request of an Indian tribe or pueblo, may temporarily close to general public use 1 or more specific areas of the Conservation Area in order to protect traditional cultural and customary uses in those areas by members of the Indian tribe or the pueblo.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for the Conservation Area.

(2) OTHER PLANS.—To the extent consistent with this Act, the plan may incorporate in the management plan the Rio Grande Corridor Management Plan in effect on the date of enactment of this Act.

(3) CONSULTATION.—The management plan shall be developed in consultation with—

(A) State and local governments;

(B) tribal governmental entities;

(C) land grant communities; and

(D) the public.

(4) CONSIDERATIONS.—In preparing and implementing the management plan, the Secretary shall consider the recommendations of Indian tribes and pueblos on methods for—

(A) ensuring access to religious and cultural sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the Conservation Area; and

(C) protecting traditional cultural and religious sites in the Conservation Area.

(e) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land that is within the boundary of the Conservation Area that is acquired by the United States shall—

(1) become part of the Conservation Area; and

(2) be managed in accordance with—

(A) this Act; and

(B) any other applicable laws.

(f) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Conservation Area shall not change the management status of any area within the boundary of the Conservation Area that is—

(A) designated as a component of the National Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(B) managed as an area of critical environmental concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this Act, the more restrictive provision shall control.

SEC. 4. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Conservation Area are designated as wilderness and as components of the National Wilderness Preservation System:

(1) CERRO DEL YUTA WILDERNESS.—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the ''Cerro del Yuta Wilderness''.

(2) RÍO SAN ANTONIO WILDERNESS.—Certain land administered by the Bureau of Land Management in Rio Arriba County, New Mexico, comprising approximately 8,000 acres, as generally depicted on the map, which shall be known as the ''Río San Antonio Wilderness''.

(b) MANAGEMENT OF WILDERNESS AREAS.—Subject to valid existing rights, the wilderness areas designated by subsection (a) shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that with respect to the wilderness areas designated by this Act—

(1) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the wilderness areas designated by subsection (a) that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this Act; and

(C) any other applicable laws.

(d) GRAZING.—Grazing of livestock in the wilderness areas designated by subsection (a), where established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(e) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any wilderness area designated by subsection (a).

(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside any wilderness area designated by subsection (a) can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(f) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this section—

(1) has been adequately studied for wilderness designation;

(2) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(3) shall be managed in accordance with this Act.

SEC. 5. GENERAL PROVISIONS.

(a) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the Conservation Area and the wilderness areas designated by section 4(a) with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the legal description and map.

(3) PUBLIC AVAILABILITY.—The map and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(b) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Conservation Area and the wilderness areas designated by section 4(a) shall be administered as components of the National Landscape Conservation System.

(c) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may designate zones where, and establishing periods when, hunting shall not be allowed for reasons of public safety, administration, or public use and enjoyment.

(d) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Conservation Area and the wilderness areas designated by section 4(a), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(e) TREATY RIGHTS.—Nothing in this Act enlarges, diminishes, or otherwise modifies any treaty rights.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. SPECTER (for himself, Mr. TESTER, and Mr. GRASSLEY):

S. 875. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today on behalf of myself, Senator GRASSLEY and Senator TESTER, to offer the Presidential Signing Statements Act of 2009. The purpose of this bill is to regulate the use of Presidential Signing Statements in the interpretation of Acts of Congress. This bill is similar in substance to two prior versions of this legislation: the Presidential Signing Statements Act of 2007, which I introduced on June 29, 2007; and the Presidential Signing Statements Act of 2006, which I introduced on July 26, 2006.

As I have stated before, I believe that this legislation is necessary to protect our constitutional system of checks and balances. This bill achieves that goal in the following ways.

First, it prevents the President from issuing a signing statement that alters the meaning of a statute by instructing federal and state courts not to rely on, or defer to, presidential signing statements as a source of authority when determining the meaning of any Act of Congress.

Second, it grants Congress the power to participate in any case where the construction or constitutionality of any Act of Congress is in question and a presidential signing statement for that Act was issued by allowing Congress to file an amicus brief and present oral argument in such a case; instructing that, if Congress passes a joint resolution declaring its view of the correct interpretation of the statute, the Court must admit that resolution into the case record; and providing for expedited review in such a case.

Since the days of President James Monroe, Presidents have issued statements when signing bills. It is widely agreed that there are legitimate uses for signing statements. For example, Presidents may use signing statements to instruct executive branch officials how to administer a law or to explain to the public the likely effect of a law. There may be a host of other legitimate uses.

It is clear, however, that the President cannot use a signing statement to rewrite the words of a statute, nor can he use a signing statement to selectively nullify those provisions he does not like. This much is clear from our Constitution. The Constitution grants the President a specific, defined role in enacting legislation. Article I, section 1 of the Constitution vests ''all legislative powers . . . in a Congress.'' Article I, section 7 of the Constitution provides that, when a bill is presented to the President, he may either sign it or veto it with his objections. He may also choose to do nothing, thus rendering a so-called pocket veto. But the President cannot veto part of a bill—he cannot veto certain provisions he does not like.

The Framers had good reason for constructing the legislative process as they did. According to The Records of the Constitutional Convention, the veto power was designed to protect citizens from a particular Congress that might enact oppressive legislation. However, the Framers did not want the veto power to be unchecked, and so, in Article I, section 7, they balanced it by allowing Congress to override a veto by 2/3 vote.

As I stated when I initially introduced this legislation in 2006, this is a finely structured constitutional procedure that goes straight to the heart of our system of checks and balances. Any action by the President that circumvents this procedure is an unconstitutional attempt to usurp legislative authority. If the President is permitted to re-write the bills that Congress passes and cherry pick which provisions he likes and does not like, he subverts the constitutional process designed by the Framers. The Supreme Court has affirmed that the Constitutional process for enacting legislation must be safeguarded. As the Court explained in INS v. Chahda, ''It emerges clearly that the prescription for legislative action in Article I, Section 1 and 7 represents the Framers' decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure.'' 462 U.S. 919, 951, 1982.

It is well within Congress's power to enact rules of statutory interpretation intended to preserve this constitutional structure. This power flows from Article I, section 8, clause 18 of the Constitution, which gives Congress the power ''To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the U.S., or in any department or officer thereof.'' Rules of statutory interpretation are ''necessary and proper'' to execute the legislative power.

Several scholars have agreed: Jefferson B. Fordham, a former Dean of the University of Pennsylvania Law School said, ''[I]t is within the legislative power to lay down rules of interpretation for the future;'' Mark Tushnet, a Professor at Harvard Law School explained, ''In light of the obvious congressional power to prescribe a statute's terms (and so its meaning), congressional power to prescribe interpretive methods seems to me to follow;'' Michael Stokes Paulsen, an Associate Dean of the University of Minnesota Law School noted, ''Congress is the master of its own statutes and can prescribe rules of interpretation governing its own statutes as surely as it may alter or amend the statutes directly.'' Finally, J. Sutherland, the author of the leading multi-volume treatise for the rules of statutory construction has said, ''There should be no question that an interpretive clause operating prospectively is within legislative power.''

Indeed, recent experience shows why such legislation is ''necessary.'' The use of signing statements has risen dramatically in recent years. President Clinton issued 105 signing statements; President Bush issued 161. What is more alarming than the sheer numbers, is that President Bush's signing statements often raised constitutional concerns and other objections to several provisions of a law. The President used those statements in a way that threatened to render the legislative process a virtual nullity, making it completely unpredictable how certain laws will be enforced. Even where Congress managed to negotiate checks on executive power, the President used signing statements to override the legislative language and defy congressional intent.

Two prominent examples make the point. In 2006, I spearheaded the delicate negotiations on the PATRIOT Act Reauthorization, which included months of painstaking efforts to balance national security and civil liberties, disrupted by the dramatic disclosure of the Terrorist Surveillance Program. The final version of the bill featured a carefully crafted compromise necessary to secure the act's passage. Among other things, it included several oversight provisions designed to ensure that the FBI did not abuse special terrorism-related powers permitting it to make secret demands for business records. The President dutifully signed the measure into law, only to then enter a signing statement insisting he could withhold any information from Congress required by the oversight provisions if he decided that disclosure would ''impair foreign relations, national security, the deliberative process of the executive, or the performance of the executive's constitutional duties.''

The second example arose in 2005. Congress overwhelmingly passed Senator JOHN MCCAIN'S amendment to ban all U.S. personnel from inflicting ''cruel, inhuman or degrading'' treatment on any prisoner held by the United States. There was no ambiguity in Congress's intent; in fact, the Senate approved it 90 to 9. However, after signing the bill into law, the President quietly issued a signing statement asserting that his Administration would construe it ''in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power.''

Many understood this signing statement to undermine the legislation. In a January 4, 2006 article titled, ''Bush could bypass new torture ban: Waiver right is reserved,'' the Boston Globe cited an anonymous ''senior administration official'' as saying, ''the president intended to reserve the right to use harsher methods in special situations involving national security.''

As outrageous as these signing statements are, intruding on the Constitution's delegation of ''all legislative powers'' to the Congress, it is even more outrageous that Congress has done nothing to protect its constitutional powers. In 2006 and 2007, the legislation I introduced giving Congress standing to challenge the constitutionality of these signing statements failed to muster the veto-proof majority it would have surely required.

With a new administration, I believe the time has come to pass this important legislation. This bill does not seek to limit the President's power, and it does not seek to expand Congress's power. Rather, this bill simply seeks to safeguard our Constitution. In this Congress, it has a better chance of mustering a majority vote and being signed into law by the new President.

That said, two days after criticizing President Bush's signing statements, President Obama issued one of his own regarding the Omnibus Appropriations Act of 2009. Citing among others his ''commander in chief'' and ''foreign affairs'' powers, he refused to be bound by at least eleven specific provisions of the bill including one long-standing rider to appropriations bills designed to aid congressional oversight. As I told The Wall Street Journal, ''We are having a repeat of what Democrats bitterly complained about under President Bush.'' I hope this will be the exception rather than the rule.

In the meantime, this bill seeks to implement measures that will safeguard the constitutional structure of enacting legislation. In preserving this structure, this bill reinforces the system of checks and balances and separation of powers set out in our Constitution.

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. 875

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 ''Presidential Signing Statements Act of 2009''.

SEC. 2. DEFINITION.

As used in this Act, the term ''presidential signing statement'' means a statement issued by the President about a bill, in conjunction with signing that bill into law pursuant to Article I, section 7, of the Constitution.

SEC. 3. JUDICIAL USE OF PRESIDENTIAL SIGNING STATEMENTS.

In determining the meaning of any Act of Congress, no Federal or State court shall rely on or defer to a presidential signing statement as a source of authority.

SEC. 4. CONGRESSIONAL RIGHT TO PARTICIPATE IN COURT PROCEEDINGS OR SUBMIT CLARIFYING RESOLUTION.

(a) CONGRESSIONAL RIGHT TO PARTICIPATE AS AMICUS CURIAE.—In any action, suit, or proceeding in any Federal or State court (including the Supreme Court of the United States), regarding the construction or constitutionality, or both, of any Act of Congress in which a presidential signing statement was issued, the Federal or State Court shall permit the United States Senate, through the Office of Senate Legal Counsel, as authorized in section 701 of the Ethics in Government Act of 1978 (2 U.S.C. 288), or the United States House of Representatives, through the Office of General Counsel for the United States House of Representatives, or both, to participate as an amicus curiae, and to present an oral argument on the question of the Act's construction or constitutionality, or both. Nothing in this section shall be construed to confer standing on any party seeking to bring, or jurisdiction on

any court with respect to, any civil or criminal action, including suit for court costs, against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any officer or employee of a House of Congress or any office or agency of Congress.

(b) CONGRESSIONAL RIGHT TO SUBMIT CLARIFYING RESOLUTION.—In any suit referenced in subsection (a), the full Congress may pass a concurrent resolution declaring its view of the proper interpretation of the Act of Congress at issue, clarifying Congress's intent or clarifying Congress's findings of fact, or both. If Congress does pass such a concurrent resolution, the Federal or State court shall permit the United States Congress, through the Office of Senate Legal Counsel, to submit that resolution into the record of the case as a matter of right.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of each Federal or State court, including the Supreme Court of the United States, to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

By Mr. SPECTER (for himself and Mr. WHITEHOUSE):

S. 876. A bill to provide for the substitution of the United States in certain civil actions relating to electronic service providers and FISA; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to reintroduce legislation that would substitute the United States in the place of electronic communications service providers who were sued for violating the Foreign Intelligence Surveillance Act, FISA, and other statutory and constitutional provisions.

FISA reform legislation passed the Senate in February and July of 2008, both times by a vote of 68 to 29, before being signed into law by President Bush on July 10, 2008. This legislation made many necessary changes to FISA to enhance our intelligence collection capabilities, but it also included a controversial provision giving retroactive immunity to telecommunications companies for their alleged cooperation with the warrantless surveillance program authorized by the President after September 11, 2001. The legislation stripped the Federal courts of jurisdiction to decide more than 40 consolidated cases involving claims of violations of FISA and related statutes, even though most Members of Congress had not been briefed on the program, and despite the fact that the judge handling the cases, Chief Judge Vaughn Walker of the Northern District of California, had questioned the legality of the program in a related opinion issued just days before the final Senate debate.

During the February and July FISA debates, I sought to keep the courts open as a way to check executive branch excesses. Through both a standalone bill, S. 2402, considered by the Senate Judiciary Committee and an amendment, SA 3927 to S. 2248, offered during the Senate's February debate on the FISA reform bill, I proposed to substitute the U.S. Government for the telephone companies facing lawsuits for their alleged cooperation with the Terrorist Surveillance Program, TSP. Just as in 2008, I propose legislation that would place the Government in the shoes of the telephone companies, with the same defenses no more and no less. Thus, under the bill, plaintiffs get their day in court and may hold the Government accountable for unlawful activity, if any, related to the surveillance program. At the same time, the carriers themselves avoid liability stemming from their efforts to be good citizens.

I fought hard in 2008 to keep the courts open on the question of the TSP, and urged my colleagues to improve the FISA bill. I continue that fight today with a new Administration in office. During the prior floor debate I said: ''Although I am prepared to stomach this bill, if I must, I am not yet ready to concede that the debate is over. Contrary to the conventional wisdom, I don't believe it is too late to make this bill better.''

As I observed on the floor last year, it is necessary for Congress to support intelligence collection efforts because of the continuing terrorist threat. No one wants to be blamed for another 9–11. Indeed, as I acknowledged during the debate, my own briefings on the telephone companies' cooperation with the Government convinced me of the program's value. Nevertheless, I tried to impress upon my colleagues the importance and historical context of our actions. I said:

> We are dealing here with a matter that is of historic importance. I believe that years from now, historians will look back on this period from 9/11 to the present as the greatest expansion of Executive authority in history—unchecked expansion of authority. The President disregards the National Security Act of 1947 mandating notice to the Intelligence Committee; he doesn't do it. The President takes legislation that is presented by Congress and he signs it, and then he issues a signing statement disagreeing with key provisions. There is nothing Congress can do about it.
>
> The Supreme Court of the United States has gone absent without leave on the issue, in my legal opinion. When the Detroit Federal judge found the terrorist surveillance program unconstitutional, it was [reversed] by the Sixth Circuit on a 2-to-1 opinion on grounds of lack of standing. Then the Supreme Court refused to review the case. But the very formidable dissenting opinion laid out all of the grounds where there was ample basis to grant standing. Now we have Chief Judge Walker declaring the [surveillance illegal]. The Congress ought to let the courts fulfill their constitutional function.

It is not too late to provide for judicial review of controversial post-9/11 intelligence surveillance activities. The cases before Judge Vaughn Walker are still pending and, even if he were to dismiss them under the statutory defenses dubbed retroactive immunity, Congress can and should permit the cases to be refiled against the Government, standing in the shoes of the carriers.

This legislation substitutes the U.S. in place of any electronic communication service provider who provided communications in connection with an intelligence activity that was: authorized by the President between September 11, 2001, and January 17, 2007; and designed to detect or prevent a terrorist attack against the U.S. In order for substitution to apply, the electronic communications service provider must have received a written request from the Attorney General or the head of an element of the intelligence community indicating that the activity was authorized by the President and determined to be lawful. If the provider assisted the Government beyond what was requested in writing, this legislation will provide no relief to the service provider.

The legislation also establishes a limited waiver of sovereign immunity that only applies to ''covered civil actions'' essentially, the 40 cases currently pending before the U.S. District Court in the Northern District of California. This is to prevent the Government from asserting immunity in the event it is substituted for the current defendants.

We can still pass legislation substituting the Government for the various telecom defendants and have a judicial assessment of the constitutionality and legality of the controversial surveillance. Such a judicial assessment is necessary to resolve the clash between the Executive and Legislative branches over the legality and constitutionality of the surveillance program.

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. 876

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

SECTION 1. AMENDMENT TO FISA.

Title III of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110-261) is amended by inserting at the end the following:

''SEC. 302. SUBSTITUTION OF THE UNITED STATES IN CERTAIN ACTIONS.

''(a) IN GENERAL.—

''(1) CERTIFICATION.—Notwithstanding any other provision of law, a Federal or State court shall substitute the United States for an electronic communication service provider with respect to any claim in a covered civil action as provided in this subsection, if the Attorney General certifies to that court that—

''(A) with respect to that claim, the assistance alleged to have been provided by the electronic communication service provider was—

''(i) provided in connection with an intelligence activity involving communications that was—

''(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

''(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

''(ii) described in a written request or directive from the Attorney General or the

head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

''(I) authorized by the President; and

''(II) determined to be lawful; or

''(B) the electronic communication service provider did not provide the alleged assistance.

''(2) SUBSTITUTION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), upon receiving a certification under paragraph (1), a Federal or State court shall—

''(i) substitute the United States for the electronic communication service provider as the defendant as to all claims designated by the Attorney General in that certification, consistent with the procedures under rule 25(c) of the Federal Rules of Civil Procedure, as if the United States were a party to whom the interest of the electronic communication service provider in the litigation had been transferred; and

''(ii) as to that electronic communication service provider—

''(I) dismiss all claims designated by the Attorney General in that certification; and

''(II) enter a final judgment relating to those claims.

''(B) CONTINUATION OF CERTAIN CLAIMS.—If a certification by the Attorney General under paragraph (1) states that not all of the alleged assistance was provided under a written request or directive described in paragraph (1)(A)(ii), the electronic communication service provider shall remain as a defendant.

''(C) DETERMINATION.—

''(i) IN GENERAL.—Substitution under subparagraph (A) shall proceed only after a determination by the Foreign Intelligence Surveillance Court that—

''(I) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii)(B) of title 18, United States Code;

''(II) the assistance alleged to have been provided was undertaken by the electronic communication service provider acting in good faith and pursuant to an objectively reasonable belief that compliance with the written request or directive under paragraph (1)(A)(ii) was permitted by law; or

''(III) the electronic communication service provider did not provide the alleged assistance.

''(ii) CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

''(I) immediately certify the questions described in clause (i) to the Foreign Intelligence Surveillance Court; and

''(II) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

''(iii) PARTICIPATION OF PARTIES.—In reviewing a certification and making a determination under clause (i), the Foreign Intelligence Surveillance Court shall permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

''(iv) DECLARATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a determination made pursuant to clause (i) would harm the national security of the United States, the Foreign Intelligence Surveillance Court shall limit any public disclosure concerning such determination, including any public order following such an ex parte review, to a statement that the conditions of clause (i) have or have not been met, without disclosing the basis for the determination.

''(D) SPECIAL RULE.—Notwithstanding any other provision of this Act—

''(i) in any matter in which the Foreign Intelligence Surveillance Court denies dismissal on grounds that the statutory defenses provided in title VIII of the Foreign Intelligence Surveillance Act of 1978 are unconstitutional, the Attorney General shall be substituted pursuant to this paragraph; and

''(ii) if a claim is dismissed pursuant to title VIII of the Foreign Intelligence Surveillance Act of 1978 prior to date of enactment of this section, the claim against the United States shall be tolled for the period during which the claim was pending and may be refilled against the United States pursuant to rule 60(b) of the Federal Rules of Civil Procedure after the date of enactment of this section.

''(3) PROCEDURES.—

''(A) TORT CLAIMS.—Upon a substitution under paragraph (2), for any tort claim—

''(i) the claim shall be deemed to have been filed under section 1346(b) of title 28, United States Code, except that sections 2401(b), 2675, and 2680(a) of title 28, United States Code, shall not apply; and

''(ii) the claim shall be deemed timely filed against the United States if it was timely filed against the electronic communication service provider.

''(B) CONSTITUTIONAL AND STATUTORY CLAIMS.—Upon a substitution under paragraph (2), for any claim under the Constitution of the United States or any Federal statute—

''(i) the claim shall be deemed to have been filed against the United States under section 1331 of title 28, United States Code;

''(ii) with respect to any claim under a Federal statute that does not provide a cause of action against the United States, the plaintiff shall be permitted to amend such claim to substitute, as appropriate, a cause of action under—

''(I) section 704 of title 5, United States Code (commonly known as the Administrative Procedure Act);

''(II) section 2712 of title 18, United States Code; or

''(III) section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810);

''(iii) the statutes of limitation applicable to the causes of action identified in clause (ii) shall apply to any amended claim under that clause subject to the tolling requirements of paragraph (2)(D)(ii), and any such cause of action shall be deemed timely filed if any Federal statutory cause of action against the electronic communication service provider was timely filed; and

''(iv) for any amended claim under clause (ii) the United States shall be deemed a proper defendant under any statutes described in that clause, and any plaintiff that had standing to proceed against the original defendant shall be deemed an aggrieved party for purposes of proceeding under section 2712 of title 18, United States Code, or section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810).

''(C) DISCOVERY.—

''(i) IN GENERAL.—In a covered civil action in which the United States is substituted as party-defendant under paragraph (2), any plaintiff may serve third-party discovery requests to any electronic communications service provider as to which all claims are dismissed.

''(ii) BINDING THE GOVERNMENT.—If a plaintiff in a covered civil action serves deposition notices under rule 30(b)(6) of the Federal Rules of Civil Procedure or requests for admission under rule 36 of the Federal Rules of Civil Procedure upon an electronic communications service provider as to which all claims were dismissed, the electronic communications service provider shall be deemed a party-defendant for purposes rule 30(b)(6) or rule 36 and its answers and admissions shall be deemed binding upon the Government.

''(b) CERTIFICATIONS.—

''(1) IN GENERAL.—For purposes of substitution proceedings under this section—

''(A) a certification under subsection (a) may be provided and reviewed in camera, ex parte, and under seal; and

''(B) for any certification provided and reviewed as described in subparagraph (A), the court shall not disclose or cause the disclosure of its contents.

''(2) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General or a designee in a position not lower than the Deputy Attorney General.

''(c) SOVEREIGN IMMUNITY.—This section, including any Federal statute cited in this section that operates as a waiver of sovereign immunity, constitute the sole waiver of sovereign immunity with respect to any covered civil action.

''(d) CIVIL ACTIONS IN STATE COURT.—For purposes of section 1441 of title 28, United States Code, any covered civil action that is brought in a State court or administrative or regulatory bodies shall be deemed to arise under the Constitution or laws of the United States and shall be removable under that section.

''(e) RULE OF CONSTRUCTION.—Except as expressly provided in this section, nothing in this section may be construed to limit any immunity, privilege, or defense under any other provision of law, including any privilege, immunity, or defense that would otherwise have been available to the United States absent its substitution as party-defendant or had the United States been the named defendant.

''(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action pending on or filed after the date of enactment of this section.''.

By Mr. SPECTER:

S. 877. A bill to provide for the nondiscretionary Supreme Court review of certain civil actions relating to the legality and constitutionality of surveillance activities; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will mandate Supreme Court review of challenges to the warrantless wiretapping program authorized by President Bush after 9/11, commonly known as the Terrorist Surveillance Program or TSP.

While the Supreme Court generally exercises discretion as to whether it will review a case or grant ''certiorari,'' there are precedents for Congress to direct Supreme Court review on constitutional issues—including the statutes forbidding flag burning and requiring Congress to abide by Federal employment laws—and the gravity of this issue merits Congressional action.

In August 2006, Judge Anna Diggs Taylor of the U.S. District Court for

the Eastern District of Michigan issued a 43-page opinion finding the TSP unconstitutional. At the time, many applauded and many others criticized her decision, but we have yet to see appellate review on the merits. Instead, in July 2007, the U.S. Court of Appeals for the 6th Circuit overturned the district court's decision on other grounds. By a 2–1 vote, in ACLU v. NSA, it declined to rule on the legality of the program, finding that the plaintiffs lacked standing to bring the suit. The Supreme Court then declined to hear the case, even though the doctrine of standing has enough flexibility, as demonstrated by the dissent in the 6th Circuit, to have enabled it to take up this fundamental clash between Congress and the President.

With the Supreme Court abstaining, another lone district judge took a stand. In In re National Security Agency Telecommunications Records Litigation, Chief Judge Vaughn Walker in the Northern District of California considered a case brought by an Islamic charity that claims to have been a subject of the surveillance program. In a 56-page opinion he held that Congress's enactment of the Foreign Intelligence Surveillance Act of 1978, FISA, had constrained the President's inherent authority—if any—to conduct warrantless wiretapping: ''Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities.'' Nevertheless, this finding is preliminary.

Whatever Chief Judge Walker ultimately decides, my bill will permit any party who is disaffected by a subsequent decision in the Ninth Circuit to have the case heard by the Supreme Court by eliminating discretionary review. Under my bill, the Supreme Court would also have to review appeals concerning the constitutionality or legality of: the Terrorist Surveillance Program writ large; the statutory immunity for telecommunications providers created by Title II of the FISA Amendments Act of 2008; and any other intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending at such time as the activity was approved by a Federal court.

Relying on similar precedents, the bill requires the High Court to expedite its consideration of such cases. The bill, however, is limited to circumstances where the Court has not previously decided the question at issue. Thus, it does not create a permanent right of review for all similarly situated parties, but it does require the Court to take up the matter in the first instance.

Congress clearly has the power to require appellate review by the Supreme Court under Article III, Section 2 of the Constitution, and it has exercised this prerogative. For example, 28 U.S.C. § 3904 provides for direct appeal to the Supreme Court of decisions ''upon the constitutionality'' of the Congressional Accountability Act if the Court ''has not previously ruled on the question'' and requires the Court to ''expedite the appeal.'' Congress used nearly identical language to provide for direct appeal and expedited Supreme Court review of the constitutionality of a ban on flag burning in 18 U.S.C. § 700.

I propose similar action here. It is hard to conceive of a better case to have finally decided in the Supreme Court than one which challenges the legality of warrantless wiretapping—or the constitutionality of the retroactive statutory defenses passed by Congress last year.

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. 877

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

SECTION 1. MANDATORY SUPREME COURT REVIEW OF CERTAIN CIVIL ACTIONS.

Chapter 81 of title 28, United States Code, is amended by inserting at the end the following:

''SEC. 1260. MANDATORY SUPREME COURT REVIEW OF CERTAIN CIVIL ACTIONS CONCERNING SURVEILLANCE ACTIVITIES.

''(a) IN GENERAL.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over any appeal of an interlocutory or final judgment, decree, or order of a court of appeals in any case challenging the legality or constitutionality of—

''(1) the President's Surveillance Program, commonly known as the Terrorist Surveillance Program, as defined in section 301(a)(3) of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110–261);

''(2) the statutory defenses established in Section 802(a)(4) of the Foreign Intelligence Surveillance Act of 1978, as amended by title II of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110–261); or

''(3) any intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending at such time as the activity was approved by a Federal court.

''(b) EXPEDITED CONSIDERATION.—The Supreme Court shall advance on the docket any appeal referred to in subsection (a), and expedite the appeal to the greatest extent possible.''.

SEC. 2. CLERICAL AMENDMENT.

The chapter analysis for chapter 81 of title 28, United States Code, is amended by inserting at the end the following:

''Sec. 1260. Mandatory supreme court review of certain civil actions concerning surveillance activities.''.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 879. A bill to amend the Homeland Security Act to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, the recent terrorist attacks in Mumbai, India, are a sobering reminder that terrorists continue to threaten our Nation and civilized people throughout the world. An alert citizenry is our first line of defense against terrorist attacks, particularly attacks like those in Mumbai. Our laws must protect individuals from frivolous lawsuits when they report, in good faith, suspicious behavior that may indicate terrorist activity. That is why I am introducing legislation, with Senator LIEBERMAN, that will provide these important protections.

In the 2007 homeland security law, Chairman LIEBERMAN and I coauthored a provision to encourage people to report potential terrorist threats directed against transportation systems. This new legislation would expand those protections to reports of suspicious behavior in sectors other than transportation. For example, reports of suspicious activity could be equally important in detecting terrorist plans to attack ''soft targets'' like the hotels, restaurants, and religious institutions targeted in Mumbai.

Real life examples highlight the need for this bill. In December 2008, a Federal jury convicted 5 men from New Jersey of conspiring to murder American soldiers at Fort Dix. According to law enforcement officials, the report of an alert store clerk, who reported that a customer had brought in a video showing men firing weapons and shouting in Arabic, triggered their investigation. But for the report of this vigilant store clerk, law enforcement may not have disrupted this plot against Fort Dix.

That store clerk's action likely saved hundreds of lives. It also reveals a core truth of the dangerous times in which we live. Our safety depends on more than just police officers, intelligence analysts, and soldiers. It also depends on the alertness and civic responsibility of all Americans.

We must encourage citizens to be watchful and to report suspicious activity whenever it occurs. That imperative is even stronger in the aftermath of the November 2008 terrorist attacks in Mumbai, where it appears that the terrorists performed reconnaissance on a number of the targets before the actual attacks.

Senator LIEBERMAN and I recently convened two hearings in the Homeland Security Committee to examine lessons learned from those horrific attacks. These hearings have reinforced our long-standing concern that terrorists might shift their attention from high-value, high-security targets to less secure commercial facilities, where there is the potential for mass casualties and widespread panic. As we witnessed during the three-day siege of Mumbai, commercial facilities or ''soft

targets,'' such as the Taj Mahal, Trident, and Oberoi Hotels, are vulnerable, tempting targets.

Many of the Committee's witnesses during these hearings, including Charles Allen, DHS's Chief Intelligence Officer, Donald Van Duyn, the FBI's Chief Intelligence Officer, New York City Police Commissioner Raymond Kelley, and Al Orlob, Marriott International's Vice President for Corporate Security, endorsed the idea of expanding the 2007 law beyond the transportation sector. Indeed, Commissioner Kelley said that the 2007 law ''made eminently good sense'' and recommended ''that it be expanded [to other sectors] if at all possible.''

Unfortunately, we have seen that our legal system can be used to chill the willingness of citizens to come forward and report possible dangers. As widely reported by the media in 2006, US Airways removed 6 Islamic clerics from a flight after other passengers expressed concerns that some of the clerics had moved out of the their assigned seats and had requested, but were not using, seat belt extenders that could possibly double as weapons. In response to these concerns, US Airways officials removed these individuals from the plane so that they could further investigate.

For voicing their reasonable fears that these passengers could be rehearsing or preparing to execute a hijacking, these honestly concerned travelers found themselves as defendants in a civil rights lawsuit and accused of bigotry. The old adage about how ''no good deed goes unpunished'' is quite apt here.

The existence of this lawsuit clearly illustrates how unfair it is to allow private citizens to be intimidated into silence by the threat of litigation. Would the passengers have spoken up if they had anticipated that there would be a lawsuit filed against them? Even if such suits fail, they can expose citizens to heavy costs in time and legal fees.

The bill we introduce today would provide civil immunity in American courts for any person acting in good faith who reports any suspicious transaction, activity, or occurrence related to an act of terrorism. Specifically, the bill would encourage people to pass on information to Federal officials with responsibility for preventing, protecting against, disrupting, or responding to a terrorist act or to Federal, State, and local law enforcement officials without fear of being sued for doing their civic duty. Only disclosures made to those responsible officials would be protected by the legislation.

Once a report is received, those officials would be responsible for assessing its reasonableness and determining whether further action is required. If they take reasonable action to mitigate the reported threat, they, too, would be protected from lawsuits. Just as we should not discourage reporting suspicious incidents, we also should not discourage reasonable responses to them.

Let me make very clear that this bill does not offer any protection whatsoever if an individual makes a statement that he or she knows to be false. No one will be able to use this protection as cover for mischievous, vengeful, or biased falsehoods.

Our laws and legal system must not be hijacked to intimidate people into silence or to prevent our officials from responding to terrorist threats. Protecting citizens who make good faith reports—and that's an important condition in this bill—of potentially lethal activities is essential to maintaining our homeland security. Our bill offers protection in a measured way that discourages abuses from either side.

Each of us has an important responsibility in the fight against terrorism. It is not a fight that can be left to law enforcement alone. The police simply can't be everywhere. Whether at a hotel, a mall, or an arena, homeland security and law enforcement officials need all citizens to alert them to unattended packages and behavior that appears out of the ordinary.

Many national organizations, such as the Fraternal Order of Police, the National Sheriffs' Association, the National Troopers Coalition, and the National Association of Town Watch, support this legislation.

If someone ''sees something'' suspicious, Congress has an obligation to ensure that he or she will ''say something'' about it. This bill promotes and protects that civic duty. I urge my colleagues to support it.

There being no objection, the material was ordered to be placed in the RECORD, as follows;

NATIONAL TROOPERS COALITION
March 24, 2009.

Hon. SUSAN COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Troopers Coalition and its 40,000 members comprised of State Troopers and Highway Patrol Officers, I am writing in support of your efforts to pass the ''See Something, Say Something Act''. We applaud your efforts to keep this country safe.

Our nation is currently at war against terrorists that want to destroy our country and disrupt our way of life. It is vital that we remain vigilant in our efforts to combat terrorism and keep our country safe. The See Something, Say Something Act, will provide necessary liability protections for citizens that report suspicious activity and for law enforcement officers that act upon these reports. We live in a litigious society and one should not be fearful of litigation when determining if he or she should report suspicious activities that could prevent catastrophic loss of life. What we have learned in our efforts to combat terrorism is that everyone needs to remain vigilant and report all suspicious activities.

We support your efforts to provide liability protections for citizens acting in good faith that report suspicious activity. We can not turn a ''blind eye'' to the terrorists we are fighting and we must encourage and support an ever vigilant society.

Respectfully,

A. BRADFORD CARD,
Federal Government Affairs (NTC), for:
Michael Edes, Chairman, National Troopers Coalition.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, March 24, 2009.

Hon. SUSAN M. COLLINS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Sheriffs' Association (NSA), I am writing to express our support for the See Something, Say something Act of 2009.

As you may know, the National Sheriffs' Association is the creator of the Neighborhood Watch Program which is one of the oldest and best-known citizen and law enforcement based crime prevention concepts in the United States. In the late 1960s, an increase in crime heightened the need for a crime prevention initiative focused on residential areas involving local citizens. We responded, creating the National Neighborhood Watch Program in 1972 to assist citizens and law enforcement.

For nearly four decades, particularly after the terrorist attacks in 2001, the nation's sheriffs have witnessed firsthand, citizens becoming more empowered by becoming active in homeland security efforts through participation in Neighborhood Watch. Thus, we understand and recognize the importance of encouraging citizen involvement and the role they play in ensuring homeland security.

The proposed measure would build on this concept by providing the needed legal protections to individuals who report suspicious activity to an authorized official, in good faith, that might reflect terrorist threats. Additionally, it would provide qualified immunity from civil liability for an authorized official who takes reasonable action in good faith to respond to the reported activity.

We thank you for your continued leadership and support of the nation's emergency responders.

Sincerely,

SHERIFF DAVID A. GOAD,
President.

NATIONAL ASSOCIATION OF TOWN WATCH,
Wynnewood, PA, March 24, 2009.

Hon. SUSAN M. COLLINS,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Association of Town Watch (NATW), I am writing to express our support for the See Something, Say Something Act of 2009.

The National Association of Town Watch is a nonprofit, crime prevention organization whose members include citizen crime watch groups, law enforcement agencies and other organizations across the country involved in organized, anticrime activities. NATW also sponsors the annual ''National Night Out'' crime prevention event which has grown to involve over 15,000 communities from all 50 states on the first Tuesday each August.

Since 1981, NATW has always promoted the concept of citizens working in close cooperation with their local law enforcement and serving as ''extra eyes and ears.'' The proposed legislation blends beautifully with NATW's mission. It is critical to legally protect individuals who report suspicious activity to an authorized official, in good faith, that might reflect terrorist threats. This legislation also would provide qualified immunity from civil liability for an authorized official who takes reasonable action in good faith to respond to the reported activity.

We thank you for bringing this legislation forward and for supporting law enforcement

and concerned citizens across our great nation.

Sincerely,

MATT A. PESKIN,
Executive Director.

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, April 22, 2009.

Hon. SUSAN M. COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS, On behalf of the membership of the Fraternal Order of Police, I am writing to advise you of our strong support for the bill you have introduced entitled the ''See Something, Say Something Act.''

Following the terrorist attacks on 11 September 2001 every American, especially law enforcement officers, have become more vigilant. Unfortunately, the increasingly litigious nature of our society may result in many citizens choosing to ''stay out of it''—even if they see something or someone suspicious. Citizens who have reported suspicious activity and law enforcement officers who have acted on these reports have been sued in Federal, State and local courts even though their concerns were reasonable and without malice. The result is that all of us may be more hesitant to report or act upon any suspicious behavior we might see.

Congress took a step in the right direction in 2007 when it passed legislation granting immunity from civil liability for citizens who report suspicious activity and law enforcement officers who act upon such reports involving threats to transportation security. Your bill would expand this immunity to cover all suspicious activity whether it is in a train station, a Federal building, or a sports stadium. This bill will not only protect vigilant individuals from frivolous lawsuits, but it also greatly increases our nation's security.

On behalf of the more than 327,000 members of the Fraternal Order of Police, I would like to thank you again for your leadership on this issue. If I can be of any further assistance, please do not hesitate to contact me, or Executive Director Jim Pasco, in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. AKAKA, and Mr. INOUYE):

S. 881. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, The Tlingit and Haida people, the first people of Southeast Alaska, were perhaps the first group of Alaska natives to organize for the purpose of asserting their aboriginal land claims. The native land claims movement in the rest of Alaska did not gain momentum until the 1960s when aboriginal land titles were threatened by the impending construction of the Trans Alaska Pipeline. In Southeast Alaska, the taking of Native lands for the Tongass National Forest and Glacier Bay National Monument spurred the Tlingit and Haida people to fight to recover their lands in the early part of the 20th Century.

One of the first steps in this battle came with the formation of the Alaska Native Brotherhood in 1912. In 1935, the Jurisdictional Act, which allowed the Tlingit and Haida Indians to pursue their land claims in the U.S. Court of Claims, was enacted by Congress.

After decades of litigation, the native people of Southeast Alaska received a cash settlement in 1968 from the Court of Claims for the land previously taken to create the Tongass National Forest and the Glacier Bay National Monument. Yes, there was a cash settlement of $7.5 million, but the Native people of Southeast Alaska have long believed that it did not adequately compensate them for the loss of their lands and resources.

Beware of the law of unintended consequences. When the native people of Southeast Alaska chose to pursue their land claims in court they could not have foreseen that Congress would ultimately settle the land claims of all of Alaska's native people through the Alaska Native Claims Settlement Act of 1971. Nor could they have foreseen that they would be disadvantaged in obtaining the return of their aboriginal lands because of their early, and ultimately successful, effort to litigate their land claims. Sadly this was the case.

The Alaska Native Claims Settlement Act of 1971 imposed a series of highly prescriptive limitations on the lands that Sealaska Corporation, the regional Alaska Native Corporation formed for Southeast Alaska, could select in satisfaction of the Tlingit and Haida land claim. None of the other 11 Alaska-based regional native corporations were subject to these limitations. Today, I join with my Alaska colleague, Sen. MARK BEGICH, cosponsored by Sens. DANIEL AKAKA and DANIEL INOUYE to introduce legislation to right this wrong.

For the most part, Sealaska Corporation has agreed to live within the constraints imposed by the 1971 legislation. It has taken conveyance of roughly 290,000 acres from the pool of lands it was allowed to select under the 1971 act. As Sealaska moves to finalize its land selections it has asked the Congress for flexibility to receive title to certain lands that it was not permitted to select under the prescriptive, and as Sealaska believes, discriminatory, limitations contained in the 1971 legislation.

The legislation we are introducing today would allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It allows the Native Corporation to select up to 3,600 acres of its remaining land entitlement from lands with sacred, cultural, traditional or historical significance throughout the Alaska Panhandle. Substantial restrictions will be placed on the use of these lands.

Up to 5,000 acres of land could be selected for non-timber related economic development. These lands are called ''Native Futures'' Sites in the bill. Other lands referred to as ''economic development lands'' in the bill could be used for timber related and non-timber related economic development. These lands are on Prince of Wales Island, on nearby Kosciusko Island.

Sealaska observes that if it were required to take title to lands within the constraints prescribed by the 1971 legislation it would take title to large swaths of roadless acres in pristine portions of the Tongass National Forest. The lands it proposes to take for economic uses under this legislation are predominantly in roaded and less sensitive areas of the Tongass National Forest.

The pools of lands that would be available to Sealaska under this legislation are depicted on a series of maps referred to in the bill. It must be emphasized that not all of the lands depicted on these maps will end up in Sealaska's ownership. Sealaska cannot receive title to lands in excess of its remaining acreage entitlement under the 1971 legislation and this legislation does not change that entitlement.

Early in the 110th Congress, several of our friends in the other body introduced H.R. 3560 to address these issues. Later in September 2008 I introduced legislation similar to this bill to give all parties time to thoroughly review the measure. Over the past two years, Sealaska, and the communities of Southeast Alaska have worked collaboratively in good faith to identify issues that may arise from the transfer of lands on which those communities have relied for subsistence and recreation out of the Tongass National Forest and into native corporation ownership. My colleagues in the Alaska congressional delegation and I have devoted a great deal of time in reaching out and encouraging comment from Southeast Alaska on this new bill. Sealaska has itself conducted numerous public meetings on the bill throughout the region. I believe that these efforts have helped us to formulate a bill that addresses the concerns we most frequently heard.

The legislation we are introducing today in the 111th Congress is different from the original bill in numerous respects. In some cases, the lands open to Sealaska selection have changed from those that were available in the first House bill to accommodate community concerns. For example, this bill, compared to last September's version, reduces the economic development timber land selection pool to about 78,000 acres from 80,000 to protect additional boat anchorages by retention of shoreline timber in Shipley Bay on northern Prince of Wales Island and at Cape Pole on southwest Kosciusko Island. It eliminates the Lacy Cover Native Futures Site on northern Chichagof Island, it provides full public access across sacred sites and historic trail conveyances near Yakutat and Kake. It addresses the concern of the Huna Indian Association for management of sacred sites in Glacier Bay and it deals with a complaint about the original

bill by the U.S. Forest Service. Our conversations have led to precedent setting commitment by the Sealaska Corporation to maintain public access to the economic development lands it receives on Prince of Wales Island for subsistence uses and recreational access. These commitments are laid out in section 4(d) of this bill.

Sealaska also has offered a series of commitments to ensure that the benefits of this legislation flow to the broader Southeast Alaska economy and not just to the Corporation and its native shareholders. These commitments are memorialized in a letter from Sealaska's chairman, Alaska State Senator Albert Kookesh, and its president and chief executive officer, Chris E. McNeil, Jr.

We all hope that after 38 years that this measure can advance to passage this Congress and resolve the last 65,000 to 85,000 acres of entitlement that southeast Alaska's 23,000 Native shareholders have long had a right to receive. It is impossible to expect Alaska's native corporations to provide meaningful assistance to Alaska's native community if they continue to be denied the lands that Congress intended them to receive to utilize to provide economic benefits for the native people's of the State. I hope this measure can pass and become law before the 40th anniversary of the claims settlement act in 2011. Justice delayed truly is justice denied.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojbection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 881

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 ''Southeast Alaska Native Land Entitlement Finalization Act''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) in 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to recognize and settle the aboriginal claims of Alaska Natives to land historically used by Alaska Natives for traditional, cultural, and spiritual purposes; and

(B) that Act declared that the land settlement ''should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives'';

(2) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(A) authorized the distribution of approximately $1,000,000,000 and 44,000,000 acres of land to Alaska Natives; and

(B) provided for the establishment of Native Corporations to receive and manage the funds and that land to meet the cultural, social, and economic needs of Native shareholders;

(3) under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), each Regional Corporation, other than Sealaska Corporation (the Regional Corporation for southeast Alaska) (referred to in this Act as ''Sealaska''), was authorized to receive a share of land based on the proportion that the number of Alaska Native shareholders residing in the region of the Regional Corporation bore to the total number of Alaska Native shareholders, or the relative size of the area to which the Regional Corporation had an aboriginal land claim bore to the size of the area to which all Regional Corporations had aboriginal land claims;

(4)(A) Sealaska, the Regional Corporation for southeast Alaska, 1 of the Regional Corporations with the largest number of Alaska Native shareholders, with more than 21 percent of all original Alaska Native shareholders, did not receive land under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611);

(B) the Tlingit and Haida Indian Tribes of Alaska was 1 of the entities representing the Alaska Natives of southeast Alaska before the date of enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(C) Sealaska did not receive land in proportion to the number of Alaska Native shareholders, or in proportion to the size of the area to which Sealaska had an aboriginal land claim, in part because of a United States Court of Claims cash settlement to the Tlingit and Haida Indian Tribes of Alaska in 1968 for land previously taken to create the Tongass National Forest and Glacier Bay National Monument;

(5) the Court of Claims cash settlement of $7,500,000 did not—

(A) adequately compensate the Alaska Natives of southeast Alaska for the significant quantity of land and resources lost as a result of the creation of the Tongass National Forest and Glacier Bay National Monument or other losses of land and resources; or

(B) justify the significant disparate treatment of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1611);

(6)(A) while each other Regional Corporation received a significant quantity of land under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), Sealaska only received land under section 14(h) of that Act (43 U.S.C. 1613(h)), which provided a 2,000,000-acre land pool from which Alaska Native selections could be made for historic sites, cemetery sites, Urban Corporation land, Native group land, and Native Allotments;

(B) under section 14(h)(8) of that Act (43 U.S.C. 1613(h)(8)), after selections are made under paragraphs (1) through (7) of that section, the land remaining in the 2,000,000-acre land pool is allocated based on the proportion that the original Alaska Native shareholder population of a Regional Corporation bore to the original Alaska Native shareholder population of all Regional Corporations; and

(C) the only land entitlement of Sealaska derives from a proportion of leftover land remaining from the 2,000,000-acre land pool, estimated as of the date of enactment of this Act at approximately 1,700,000 acres;

(7) despite the small land base of Sealaska as compared to other Regional Corporations (less than 1 percent of the total quantity of land allocated pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), Sealaska has—

(A) provided considerable benefits to shareholders; and

(B) been a significant economic force in southeast Alaska;

(8) pursuant to the revenue sharing provisions of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), Sealaska has distributed more than $300,000,000 during the period beginning on January 1, 1971, and ending on December 31, 2005, to Native Corporations throughout the State of Alaska from the development of natural resources, which accounts for 42 percent of the total revenues shared under that section during that period;

(9) as a result of the small land entitlement of Sealaska, it is critical that the remaining land entitlement conveyances to Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) are fulfilled to continue to meet the economic, social, and cultural needs of the Alaska Native shareholders of southeast Alaska and the Alaska Native community throughout Alaska;

(10)(A) the conveyance requirements of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for southeast Alaska limit the land eligible for conveyance to Sealaska to the original withdrawal areas surrounding 10 Alaska Native villages in southeast Alaska, which precludes Sealaska from selecting land located—

(i) in any withdrawal area established for the Urban Corporations for Sitka and Juneau, Alaska; or

(ii) outside the 10 Alaska Native village withdrawal areas; and

(B) unlike other Regional Corporations, Sealaska was not authorized to request land located outside the withdrawal areas described in subparagraph (A) if the withdrawal areas were insufficient to complete the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(11) 44 percent (820,000 acres) of the 10 Alaska Native village withdrawal areas established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) described in paragraph (10) are composed of salt water and not available for selection;

(12) of land subject to the selection rights of Sealaska, 110,000 acres are encumbered by gubernatorial consent requirements under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(13) the Forest Service and the Bureau of Land Management grossly underestimated the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), resulting in an insufficient area from which Sealaska could select land suitable for traditional, cultural, and socioeconomic purposes to accomplish a settlement ''in conformity with the real economic and social needs of Natives'', as required under that Act;

(14) the 10 Alaska Native village withdrawal areas in southeast Alaska surround the Alaska Native communities of Yakutat, Hoonah, Angoon, Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan, and Saxman;

(15) in each withdrawal area, there exist factors that limit the ability of Sealaska to select sufficient land, and, in particular, economically viable land, to fulfill the land entitlement of Sealaska, including factors such as—

(A) with respect to the Yakutat withdrawal area—

(i) 46 percent of the area is salt water;

(ii) 10 sections (6,400 acres) around the Situk Lake were restricted from selection, with no consideration provided for the restriction; and

(iii)(I) 70,000 acres are subject to a gubernatorial consent requirement before selection; and

(II) Sealaska received no consideration with respect to the consent restriction;

(B) with respect to the Hoonah withdrawal area, 51 percent of the area is salt water;

(C) with respect to the Angoon withdrawal area—

(i) 120,000 acres of the area is salt water;

(ii) Sealaska received no consideration regarding the prohibition on selecting land from the 80,000 acres located within the Admiralty Island National Monument; and

(iii)(I) the Village Corporation for Angoon was allowed to select land located outside the withdrawal area on Prince of Wales Island, subject to the condition that the Village Corporation shall not select land located on Admiralty Island; but

(II) no alternative land adjacent to the out-of-withdrawal land of the Village Corporation was made available for selection by Sealaska;

(D) with respect to the Kake withdrawal area—

(i) 64 percent of the area is salt water; and

(ii) extensive timber harvesting by the Forest Service occurred in the area before 1971 that significantly reduced the value of land available for selection by, and conveyance to, Sealaska;

(E) with respect to the Kasaan withdrawal area—

(i) 54 percent of the area is salt water; and

(ii) the Forest Service previously harvested in the area;

(F) with respect to the Klawock withdrawal area—

(i) the area consists of only 5 townships, as compared to the usual withdrawal area of 9 townships, because of the proximity of the Klawock withdrawal area to the Village of Craig, which reduces the selection area by 92,160 acres; and

(ii) the Klawock and Craig withdrawal areas are 35 percent salt water;

(G) with respect to the Craig withdrawal area, the withdrawal area consists of only 6 townships, as compared to the usual withdrawal area of 9 townships, because of the proximity of the Craig withdrawal area to the Village of Klawock, which reduces the selection area by 69,120 acres;

(H) with respect to the Hydaburg withdrawal area—

(i) 36 percent of the area is salt water; and

(ii) Sealaska received no consideration under the Haida Land Exchange Act of 1986 (Public Law No. 99–664; 100 Stat. 4303) for relinquishing selection rights to land within the withdrawal area that the Haida Corporation exchanged to the Forest Service;

(I) with respect to the Klukwan withdrawal area—

(i) 27 percent of the area is salt water; and

(ii) the withdrawal area is only 70,000 acres, as compared to the usual withdrawal area of 207,360 acres, which reduces the selection area by 137,360 acres; and

(J) with respect to the Saxman withdrawal area—

(i) 29 percent of the area is salt water;

(ii) Sealaska received no consideration for the 50,576 acres within the withdrawal area adjacent to the first-class city of Ketchikan that were excluded from selection;

(iii) Sealaska received no consideration with respect to the 1977 amendment to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) requiring gubernatorial consent for selection of 58,000 acres in that area; and

(iv) 23,888 acres are located within the Annette Island Indian Reservation for the Metlakatla Indian Tribe and are not available for selection;

(16) the selection limitations and guidelines applicable to Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(A) are inequitable and inconsistent with the purposes of that Act because there is insufficient land remaining in the withdrawal areas to meet the traditional, cultural, and socioeconomic needs of the shareholders of Sealaska; and

(B) make it difficult for Sealaska to select—

(i) places of sacred, cultural, traditional, and historical significance; and

(ii) Alaska Native futures sites located outside the withdrawal areas of Sealaska;

(17)(A) the deadline for applications for selection of cemetery sites and historic places on land outside withdrawal areas established under section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613) was July 1, 1976;

(B)(i) as of that date, the Bureau of Land Management notified Sealaska that the total entitlement of Sealaska would be approximately 200,000 acres; and

(ii) Sealaska made entitlement allocation decisions for cultural sites and economic development sites based on that original estimate;

(C) as a result of the Alaska Land Transfer Acceleration Act (Public Law 108–452; 118 Stat. 3575) and subsequent related determinations and actions of the Bureau of Land Management, Sealaska will receive significantly more than 200,000 acres pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(D) Sealaska would prefer to allocate more of the entitlement of Sealaska to the acquisition of places of sacred, cultural, traditional, and historical significance; and

(E)(i) pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1610(a)(1)), Sealaska was not authorized to select under section 14(h)(1) of that Act (43 U.S.C. 1613(h)(1)) any site within Glacier Bay National Park, despite the abundance of cultural sites within that Park;

(ii) Sealaska seeks cooperative agreements to ensure that sites within Glacier Bay National Park are subject to cooperative management by Sealaska, Village and Urban Corporations, and federally recognized tribes with ties to the cultural sites and history of the Park; and

(iii) Congress—

(I) recognizes the existence of a memorandum of understanding between the National Park Service and the Hoonah Indian Association;

(II) does not intend to circumvent that memorandum of understanding; and

(III) intends to ensure that the memorandum of understanding and similar mechanisms for cooperative management in Glacier Bay are required by law;

(18)(A) the cemetery sites and historic places conveyed to Sealaska pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) are subject to a restrictive covenant not required by law that does not allow any type of management or use that would in any way alter the historic nature of a site, even for cultural education or research purposes;

(B) historic sites managed by the Forest Service are not subject to the limitations referred to in subparagraph (A); and

(C) those limitations hinder the ability of Sealaska to use the sites for cultural, educational, or research purposes for Alaska Natives and others;

(19) unless Sealaska is allowed to select land outside designated withdrawal areas in southeast Alaska, Sealaska will not be able—

(A) to complete the land entitlement selections of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(B) to secure ownership of places of sacred, cultural, traditional, and historical importance to the Alaska Natives of southeast Alaska;

(C) to maintain the existing resource development and management operations of Sealaska; or

(D) to provide continued economic opportunities for Alaska Natives in southeast Alaska;

(20) in order to realize cultural preservation goals while also diversifying economic opportunities, Sealaska should be authorized to select and receive conveyance of—

(A) sacred, cultural, traditional, and historic sites and other places of traditional cultural significance, including traditional and customary trade and migration routes, to facilitate the perpetuation and preservation of Alaska Native culture and history; and

(B) Alaska Native future sites to facilitate appropriate tourism and outdoor recreation enterprises;

(21) Sealaska has played, and is expected to continue to play, a significant role in the health of the southeast Alaska economy;

(22)(A) the rate of unemployment in southeast Alaska exceeds the statewide rate of unemployment on a non-seasonally adjusted basis; and

(B) in January 2008, the Alaska Department of Labor and Workforce Development reported the unemployment rate for the Prince of Wales–Outer Ketchikan census area at 20 percent;

(23) many southeast Alaska communities—

(A) are dependent on high-cost diesel fuel for the generation of energy; and

(B) desire to diversify their energy supplies with wood biomass alternative fuel and other renewable and alternative fuel sources;

(24) if the resource development operations of Sealaska cease on land appropriate for those operations, there will be a significant negative impact on—

(A) southeast Alaska Native shareholders;

(B) the cultural preservation activities of Sealaska;

(C) the economy of southeast Alaska; and

(D) the Alaska Native community that benefits from the revenue-sharing requirements under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(25) on completion of the conveyances of land to Sealaska to fulfill the full land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the encumbrances on 327,000 acres of Federal land created by the withdrawal of land for selection by Native Corporations in southeast Alaska would be removed, which will facilitate thorough and complete planning and efficient management relating to national forest land in southeast Alaska by the Forest Service.

(b) PURPOSE.—The purpose of this Act is to address the inequitable treatment of Sealaska by allowing Sealaska to select the remaining land entitlement of Sealaska under section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613) from designated Federal land in southeast Alaska located outside the 10 southeast Alaska Native village withdrawal areas.

SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.

(a) SELECTION BY SEALASKA.—

(1) IN GENERAL.—Notwithstanding section 14(h)(8)(B) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)(B)), Sealaska is authorized to select and receive conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et seq.) from Federal land located in southeast Alaska from each category described in subsection (b).

(2) NATIONAL PARK SERVICE.—The National Park Service is authorized to enter into a cooperative management agreement described in subsection (c)(2) for the purpose, in part, of recognizing and perpetuating the values of the National Park Service, including those values associated with the Tlingit homeland and culture, wilderness, and ecological preservation.

(b) CATEGORIES.—The categories referred to in subsection (a) are the following:

(1)(A) Economic development land from the area of land identified on the map entitled ''Sealaska ANCSA Land Entitlement Rationalization Pool'', dated March 9, 2009, and labeled ''Attachment A''.

(B) A nonexclusive easement to Sealaska to allow—

(i) access on the forest development road and use of the log transfer site identified in paragraphs (3)(c) and (3)(d) of the patent numbered 50–85–0112 and dated January 4, 1985;

(ii) access on the forest development road identified in paragraphs (2)(a) and (2)(b) of the patent numbered 50–92–0203 and dated February 24, 1992; and

(iii) access on the forest development road identified in paragraph (2)(a) of the patent numbered 50–94–0046 and dated December 17, 1993.

(2) Sites with sacred, cultural, traditional, or historic significance, including traditional and customary trade and migration routes, archeological sites, cultural landscapes, and natural features having cultural significance, subject to the condition that—

(A) not more than 2,400 acres shall be selected for this purpose, from land identified on—

(i) the map entitled ''Places of Sacred, Cultural, Traditional and Historic Significance'', dated March 9, 2009, and labeled ''Attachment B''; and

(ii) the map entitled ''Traditional and Customary Trade and Migration Routes'', dated March 9, 2009, and labeled ''Attachment C'', which includes an identification of—

(I) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus and at 8 locations along the route, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Yakutat to Dry Bay Trade and Migration Route'', dated March 9, 2009, and labeled ''Attachment C'';

(II) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Bay of Pillars to Port Camden Trade and Migration Route'', dated March 9, 2009, and labeled ''Attachment C''; and

(III) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Portage Bay to Duncan Canal Trade and Migration Route,'' dated March 9, 2009, and labeled ''Attachment C''; and

(B) an additional 1,200 acres may be used by Sealaska to acquire places of sacred, cultural, traditional, and historic significance, archeological sites, traditional, and customary trade and migration routes, and other sites with scientific value that advance the understanding and protection of Alaska Native culture and heritage that—

(i) as of the date of enactment of this Act, are not fully identified or adequately documented for cultural significance; and

(ii) are located outside of a unit of the National Park System.

(3) Alaska Native futures sites with traditional and recreational use value, as identified on the map entitled ''Native Futures Sites'', dated March 9, 2009, and labeled ''Attachment D'', subject to the condition that not more than 5,000 acres shall be selected for those purposes.

(c) SITES IN CONSERVATION SYSTEM UNITS.—

(1) IN GENERAL.—No site with sacred, cultural, traditional, or historic significance that is identified in the document labeled ''Attachment B'' and located within a unit of the National Park System shall be conveyed to Sealaska pursuant to this Act.

(2) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Director of the National Park Service shall offer to enter into a cooperative management agreement with Sealaska, other Village Corporations and Urban Corporations, and federally recognized Indian tribes with cultural and historical ties to Glacier Bay National Park, in accordance with the requirements of subparagraph (B).

(B) REQUIREMENTS.—A cooperative agreement under this paragraph shall—

(i) recognize the contributions of the Alaska Natives of southeast Alaska to the history, culture, and ecology of Glacier Bay National Park and the surrounding area;

(ii) ensure that the resources within the Park are protected and enhanced by cooperative activities and partnerships among federally recognized Indian tribes, Village Corporations and Urban Corporations, Sealaska, and the National Park Service;

(iii) provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and Alaska Natives, including guided tours, interpretation, and the establishment of culturally relevant visitor sites; and

(iv) provide appropriate opportunities for ecologically sustainable visitor-related education and cultural interpretation within the Park—

(I) in a manner that is not in derogation of the purposes and values of the Park (including those values associated with the Park as a Tlingit homeland); and

(II) in a manner consistent with wilderness and ecological preservation.

(C) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the National Park Service shall submit to Congress a report describing each activity for cooperative management of each site described in subparagraph (A) carried out under a cooperative agreement under this paragraph.

SEC. 4. CONVEYANCES TO SEALASKA.

(a) TIMELINE FOR CONVEYANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of selection of land by Sealaska under paragraphs (1) and (3) of section 3(b), the Secretary of the Interior (referred to in this Act as the ''Secretary'') shall complete the conveyance of the land to Sealaska.

(2) SIGNIFICANT SITES.—Not later than 2 years after the date of selection of land by Sealaska under section 3(b)(2), the Secretary shall complete the conveyance of the land to Sealaska.

(b) EXPIRATION OF WITHDRAWALS.—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(1) the original withdrawal areas set aside for selection by Native Corporations in southeast Alaska under that Act (as in effect on the day before the date of enactment of this Act) shall be rescinded; and

(2) land located within a withdrawal area that is not conveyed to a southeast Alaska Regional Corporation or Village Corporation shall be returned to the unencumbered management of the Forest Service as a part of the Tongass National Forest.

(c) LIMITATION.—Sealaska shall not select or receive under this Act any conveyance of land pursuant to paragraph (1) or (3) of section 3(b) located within—

(1) any conservation system unit;

(2) any federally designated wilderness area; or

(3) any land use designation I or II area.

(d) APPLICABLE EASEMENTS AND PUBLIC ACCESS.—

(1) IN GENERAL.—The conveyance to Sealaska of land pursuant to paragraphs (1) and (2)(A)(ii) of section 3(b) that is located outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) a reservation for easements for public access on the public roads depicted on the document labeled ''Attachment E'' and dated March 9, 2009;

(B) a reservation for easements along the temporary roads designated by the Forest Service as of the date of enactment of this Act for the public access trails depicted on the document labeled ''Attachment E'' and dated March 9, 2009;

(C) any valid preexisting right reserved pursuant to section 14(g) or 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)); and

(D)(i) the right of noncommercial public access for subsistence uses, consistent with title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), and recreational access without liability to Sealaska; and

(ii) the right of Sealaska to regulate access for public safety, cultural, or scientific purposes, environmental protection, and uses incompatible with natural resource development, subject to the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of any such condition.

(2) EFFECT.—No right of access provided to any individual or entity (other than Sealaska) by this subsection—

(A) creates any interest of such an individual or entity in the land conveyed to Sealaska in excess of that right of access; or

(B) provides standing in any review of, or challenge to, any determination by Sealaska regarding the management or development of the applicable land.

(e) CONDITIONS ON SACRED, CULTURAL, AND HISTORIC SITES.—The conveyance to Sealaska of land selected pursuant to section 3(b)(2)—

(1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development on the land;

(2) shall not be subject to any additional restrictive covenant based on cultural or historic values, or any other restriction, encumbrance, or easement, except as provided in sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)); and

(3) shall allow use of the land as described in subsection (f).

(f) USES OF SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES.—Any sacred, cultural, traditional, or historic site or trade or migration route conveyed pursuant to this Act may be used for—

(1) preservation of cultural knowledge and traditions associated with such a site;

(2) historical, cultural, and scientific research and education;

(3) public interpretation and education regarding the cultural significance of those sites to Alaska Natives;

(4) protection and management of the site to preserve the natural and cultural features of the site, including cultural traditions, values, songs, stories, names, crests, and clan usage, for the benefit of future generations; and

(5) site improvement activities for any purpose described in paragraphs (1) through (4), subject to the condition that the activities are consistent with the sacred, cultural, traditional, or historic nature of the site.

(g) TERMINATION OF RESTRICTIVE COVENANTS.—

(1) IN GENERAL.—Each restrictive covenant regarding cultural or historical values with respect to any interim conveyance or patent for a historic or cemetery site issued to

Sealaska pursuant to the regulations contained in sections 2653.3 and 2653.11 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), in accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)), terminates on the date of enactment of this Act.

(2) REMAINING CONDITIONS.—Land subject to a covenant described in paragraph (1) on the day before the date of enactment of this Act shall be subject to the conditions described in subsection (e).

(3) RECORDS.—Sealaska shall be responsible for recording with the land title recorders office of the State of Alaska any modification to an existing conveyance of land under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a result of this Act.

(h) CONDITIONS ON ALASKA NATIVE FUTURES LAND.—Each conveyance of land to Sealaska selected under section 3(b)(3) shall be subject only to—

(1) a covenant prohibiting any commercial timber harvest or mineral development; and

(2) the restrictive covenants, encumbrances, or easements under sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

SEC. 5. MISCELLANEOUS.

(a) STATUS OF CONVEYED LAND.—Each conveyance of Federal land to Sealaska pursuant to this Act, and each action carried out to achieve the purpose of this Act, shall be considered to be conveyed or acted on, as applicable, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(b) ENVIRONMENTAL MITIGATION AND INCENTIVES.—Notwithstanding subsection (e) and (h) of section 4, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and this Act shall be considered to be qualified to receive or participate in, as applicable—

(1) any federally authorized carbon sequestration program, ecological services program, or environmental mitigation credit; and

(2) any other federally authorized environmental incentive credit or program.

(c) NO MATERIAL EFFECT ON FOREST PLAN.—

(1) IN GENERAL.—The implementation of this Act, including the conveyance of land to Sealaska, alone or in combination with any other factor, shall not require an amendment of, or revision to, the Tongass National Forest Land and Resources Management Plan before the first revision of that Plan scheduled to occur after the date of enactment of this Act.

(2) BOUNDARY ADJUSTMENTS.—The Secretary of Agriculture shall implement any land ownership boundary adjustments to the Tongass National Forest Land and Resources Management Plan resulting from the implementation of this Act through a technical amendment to that Plan.

(d) NO EFFECT ON EXISTING INSTRUMENTS, PROJECTS, OR ACTIVITIES.—

(1) IN GENERAL.—Nothing in this Act or the implementation of this Act revokes, suspends, or modifies any permit, contract, or other legal instrument for the occupancy or use of Tongass National Forest land, or any determination relating to a project or activity that authorizes that occupancy or use, that is in effect on the day before the date of enactment of this Act.

(2) TREATMENT.—The conveyance of land to Sealaska pursuant to this Act shall be subject to the instruments and determinations described in paragraph (1) to the extent that those instruments and determinations authorize occupancy or use of the land so conveyed.

(e) TECHNICAL CORRECTIONS.—

(1) TRIBAL FOREST PROTECTION.—Section 2(a)(2) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(a)(2)) is amended—

(A) in subparagraph (A), by inserting '', or is conveyed to an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)'' before the semicolon; and

(B) in subparagraph (B)(i)—

(i) in subclause (I), by striking ''or'' at the end; and

(ii) by adding at the end the following:

''(III) is owned by an Alaska Native Corporation established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and is forest land or formerly had a forest cover or vegetative cover that is capable of restoration; or''.

(2) NATIONAL HISTORIC PRESERVATION.—Section 301 of the National Historic Preservation Act (16 U.S.C. 470w) is amended by striking paragraph (14) and inserting the following:

''(14)(A) 'Tribal lands' means—

''(i) all land within the exterior boundaries of any Indian reservation;

''(ii) all dependent Indian communities; and

''(iii) land held by an incorporated Alaska Native group, a Regional Corporation, or a Village Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(B) Nothing in this paragraph validates, invalidates, or otherwise affects any claim regarding the existence of Indian country (as defined in section 1151 of title 18, United States Code) in the State of Alaska.''.

SEC. 6. MAPS.

(a) AVAILABILITY.—Each map referred to in this Act shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) CORRECTIONS.—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this Act.

(c) TREATMENT.—No map referred to in this Act shall be considered to be an attempt by the Federal Government to convey any State or private land.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

By Mr. REID (for Mr. KENNEDY (for himself and Mr. GRASSLEY):

S. 882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety and quality of medical products and enhance the authorities of the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. GRASSLEY. Mr. President, over the last 5 years I have conducted extensive oversight of the Food and Drug Administration. As a result of my oversight activities, I identified serious problems at the FDA that included: the quashing of scientific opinion within the agency; delays in informing the public of emerging safety problems; too cozy a relationship between the FDA and the industries it is supposed to regulate; and a failure to be adequately transparent and accountable to the public.

The FDA will require strong leadership to rebuild public confidence and tackle the cultural and organizational problems that have plagued the agency.

Strong leadership alone, however, will not fix all the problems.

The agency needs additional tools, resources, and authorities to fulfill its mission of protecting the health and safety of the American people.

In September 2007, the Congress passed the Food and Drug Administration Amendments Act to provide FDA some of the needed tools, resources, and authorities.

This legislation was a positive step forward in strengthening the agency and restoring the public's trust in the FDA, but Congress's work is not done.

Today, I am here to talk about another FDA bill.

In the summer of 2007, I started examining FDA's program for inspections of foreign pharmaceutical manufacturing plants.

I expressed concerns to the FDA regarding, among other things, inspection funding, emerging exporters, and severe weaknesses in the inspection process.

An increasing amount of the drugs and active pharmaceutical ingredients Americans use are being manufactured in foreign countries, primarily in China and India.

Yet as reported by the Government Accountability Office in November 2007, the Food and Drug Administration does not know how many foreign establishments are subject to inspection and the agency conducts relatively few foreign inspections each year.

According to the FDA, from fiscal year 2002 through fiscal year 2007, the agency conducted fewer than 1,400 inspections of foreign pharmaceutical facilities.

And these inspections were often conducted in countries with few reported quality concerns.

In China, the world's largest producer of active pharmaceutical ingredients, and where we have seen increasing reports of contaminated products, only 11 inspections were conducted during fiscal year 2007—that is way too few.

During the same year, FDA conducted 14 inspections in Switzerland, 18 in Germany, and 24 in France—all countries with advanced regulatory infrastructures.

In addition, FDA officials estimated that the agency inspected foreign class II device makers every 27 years and foreign class III device makers every 6 years.

Class III devices are devices that support or sustain human life or present a potentially unreasonable risk of illness or injury, such as pacemakers and heart defibrillators.

In January 2008, we saw too well what happens when we have a broken inspection system.

Baxter International Inc. temporarily suspended production of its

blood thinner Heparin because of an increase in reports of adverse events that may be associated with its drug. Then recalls were announced. There were serious concerns about whether or not this country would have enough Heparin to meet patient needs as a result of the contamination. After several months, FDA's investigation found that the active ingredient in Heparin, which was made at a facility in China, was contaminated. And the serious adverse events in patients who received Heparin were linked to the contaminated blood thinner.

The recalls and investigation of contaminated Heparin highlighted significant weaknesses in FDA's oversight of the production and supply chain and emphasized the need to improve FDA's protection of the safety of products made in this country and abroad.

The FDA is charged with ensuring the safety and efficacy of drugs, pharmaceutical ingredients, and devices produced around the world despite its inadequate budget for inspections, in particular foreign inspections.

It is troubling that the FDA is grossly under-resourced at a time when foreign production of drugs and active pharmaceutical ingredients is growing at record rates.

Last Congress, I introduced the Drug and Device Accountability Act of 2008 with Senator KENNEDY, chairman of the Committee on Health, Education, Labor, and Pensions. The Congress did not have an opportunity to act on that legislation. So today Senator KENNEDY and I are introducing the Drug and Device Accountability Act of 2009.

Senator KENNEDY is not able to join me on the Senate floor, but I thank him for his cooperation and work with my office on this important legislation.

I also want to take this opportunity to express my appreciation for his commitment and efforts over the years to reform and improve the FDA.

I am going to spend the next few minutes highlighting some of the things the Drug and Device Accountability Act of 2009 would do.

This bill would augment FDA's resources through the collection of inspection fees.

It also expands the agency's authority for ensuring the safety of drugs and medical devices, including foreign manufactured drugs and devices by expanding FDA's authority to inspect foreign manufacturers and importers; allowing the FDA to issue subpoenas; and allowing the FDA to detain a device or drug when its inspectors have reason to believe the product is adulterated or misbranded.

In addition, the bill would require individuals responsible for submitting a drug or device application or a report related to safety or efficacy to certify that the application or report complies with applicable regulations and is not false or misleading. Civil as well as criminal penalties could be imposed for false or misleading certifications.

I believe this is an important provision given the troubling findings over the last few years; that is, that some companies have withheld important safety information from the FDA or buried that information in their submissions to the agency.

In addition, in light of recent serious allegations that have been raised by scientists within the FDA regarding the agency's handling of medical device reviews, the bill calls for an Institute of Medicine study to examine FDA's system for clearing and approving devices for marketing.

During President Obama's weekly address last month, the President stated, ''There are certain things only a government can do. And one of those things is ensuring that the foods we eat, and the medicines we take, are safe and do not cause us harm.''

I concur, and the Drug and Device Accountability Act is an opportunity for Congress to help FDA do a better job of ensuring that our increasingly foreign-produced drug and device supply is safe and effective.

I look forward to working with my colleagues in the Senate and with the Obama administration to ensure that FDA has the necessary tools and resources to meet its oversight responsibilities.

By Mr. KERRY (for himself and Mr. GRAHAM):

S. 883. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, today along with Senator GRAHAM, I am introducing the Medal of Honor Commemorative Coin Act of 2009 to assist the Congressional Medal of Honor Foundation in raising the funds it needs to promote the qualities which the Medal of Honor embodies—courage, sacrifice, selfless service, and patriotism.

The Medal of Honor was first authorized by Congress in 1861 and represents our Nation's highest award for valor in action against an enemy force. The medal symbolizes the value we, as a Nation, place on the power of one individual to make a difference in extraordinary circumstances through selfless actions of bravery. Although the Medal of Honor was created for the Civil War, Congress made it a permanent decoration in 1863. Since then, fewer than 3,500 Medals of Honor have been awarded to members of the U.S. Armed Forces—approximately half during the Civil War. Today, there are only 111 living recipients. These select few exemplify the values of our great nation through their incredible acts of bravery and commitment to our country.

The Congressional Medal of Honor Foundation was formed in 1999. This 501(c)(3) not-for-profit organization promotes heroism and selflessness among our Nation's youth by perpetuating the Medal of Honor's legacy through increased awareness, education, scholarships, behavior, and example. The commemorative coins will be legal tender, emblematic of the spirit of the Medal of Honor, giving the holder a physical reminder of the American tradition of selfless service and sacrifice. These coins will be minted for the year 2011, marking the 150th anniversary of the Medal of Honor's initial authorization by Congress.

Today, in Iraq and Afghanistan, American soldiers not only serve their country selflessly but do so in an exemplary manner. In this time of war and sacrifice it is of utmost importance that we show the people fighting for their country how much we value their service.

This is the medal won by Sergeant First Class Paul R. Smith. Under attack at the Baghdad International Airport, Sergeant Smith quickly organized the defense on the ground to engage a company-sized enemy force. He showed no concern for his own personal safety when he mounted a personnel carrier and manned a .50 caliber machine gun while under fire from the enemy and was mortally wounded in doing so. His valor lead to the defeat of the enemy and saved the lives of numerous injured members of his platoon.

This is the medal won by Captain Humbert Roque Versace. During an intense attack by the Viet Cong in the Xuyen Providence Captain Versace was wounded while engaging the enemy. Although he fought against capture through injury and hostility he was taken prisoner. While incarcerated Captain Versace exemplified the Code of Conduct as a prisoner of war, attempted to escape three times and never gave in to the brutal interrogations all while maintaining command over his fellow American soldiers that were also imprisoned setting an extraordinary example.

This is the medal won by Marine Corps Second Lieutenant Robert Dale Reem, who on the night of November 6, 1950, after leading three separate assaults on an enemy position in the vicinity of Chinhung-ni, Korea, threw himself on top of an enemy grenade that landed amidst his men.

Since 1863 this country has been honoring its greatest heroes by decorating them with the Congressional Medal of Honor. This is an elite group of men and women who make us proud everyday of the U.S. Armed Forces and the protection they afford us. We should show our thanks in the best manner possible.

I ask all my colleagues to support this legislation.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 884. A bill to amend title 23, United States Code, to remove privatized highway miles as a factor in apportioning highway funding; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, when our States and cities lease their tolled highways to private parties, American taxpayers almost always experience significant fee increases at the toll booth. But our taxpayers' contribution does not end there. Under current tax law, the Federal Treasury subsidizes private lessors through exceedingly generous depreciation and amortization deductions. Meanwhile, Federal funding continues to flow to the state government—as though the highway had never been privatized. Today, I rise to introduce two bills that would put an end to this fleecing of the American taxpayer. I am pleased that Senator GRASSLEY, the Ranking Member of the Senate Finance Committee, is joining me in introducing both bills.

I'd like to take a moment to set the stage, by explaining where we find ourselves. There is no denying the seriousness of our nation's surface transportation funding challenges. Among the solutions that have been offered are so-called Public-Private Partnerships, or PPPs. Under one PPP model, a state or local government leases existing highways to a private party, often on a very long-term basis. We have already seen two existing highways sold off to private companies. In 2004, Chicago sold Macquarie of Australia concession rights to the Chicago Skyway for 99 years, in exchange for $1.8 billion. In 2006, Indiana sold concession rights to the Indiana Toll Road to a partnership between Cintra of Spain and Macquarie for 75 years, in exchange for $3.8 billion. Both deals have generated significant interest from the press and the financial community. Now, investors are approaching state and local governments across the country, seeking a piece of what is believed to be a very lucrative pie. For instance, last year Governor Ed Rendell proposed a $12.8 billion deal for a 75-year sale of concession rights to the Pennsylvania Turnpike, which, if ratified, would represent the largest privatization of highway infrastructure in U.S. history.

While I agree that States should have some latitude to determine how to operate their own highways, that doesn't mean that the Federal taxpayer should subsidize leasing these highways. But as we uncovered at a Finance Subcommittee on Energy, Natural Resources and Infrastructure hearing that I convened last year, the Federal government—and taxpayers in all states—now subsidizes these PPPs through exceedingly generous tax provisions. To take advantage of the Tax Code's 15-year cost recovery period for highway infrastructure, a private lessor must obtain constructive ownership of the road. Constructive ownership is generally attained by entering a lease that exceeds the 45-year period that the Bureau of Economic Affairs, BEA, says is a road's ''useful life.'' Once they attain this constructive ownership, the private lessor can recover most of its costs over the first 15 years of the lease—or one-third as long as BEA says the highway infrastructure can be expected to last. The end result? Private operators demand exceptionally long lease lengths, to ensure they can take advantage of the Tax Code's subsidy.

These Tax Code provisions are of interest not just because the Senate must prudently shepherd our Nation's tax revenues, but also because there are considerable transportation policy dangers to these very long-term leases. Chicago signed a 99-year lease for the Skyway, a road that, at the time of the lease, had only a 47 operating history. Indiana signed a 75-year lease for its Toll Road, a highway that, at the time of the lease, had only a 49 history. With respect to a critical artery of transportation, how can a State or city possibly predict its future needs for a period that is twice that artery's operating history? It is impossible to envision how transportation will change in the next hundred years. As a point of reference, the Model T is 101 years old—can we even pretend to imagine what the next century will bring? These very long lease lengths are all the more troubling because these deals often contain non-compete clauses, which make it difficult for public transportation agencies to address safety and congestion problems on highways and adjacent streets.

It is true that private lessors are merely following the letter of the law. But when cost-recovery rules subsidize forms of investment that contravene the public interest, Congress should change those rules. Indeed, public policy concerns have already led Congress to alter cost-recovery rules for other assets, such as luxury cars, sport utility vehicles, and sports franchises.

Senator GRASSLEY and I agree that to protect the American taxpayer, such an alteration is also necessary here. It's time for the tax tail to stop wagging the dog, by cutting off Federal tax subsidies to companies that privatize existing American highways. Our first bill, the Transportation Access for All Americans Act, would do just that. It would allow a private operator of an existing highway to depreciate costs associated with tangible highway infrastructure on a 45-year period, in line with Bureau of Economic Analysis estimates, and to amortize the intangible right to collect tolls on a schedule that is no shorter than the lease's actual length. By making these changes to the Tax Code, our bill eliminates the unjustifiable subsidy that the U.S. taxpayer is now asked to provide directly to the private operators.

Our second bill, S. 885, the Transportation Equity for All Americans Act, deals with the highway funding that is provided for a privatized road. As I understand it, when a road is privatized, all responsibility for maintaining the road, collecting tolls, paying the investors' profit, and so forth are taken on by the private entity. It simply makes no sense that the road should continue to qualify for highway funding if the road is privately operated. Similarly, it makes no sense that the formulae that distribute the Federal highway funding should reflect any credit for privatized roads—it would be like the users paying twice, once at the toll booth and again in the taxes they already pay to use the Nation's highways.

Under current law, all roads, including interstate highways, national highways, and other major state and local roads in the federal-aid system are included in the calculation of the federal highway funds. The lane-miles and vehicle-miles-traveled on all these roads are used directly to apportion the federal highway funds for the Interstate Maintenance Program, the National Highway Program, and the Surface Transportation Program. The calculation currently includes roads that are publicly or privately operated. Our second bill is very simple; it subtracts from these calculations the lane-miles and vehicle-miles-traveled for any privatized highway, thus eliminating the double payments. The bill also corrects the Equity Bonus program to reflect properly the changes in the formula calculations.

This year Congress must reauthorize the Federal surface transportation programs. I look forward to working with Finance Chairman BAUCUS and Senator GRASSLEY and EPW Chairman BOXER and Senator INHOFE to complete a new transportation bill that meets the needs of my State and the Nation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 884

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 ''Transportation Equity for All Americans Act''.

SEC. 2. REMOVAL OF PRIVATIZED HIGHWAY MILES.

(a) IN GENERAL.—Section 104(b) of title 23, United States Code, is amended by adding at the end the following:

''(6) PRIVATIZED HIGHWAY MILES.—

''(A) DEFINITION OF PRIVATIZED HIGHWAY.—In this paragraph, the term 'privatized highway' means a highway subject to an agreement giving a private entity—

''(i) control over the operation of the highway; and

''(ii) ownership over the toll revenues collected from the operation of the highway.

''(B) EXCLUSION.—For the purposes of paragraphs (1), (3), and (4), the lane miles and vehicle miles traveled on a privatized highway

that is otherwise an included highway shall be excluded from consideration as factors in the formula for apportionment of funds under this title.''.

(b) EQUITY BONUS.—Section 105 of title 23, United States Code, is amended by adding at the end the following:

''(g) PRIVATIZED HIGHWAYS.—Calculations under this section shall be made without taking into account the exclusion under section 104(b)(6) of certain lane miles and vehicle miles traveled from consideration as factors in the formula for apportionment of funds pursuant to this title.''.

BILL SUMMARY—TRANSPORTATION ACCESS FOR ALL AMERICANS ACT

The Internal Revenue Code generally characterizes a lease of assets as an outright purchase of those assets if the lessee has acquired all the benefits and burdens of ownership for a term that significantly exceeds their expected remaining useful life (as generally determined by the Bureau of Economic Analysis). The Bureau of Economic Analysis estimates the service life of highways and streets to be 45 years. For Federal income tax purposes, a lessor with such constructive ownership is allowed to recover its costs through depreciation and amortization deductions. Notwithstanding BEA's 45-year estimate, the Tax Code currently permits the value of the lease of tangible infrastructure to be depreciated on a 15-year schedule, on a 150% declining-balance basis. The intangible franchise right to collect tolls is currently recovered over a 15-year period, regardless of the lease length. The Act would amend Section 168(g)(2) of the Internal Revenue Code so that a taxpayer that leases an existing highway on a sufficiently longterm basis can depreciate the tangible infrastructure on a 45-year schedule, on a straight-line basis. The Act would also amend Section 197(f) of the Internal Revenue Code so that the lessor of an existing highway can amortize the intangible franchise right to collect tolls over the greater of a 15-year period or the actual length of the lease.

BILL SUMMARY—TRANSPORTATION EQUITY FOR ALL AMERICANS ACT

The bill would amend sections 104(b) and 105 of title 23, USC, pertaining to Federal-aid highways apportionment factors and the equity bonus program. Section 104(b) provides the manner in which the Secretary apportions the sums authorized to be appropriated for expenditure on the Interstate and National Highway System program, the Congestion Mitigation and Air Quality Improvement program, the highway safety improvement program, and the Surface Transportation program for that fiscal year, among the several States. The amendment to section 104(b) would remove lane miles and vehicle miles traveled on a ''privatized highway'' from the formula factors for the National Highway System, the Surface Transportation program, and the Interstate Maintenance component.

Section 105, the equity bonus program, provides that the Secretary allocate among the States amounts sufficient to ensure that no State receives a percentage of the total apportionments for the fiscal year for specific programs that is less than the calculated State percentage. The amendment to section 105 would provide that, notwithstanding section 104(b)(6), lane miles and vehicle miles traveled on a ''privatized highway'' are not excluded from the calculations under this section.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 885. A bill to amend the Internal Revenue Code of 1986 to provide special depreciation and amortization rules for highway and related property subject to long-term leases, and for other purposes; to the Committee of Finance.

Mr. BINGAMAN. 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 placed in the RECORD, as follows:

S. 885

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 ''Transportation Access for All Americans Act''.

SEC. 2. DEPRECIATION AND AMORTIZATION RULES FOR HIGHWAY AND RELATED PROPERTY SUBJECT TO LONG-TERM LEASES.

(a) ACCELERATED COST RECOVERY.—

(1) IN GENERAL.—Section 168(g)(1) of the Internal Revenue Code of 1986 (relating to alternative depreciation system for certain property) is amended by striking ''and'' at the end of subparagraph (D), by redesignating subparagraph (E) as subparagraph (F), and by inserting after subparagraph (D) the following new subparagraph:

''(E) any applicable leased highway property,''.

(2) RECOVERY PERIOD.—The table contained in subparagraph (C) of section 168(g)(2) of such Code is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

''(iv) Applicable leased highway property ..... 45 years.''.

(3) APPLICABLE LEASED HIGHWAY PROPERTY DEFINED.—

(A) IN GENERAL.—Section 168(g) of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) APPLICABLE LEASED HIGHWAY PROPERTY.—For purposes of paragraph (1)(E)—

''(A) IN GENERAL.—The term 'applicable leased highway property' means property to which this section otherwise applies which—

''(i) is subject to an applicable lease, and

''(ii) is placed in service before the date of such lease.

''(B) APPLICABLE LEASE.—The term 'applicable lease' means a lease or other arrangement—

''(i) which is between the taxpayer and a State or political subdivision thereof, or any agency or instrumentality of either, and

''(ii) under which the taxpayer—

''(I) leases a highway and associated improvements,

''(II) receives a right-of-way on the public lands underlying such highway and improvements, and

''(III) receives a grant of a franchise or other intangible right permitting the taxpayer to receive funds relating to the operation of such highway.''.

(B) CONFORMING AMENDMENT.—Subparagraph (F) of section 168(g)(1) (as redesignated by subsection (a)(1)) is amended by striking ''paragraph (7)'' and inserting ''paragraph (8)''.

(b) AMORTIZATION OF INTANGIBLES.—Section 197(f) of the Internal Revenue Code of 1986 (relating to special rules for amortization of intangibles) is amended by adding at the end the following new paragraph:

''(11) INTANGIBLES RELATING TO APPLICABLE LEASED HIGHWAY PROPERTY.—In the case of any section 197 intangible property which is subject to an applicable lease (as defined in section 168(g)(8)(B)), the amortization period under this section shall not be less than the term of the applicable lease. For purposes of the preceding sentence, rules similar to the rules of section 168(i)(3)(A) shall apply in determining the term of the applicable lease.''.

(c) NO PRIVATE ACTIVITY BOND FINANCING OF APPLICABLE LEASES.—Section 147(e) of the Internal Revenue Code of 1986 is amended by inserting '', or to finance any applicable lease (as defined in section 168(g)(8)(B))'' after ''premises''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to leases entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 887. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. 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. 887

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''H–1B and L–1 Visa Reform Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—H–1B VISA FRAUD AND ABUSE PROTECTIONS

Subtitle A—H–1B Employer Application Requirements

Sec. 101. Modification of application requirements.
Sec. 102. New application requirements.
Sec. 103. Application review requirements.

Subtitle B—Investigation and Disposition of Complaints Against H–1B Employers

Sec. 111. General modification of procedures for investigation and disposition.
Sec. 112. Investigation, working conditions, and penalties.
Sec. 113. Waiver requirements.
Sec. 114. Initiation of investigations.
Sec. 115. Information sharing.
Sec. 116. Conforming amendment.

Subtitle C—Other Protections

Sec. 121. Posting available positions through the Department of Labor.
Sec. 122. H–1B government authority and requirements.
Sec. 123. Requirements for information for H–1B and L–1 nonimmigrants.
Sec. 124. Additional Department of Labor employees.
Sec. 125. Technical correction.
Sec. 126. Application.

TITLE II—L–1 VISA FRAUD AND ABUSE PROTECTIONS

Sec. 201. Prohibition on outplacement of L–1 nonimmigrants.
Sec. 202. L–1 employer petition requirements for employment at new offices.
Sec. 203. Cooperation with Secretary of State.
Sec. 204. Investigation and disposition of complaints against L–1 employers.
Sec. 205. Wage rate and working conditions for L–1 nonimmigrant.

Sec. 206. Penalties.
Sec. 207. Prohibition on retaliation against L–1 nonimmigrants.
Sec. 208. Reports on L–1 nonimmigrants.
Sec. 209. Technical amendments.
Sec. 210. Application.
Sec. 211. Report on L–1 blanket petition process.

TITLE I—H–1B VISA FRAUD AND ABUSE PROTECTIONS

Subtitle A—H–1B Employer Application Requirements

SEC. 101. MODIFICATION OF APPLICATION REQUIREMENTS.

(a) GENERAL APPLICATION REQUIREMENTS.—Subparagraph (A) of section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended to read as follows:

''(A) The employer—

''(i) is offering and will offer to H–1B nonimmigrants, during the period of authorized employment for each H–1B nonimmigrant, wages that are determined based on the best information available at the time the application is filed and which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; and

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such H–1B nonimmigrant that will not adversely affect the working conditions of other workers similarly employed.''.

(b) INTERNET POSTING REQUIREMENT.—Subparagraph (C) of such section 212(n)(1) is amended—

(1) by redesignating clause (ii) as subclause (II);

(2) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(3) by inserting before clause (ii), as redesignated by paragraph (2) of this subsection, the following:

''(i) has posted on the Internet website described in paragraph (3), for at least 30 calendar days, a detailed description of each position for which a nonimmigrant is sought that includes a description of—

''(I) the wages and other terms and conditions of employment;

''(II) the minimum education, training, experience, and other requirements for the position; and

''(III) the process for applying for the position; and''.

(c) WAGE DETERMINATION INFORMATION.—Subparagraph (D) of such section 212(n)(1) is amended by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(d) APPLICATION OF REQUIREMENTS TO ALL EMPLOYERS.—

(1) NONDISPLACEMENT.—Subparagraph (E) of such section 212(n)(1) is amended—

(A) in clause (i)—

(i) by striking ''90 days'' both places it appears and inserting ''180 days''; and

(ii) by striking ''(i) In the case of an application described in clause (ii), the'' and inserting ''The''; and

(B) by striking clause (ii).

(2) RECRUITMENT.—Subparagraph (G)(i) of such section 212(n)(1) is amended by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject''.

(e) REQUIREMENT FOR WAIVER.—Subparagraph (F) of such section 212(n)(1) is amended to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the services or placement of H–1B nonimmigrants with another employer unless the employer of the alien has been granted a waiver under paragraph (2)(E).''.

SEC. 102. NEW APPLICATION REQUIREMENTS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting after clause (ii) of subparagraph (G) the following:

''(H)(i) The employer has not advertised any available position specified in the application in an advertisement that states or indicates that—

''(I) such position is only available to an individual who is or will be an H–1B nonimmigrant; or

''(II) an individual who is or will be an H–1B nonimmigrant shall receive priority or a preference in the hiring process for such position.

''(ii) The employer has not solely recruited individuals who are or who will be H–1B nonimmigrants to fill such position.

''(I) If the employer employs 50 or more employees in the United States, the sum of the number of such employees who are H–1B nonimmigrants plus the number of such employees who are nonimmigrants described in section 101(a)(15)(L) may not exceed 50 percent of the total number of employees.

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to the H–1B nonimmigrants for such period.''.

SEC. 103. APPLICATION REVIEW REQUIREMENTS.

(a) TECHNICAL AMENDMENT.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 102, is further amended in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer.''.

(b) APPLICATION REVIEW REQUIREMENTS.—Subparagraph (K) of such section 212(n)(1), as designated by subsection (a), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by striking ''only for completeness'' and inserting ''for completeness and clear indicators of fraud or misrepresentation of material fact,'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing in accordance with paragraph (2).''.

Subtitle B—Investigation and Disposition of Complaints Against H–1B Employers

SEC. 111. GENERAL MODIFICATION OF PROCEDURES FOR INVESTIGATION AND DISPOSITION.

Subparagraph (A) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by striking ''(A) Subject'' and inserting ''(A)(i) Subject'';

(2) by striking ''12 months'' and inserting ''24 months'';

(3) by striking the last sentence; and

(4) by adding at the end the following:

''(ii)(I) Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.

''(II) The Secretary may conduct surveys of the degree to which employers comply with the requirements of this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants.

''(III) The Secretary shall—

''(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants; and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.''.

SEC. 112. INVESTIGATION, WORKING CONDITIONS, AND PENALTIES.

Subparagraph (C) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I)—

(i) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (A), (B), (C)(i), (E), (F), (G)(i)(I), (H), (I), or (J) of paragraph (1)''; and

(ii) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)''; and

(B) in subclause (I)—

(i) by striking ''$1,000'' and inserting ''$2,000''; and

(ii) by striking ''and'' at the end;

(C) in subclause (II), by striking the period at the end and inserting a semicolon and ''and'';

(D) by adding at the end the following:

''(III) an employer that violates such subparagraph (A) shall be liable to the employees harmed by such violations for lost wages and benefits.''; and

(2) in clause (ii)

(A) in subclause (I)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''$5,000'' and inserting ''$10,000''; and

(B) in subclause (II), by striking the period at the end and inserting a semicolon and ''and'';

(C) by adding at the end the following:

''(III) an employer that violates such subparagraph (A) shall be liable to the employees harmed by such violations for lost wages and benefits.''; and

(3) in clause (iii)—

(A) in the matter preceding subclause (I), by striking ''90 days'' both places it appears and inserting ''180 days'';

(B) in subclause (I)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''and'' at the end;

(C) in subclause (II), by striking the period at the end and inserting a semicolon and ''and''; and

(D) by adding at the end the following:

''(III) an employer that violates subparagraph (A) of such paragraph shall be liable to the employees harmed by such violations for lost wages and benefits.'';

(4) in clause (iv)—

(A) by inserting ''to take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate'';

(B) by inserting ''(I)'' after ''(iv)''; and

(C) by adding at the end the following:

''(II) An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''; and

(5) in clause (vi)—

(A) by amending subclause (I) to read as follows:

''(I) It is a violation of this clause for an employer who has filed an application under this subsection—

''(aa) to require an H–1B nonimmigrant to pay a penalty for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer (the Secretary shall determine whether a required payment is a penalty, and not liquidated damages, pursuant to relevant State law); and

''(bb) to fail to offer to an H–1B nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(AA) the opportunity to participate in health, life, disability, and other insurance plans;

''(BB) the opportunity to participate in retirement and savings plans; and

''(CC) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''; and

(B) in subclause (III), by striking ''$1,000'' and inserting ''$2,000''.

SEC. 113. WAIVER REQUIREMENTS.

(a) IN GENERAL.—Subparagraph (E) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended to read as follows:

''(E)(i) The Secretary of Labor may waive the prohibition in paragraph (1)(F) if the Secretary determines that the employer seeking the waiver has established that—

''(I) the employer with whom the H–1B nonimmigrant would be placed has not displaced, and does not intend to displace, a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(II) the H–1B nonimmigrant will not be controlled and supervised principally by the employer with whom the H–1B nonimmigrant would be placed; and

''(III) the placement of the H–1B nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the H–1B nonimmigrant will be placed.

''(ii) The Secretary shall grant or deny a waiver under this subparagraph not later than 7 days after the Secretary receives the application for such waiver.''.

(b) REQUIREMENT FOR RULES.—

(1) RULES FOR WAIVERS.—The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver under subparagraph (E) of section 212(n)(2) of such Act, as amended by subsection (a).

(2) REQUIREMENT FOR PUBLICATION.—The Secretary of Labor shall submit to Congress and publish in the Federal Register and other appropriate media a notice of the date that rules required by paragraph (1) are published.

SEC. 114. INITIATION OF INVESTIGATIONS.

Subparagraph (G) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(2) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as so redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(7) by amending clause (v), as so redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(8) in clause (vi), as so redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(9) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (C).''.

SEC. 115. INFORMATION SHARING.

Subparagraph (H) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended to read as follows:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by employers of H–1B nonimmigrants as part of the adjudication process that indicates that the employer is not complying with visa program requirements for H–1B nonimmigrants. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

SEC. 116. CONFORMING AMENDMENT.

Subparagraph (F) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''.

Subtitle C—Other Protections

SEC. 121. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.

(a) DEPARTMENT OF LABOR WEBSITE.—Paragraph (3) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended to read as follows:

''(3)(A) Not later than 90 days after the date of the enactment of the H–1B and L–1 Visa Reform Act of 2009, the Secretary of Labor shall establish a searchable Internet website for posting positions as required by paragraph (1)(C). Such website shall be available to the public without charge.

''(B) The Secretary may work with private companies or nonprofit organizations to develop and operate the Internet website described in subparagraph (A).

''(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(b) REQUIREMENT FOR PUBLICATION.—The Secretary of Labor shall submit to Congress and publish in the Federal Register and other appropriate media a notice of the date that the Internet website required by paragraph (3) of section 212(n) of such Act, as amended by subsection (a), will be operational.

(c) APPLICATION.—The amendments made by subsection (a) shall apply to an application filed on or after the date that is 30 days after the date described in subsection (b).

SEC. 122. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) IMMIGRATION DOCUMENTS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 21 business days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide such employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department that is related to an immigrant or nonimmigrant petition filed by the employer for such employee or beneficiary.''.

(b) REPORT ON JOB CLASSIFICATION AND WAGE DETERMINATIONS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a report analyzing the accuracy and effectiveness of the Secretary of Labor's current job classification and wage determination system. The report shall—

(1) specifically address whether the systems in place accurately reflect the complexity of current job types as well as geographic wage differences; and

(2) make recommendations concerning necessary updates and modifications.

SEC. 123. REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.—

''(1) IN GENERAL.—Upon issuing a visa to an applicant for nonimmigrant status pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15) who is outside the United States, the issuing office shall provide the applicant with—

''(A) a brochure outlining the obligations of the applicant's employer and the rights of the applicant with regard to employment under Federal law, including labor and wage protections;

''(B) the contact information for appropriate Federal agencies or departments that offer additional information or assistance in clarifying such obligations and rights; and

''(C) a copy of the application submitted for the nonimmigrant under section 212(n) or the petition submitted for the nonimmigrant under subsection (c)(2)(A), as appropriate.

''(2) Upon the issuance of a visa to an applicant referred to in paragraph (1) who is inside the United States, the issuing officer of the Department of Homeland Security shall provide the applicant with the material described in clauses (i), (ii), and (iii) of subparagraph (A).''.

SEC. 124. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving nonimmigrant employees described in section 101(a)(15)(H)(i)(B).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 125. TECHNICAL CORRECTION.

Section 212 of the Immigration and Nationality Act is amended by redesignating the second subsection (t), as added by section 1(b)(2)(B) of the Act entitled ''An Act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998'' (Public Law 108–449 (118 Stat. 3470)), as subsection (u).

SEC. 126. APPLICATION.

Except as specifically otherwise provided, the amendments made by this title shall apply to applications filed on or after the date of the enactment of this Act.

TITLE II—L–1 VISA FRAUD AND ABUSE PROTECTIONS

SEC. 201. PROHIBITION ON OUTPLACEMENT OF L–1 NONIMMIGRANTS.

(a) IN GENERAL.—Subparagraph (F) of section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended to read as follows:

''(F)(i) Unless an employer receives a waiver under clause (ii), an employer may not employ an alien, for a cumulative period of more than 1 year, who—

''(I) will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L); and

''(II) will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent, including pursuant to an outsourcing, leasing, or other contracting agreement.''

''(ii) The Secretary of Homeland Security may grant a waiver of the requirements of clause (i) for an employer if the Secretary determines that the employer has established that—

''(I) the employer with whom the alien referred to in clause (i) would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days after the date of the placement of such alien with the employer;

''(II) such alien will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for an unaffiliated employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.

''(iii) The Secretary shall grant or deny a waiver under clause (ii) not later than 7 days after the date that the Secretary receives the application for the waiver.''.

(b) REGULATIONS.—The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver under subparagraph (F)(ii) of section 214(c)(2), as added by subsection (a).

SEC. 202. L–1 EMPLOYER PETITION REQUIREMENTS FOR EMPLOYMENT AT NEW OFFICES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this paragraph is coming to the United States to open, or be employed in, a new office, the petition may be approved for up to 12 months only if—

''(I) the alien has not been the beneficiary of 2 or more petitions under this subparagraph during the immediately preceding 2 years; and

''(II) the employer operating the new office has—

''(aa) an adequate business plan;

''(bb) sufficient physical premises to carry out the proposed business activities; and

''(cc) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary of the petition is eligible for nonimmigrant status under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, for the entire period beginning on the date on which the petition was approved under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods and services;

''(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period granted under this clause;

''(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new office; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) A new office employing the beneficiary of an L–1 petition approved under this paragraph shall do business only through regular, systematic, and continuous provision of goods and services for the entire period for which the petition is sought.

''(iv) Notwithstanding clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the Secretary's discretion, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subparagraph for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in the Secretary's discretion.''.

SEC. 203. COOPERATION WITH SECRETARY OF STATE.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 202, is further amended by adding at the end the following:

''(H) For purposes of approving petitions under this paragraph, the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify the existence or continued existence of a company or office in the United States or in a foreign country.''.

SEC. 204. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST L–1 EMPLOYERS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 202 and 203, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary shall establish a procedure for any person desiring to provide to the Secretary information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide the interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (L).

''(viii)(I) The Secretary may conduct surveys of the degree to which employers comply with the requirements under this section.

''(II) The Secretary shall—

''(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable fiscal year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in 101(a)(15)(L); and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.''.

SEC. 205. WAGE RATE AND WORKING CONDITIONS FOR L–1 NONIMMIGRANT.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 202, 203, and 204, is further amended by adding at the end the following:

''(J)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time in excess of 1 year shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; and

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more such nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) to require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) to fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(b) REGULATIONS.—The Secretary of Homeland Security shall promulgate rules, after notice and a period of comment, to implement the requirements of subparagraph (J) of section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as added by subsection (a). In promulgating these rules, the Secretary shall take into consideration any special circumstances relating to intracompany transfers.

SEC. 206. PENALTIES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 202, 203, 204, and 205, is further amended by adding at the end the following:

''(K)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (J), or (L) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants; and

''(III) in the case of a violation of subparagraph (J) or (L), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.

''(ii) If the Secretary finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (J). or (L) or a willful misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants; and

''(III) in the case of a violation of subparagraph (J) or (L), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.''.

SEC. 207. PROHIBITION ON RETALIATION AGAINST L–1 NONIMMIGRANTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 202, 203, 204, 205, and 206, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 208. REPORTS ON L–1 NONIMMIGRANTS.

Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended by inserting ''(L),'' after ''(H),''.

SEC. 209. TECHNICAL AMENDMENTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 210. APPLICATION.

The amendments made by sections 201 through 207 shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 211. REPORT ON L–1 BLANKET PETITION PROCESS.

(a) REQUIREMENT FOR REPORT.—Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate committees of Congress a report regarding the use of blanket petitions under section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)). Such report shall assess the efficiency and reliability of the process for reviewing such blanket petitions, including whether the process includes adequate safeguards against fraud and abuse.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 889. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I seek recognition to speak on legislation I am introducing with Senator CASEY that will require the Secretary of Agriculture to determine the price of all manufactured milk, classified as Class II milk, using the national average cost of production. At a time when the dairy farmers in Pennsylvania and across the country are seeing record low prices for their milk, this legislation is necessary to bring the price of milk back to a level where farmers can earn a living and provide for their families.

Over the past year, farmers in my state have seen the average price for a hundredweight, cwt, of milk drop from around $24 in July 2008, to hovering around $10 this February. This dramatic price decrease has been the result of a perfect storm of factors, including record high fuel prices last summer, which increased the cost of feed and other supplies, and a decrease in demand for dairy products abroad, where cases of melamine in milk have caused a severe drop in demand.

Last year, Sen. CASEY and I worked diligently to increase the Milk Income Loss Contract, MILC, Program in the 2008 Farm Bill. We were successful in

including a cost of production increase to all MILC payments. These direct payments from the federal government are triggered when the price of milk per cwt falls below $16.94. When the average price of milk for a given month falls below this trigger, farmers are paid 45 percent of the difference between the actual price of milk and the trigger price. With the 2008 Farm bill's inclusion of the cost of production to these payments, farmers are seeing higher MILC payments than they otherwise would.

However, this is not enough. I have heard numerous reports from my constituents that the price of milk has fallen so low that they are fearful of having to sell their farms in order to provide for their families. Many of the dairy farms in Pennsylvania are small, family-owned farms, which, once sold, will be lost forever. We cannot let this happen. The dairy industry is critical not only to Pennsylvania's economy, but to the economy of the U.S. and to the security of our nation.

The Federal Milk Marketing Improvement Act will not only use a national average cost of production to determine Class II milk, but will also keep the Secretary of Agriculture engaged in protecting farmers from falling milk prices. This legislation would require the Secretary to adjust the value of milk four times a year, ensuring that price volatilities in the fuel sector will not unfairly hurt this industry, as we have seen it do in the past year.

Finally, this legislation provides an exemption for new dairy producers, up to 3 million pounds of milk during the first year of production, to encourage growth in the industry. With recent losses across the country of so many dairy farms, this provision is important to spurring new farmers and producers to enter the dairy industry.

I look forward to working with my colleagues to advance this and other legislation which will help a vital industry to this country. Our dairy farmers are the backbone of the agricultural community, and they deserve our support.

By Mr. REID (for Mr. ROCKEFELLER):

S. 890. A bill to provide for the use of improved health information technology with respect to certain safety net health care providers; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Health Information Technology Public Utility Act, legislation I have recently introduced to facilitate nationwide adoption of electronic health records, EHRs, particularly among small, rural providers. This legislation will build on the successful open source models for EHRs developed by the Department of Veterans Affairs and the Indian Health Service—as well as the open source exchange model recently expanded among federal agencies through the Nationwide Health Information Network-Connect initiative.

Health information technology, IT, that is interoperable and meaningful is a necessary tool to improve the quality of health care Americans receive and make our health care system more efficient. It is the cornerstone of health care communication and coordination between patients and providers and among providers in order delivery high-quality medical care. Several of the mechanisms embedded in this technology—clinical decisions support, interoperability—achieve the long-term policy goals we are considering as part of our broader health reform discussions. It is clear that coordination and communication among providers, improved efficiencies in resource use, streamlined administration and billing, and increased access to meaningful data about quality improvement and improved health outcomes will not be possible without meaningful use of this technology among all providers.

However, access to affordable technology is the primary reason why providers across the nation do not invest in this valuable tool. The licensing fees of proprietary software are expensive and beyond the reach of many of health care providers—particularly small, rural providers. Moreover, the federal government has spent substantial taxpayer dollars in the development of open source technology—with the Department of Veterans Affairs and the Indian Health Service, IHS, national leaders in open source electronic health record, EHR, development and implementation. Both the Veterans Health Administration's VistA software and the Indian Health Services' Resource and Patient Management System, RPMS, are affordable and dependable systems that have been in place for decades.

Most recently, the health IT funding included in the American Recovery and Reinvestment Act, ARRA, although substantial, is likely to fall short of offering affordable options to all providers. In fact, CBO estimates that, even with funding and incentives in the ARRA, 30 percent of hospitals and 10 percent of physicians will not have adopted health IT by 2019. And, there are some providers that are ineligible for funding under ARRA altogether.

The Health Information Technology Public Utility Act will address this problem by increasing access to open source software through a public utility model. The public utility model proposed in this bill would be administered by a Federal Consolidated Health Information Technology Board under the umbrella of the ONCHIT, separate from the Policy and Standards Committees. Members of this Board would represent relevant agencies across the federal government. The Board would be responsible for linking efforts of current and new VistA and RPMS user groups, and updating VistA and RPMS open source software (including provider-based EHRs, personal health records, and other software modules) on a timely basis.

The legislation also establishes a new 21st Century Health Information Technology Grant Program to provide funding to public and not-for-profit safety net providers to cover the costs of implementation and initial maintenance of VistA and/or RPMS systems. Grants will focus on eligible hospitals and clinics, with some additional funding for demonstrations in long-term care, home health, and hospice.

The Health Information Technology Public Utility Act fills a crucial gap in health IT affordability and accessibility. This legislation does not replace commercial software; instead, it complements the private industry in this field—by making health information technology a realistic option for all providers and by making it possible for the benefits of health IT to accrue to all patients and I urge my colleagues to join me in support of this important policy.

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. 890

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 ''Health Information Technology (IT) Public Utility Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Federal Consolidated Health Information Technology Board established under section 3.

(2) RPMS.—The term ''RPMS'' means the Resource and Patient Management System of the Indian Health Service.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Veterans Affairs.

(4) VISTA.—The term ''VistA'' means the VistA software program utilized by the Department of Veterans Affairs.

SEC. 3. FEDERAL CONSOLIDATED HEALTH INFORMATION TECHNOLOGY BOARD.

(a) ESTABLISHMENT.—To facilitate the implementation of electronic health record systems among safety-net health care providers (particularly small, rural providers) there shall be established within the Office of the National Coordinator for Health Information Technology of the Department of Health and Human Services, a Federal Consolidated Health Information Technology Board.

(b) BOARD OF DIRECTORS.—The Board shall be administered by a board of directors that shall be composed of the following individuals or their designees:

(1) The Secretary.

(2) The Under Secretary for Health of the Department of Veterans Affairs.

(3) The Director of the Indian Health Service.

(4) The Secretary of Defense.

(5) The Secretary of Health and Human Services.

(6) The Director of the Agency for Healthcare Research and Quality.

(7) The Administrator of the Health Resources and Services Administration.

(8) The Chairman of the Federal Communications Commission.

(c) DUTIES.—The Board shall—

(1) provide ongoing communication with existing VistA and RPMS user groups to ensure that there is constant interoperability between such groups and to provide for the sharing of innovative ideas and technology;

(2) update VistA and RPMS open source software (including health care provider-based electronic health records, personal health records, and other software modules) on a timely basis;

(3) implement and administer the 21st Century HIT Grant Program under section 4, including providing for notice in the Federal Register as well as—

(A) determining specific health information technology grant needs based on health care provider settings;

(B) developing benchmarks for levels of implementation in each year that 21st Century grant funding is provided; and

(C) providing ongoing VistA and RPMS technical assistance to grantees under such program (either through the provision of direct technical support or through the awarding of competitive contracts to other qualified entities);

(D) develop mechanisms to integrate VistA and RPMS with records and billing systems utilized under the Medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa et seq.);

(4) establish a child-specific electronic health record, consistent with the parameters to be set for child electronic health records as provided for in the American Recovery and Reinvestment Act of 2009, to be used in the Medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act, and under other Federal children's health programs determined appropriate by the board of directors;

(5) develop and integrate quality and performance measurement into the VistA and RPMS modules;

(6) integrate the 21st Century HIT Grant Program under section 4 with the Federal Communications Commission's Rural Health Care Pilot Program, with Department of Veterans Affairs hospital systems, and with other Federal health information technology health initiatives; and

(7) carry out other activities determined appropriate by the board of directors.

(d) ANNUAL AUDITS.—The Comptroller General of the United States shall annually conduct an audit of the activities of the Board during the year and submit the results of such audits to the appropriate committees of Congress.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4. 21ST CENTURY HEALTH INFORMATION TECHNOLOGY (HIT) GRANTS.

(a) ESTABLISHMENT.—The Board shall establish a grant program, to be known as the 21st Century Health Information Technology (HIT) Grant program, to award competitive grants to eligible safety-net health care providers to enable such providers to fully implement VistA or RPMS with respect to the patients served by such providers.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be—

(i) a public or nonprofit health care provider (as defined in section 254(h)(7)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(7)(B)), including—

(I) post-secondary educational institutions offering health care instruction, teaching hospitals, and medical schools;

(II) a community health center receiving a grant under section 330 of the Public Health Service Act (42 U.S.C. 254) or a health center that provides health care to migrants;

(III) a local health department or agency, including a dedicated emergency department of rural for-profit hospitals;

(IV) a community mental health center;

(V) a nonprofit hospitals;

(VI) a rural health clinics, including a mobile clinic;

(VII) a consortia of health care providers, that consists of 1 or more of the entities described in clauses (i) through (vi); and

(VIII) a part-time eligible entity that is located in an otherwise ineligible facility (as described in section 5(b); or

(ii) a free clinic (as defined in paragraph (4); and

(B) submit to the Board as application at such time, in such manner, and containing such information as the Board may require.

(2) NON-ELIGIBLE ENTITIES.—

(A) IN GENERAL.—An entity shall not be eligible to receive a grant under this section if such entity is a for-profit health care entity (except as provided for in paragraph (1)(A)), or any other type of entity that is not described in such paragraph, including—

(i) an entity described in paragraph (1)(A) that is implementing an existing electronic health records system;

(ii) an entity that is receiving grant funding under the Federal Communication Commission Rural Health Pilot Program;

(iii) an entity receiving funding for health information technology through a Medicaid transformation grant under title XIX of the Social Security Act (42 U.S.C. 1936 et seq.);

(iv) a private physician office or clinic;

(v) a nursing home or other long-term care facility (such as an assisted living facility);

(vi) an emergency medical service facility;

(vii) a residential substance abuse treatment facility;

(viii) a hospice;

(ix) a for-profit hospital;

(x) a home health agency;

(xi) a blood bank;

(xii) a social service agency; and

(xiii) a community center, vocational rehabilitation center, or youth center.

(B) OTHER ENTITIES.—An entity shall not be eligible to receive a grant under this section if such entity is receiving Medicare or Medicaid incentive funding under any of the amendments made by title IV of division B of the American Recovery and Reinvestment Act of 2009.

(3) PREFERENCE.—In awarding grant under this section the Board shall give preference to applicants that—

(A) are located in geographical areas that have a greater likelihood of serving the same patients and utilizing interoperability to promote coordinated care management; or

(B) demonstrate the greatest need for such award (as determined by the Secretary).

(4) DEFINITION.—In this subsection, the term ''free clinic'' means a safety-net health care organization that—

(A) utilizes volunteers to provide a range of medical, dental, pharmacy, or behavioral health services to economically disadvantaged individuals the majority of whom are uninsured or underinsured; and

(B) is a community-based tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, or that operates as a program component or affiliate of such a 501(c)(3) organization.

An entity that is otherwise a free clinic under this paragraph, but that charge a nominal fee to patients, shall still be considered to be a free clinics if the entity delivers essential services regardless of the patient's ability to pay.

(c) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to fully implement the VistA or RPMS with respect to the patients served by such entity. Such implementation shall include at least the meaningful use (as defined by the Secretary of Health and Human Services) of such systems, including any ongoing updates and changes to such definition.

(d) TERM AND RENEWAL.—A grant under this section shall be for a period of not to exceed 5 years and may be renewed, as determined appropriate by the Board, based on the achievement of benchmarks required by the Board.

(e) ANNUAL REPORTING.—

(1) BY GRANTEES.—Not later than 1 year after the date on which an entity receives a grant under this section, and annually during each year in which such entity has received funds under such grant, such entity shall submit to the Board a report concerning the activities carried out under the grant.

(2) BY BOARD.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Board shall submit to the appropriate committees of Congress a report concerning the activities carried out under this section, including—

(A) a description of the grants that have been awarded under this section and the purposes of such grants;

(B) specific implementation information with respect to activities carried out by grantees;

(C) the costs and savings achieved under the program under this section;

(D) a description of any innovations developed by health care providers as a result of the implementation of activities under this grant;

(E) a description of the results of grant activities on patient care quality measurement (including reductions in medication errors and the provision of care management);

(F) a description of the extent of electronic health record use across health care provider settings;

(G) a description of the extent to which integration of VistA and RPMS with Medicaid and State children's health insurance program billing has been achieved; and

(H) any other information determined necessary by the Board.

(f) ANNUAL AUDITS.—The Comptroller General of the United States shall annually conduct an audit of the grant program carried out under this section and submit the results of such audits to the Board and the appropriate committees of Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $2,000,000,000 for each of fiscal years 2010 and 2011; and

(2) $1,000,000,000 for each of fiscal years 2012 through 2014.

SEC. 5. 21ST CENTURY HEALTH INFORMATION TECHNOLOGY DEMONSTRATION PROGRAM FOR INELIGIBLE ENTITIES.

(a) IN GENERAL.—The Board may use not to exceed 10 percent of the amount appropriate for each fiscal year under section 4(g) to award competitive grants to eligible long-term care providers for the conduct of demonstration projects to implement VistA or RPMS with respect to the individuals served by such providers.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be a—

(i) nursing home or other long-term care facility (such as an assisted living facility);

(ii) a hospice; or

(iii) a home health agency; and

(B) submit to the Board as application at such time, in such manner, and containing such information as the Board may require, including a description of the manner in which the applicant will use grant funds to implement VistA or RPMS with respect to the individuals served by such applicant to achieve one or more of the following:

(i) Improve care coordination and chronic disease management.

(ii) Reduce hospitalizations.

(iii) Reduce patient churning between the hospital, nursing home, hospice, and home health entity.

(iv) Increase the ability of long-term care patients to remain in their homes and communities.

(v) Improve patient completion, and provider execution, of advance directives.

(2) NONELIGIBILITY.—An entity shall not be eligible to receive a grant under this section if such entity is receiving Medicare or Medicaid incentive funding under any of the amendments made by title IV of division B of the American Recovery and Reinvestment Act of 2009.

(c) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to implement the VistA or RPMS with respect to the individuals served by such entity. Such implementation shall include at least the meaningful use (as defined by the Secretary of Health and Human Services) of such systems, including any ongoing updates and changes to such definition.

(d) DURATION.—A grant under this section shall be for a period of not to exceed 3 years, as determined appropriate by the Board.

(e) REPORTING.—The Board, as part of the report submitted under section 4(e)(2), shall provide comprehensive information on the activities conducted under grants awarded under this section.

By Mr. BROWNBACK (for himself, Mr. DURBIN, and Mr. FEINGOLD):

S. 891. A bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BROWNBACK. Mr. President, I rise before you today to speak on an issue that I have brought to the Senate Floor before and have been watching for quite some time now. I would like to submit for the record the Congo Conflict Minerals Act of 2009.

This bill will require U.S.-registered companies selling products using columbite-tantalite, coltan, cassiterite, or wolframite, or derivatives of these minerals, to annually disclose to the Securities and Exchange Commission the country of origin of those minerals. If the country of origin is the Democratic Republic of Congo or neighboring countries, the company would need to disclose the mine of origin.

These minerals are the ''conflict diamonds'' of Congo, however rather than ending up in jewelry these minerals are ending up in our electronics products.

This is not the first time this issue has been raised. Only last year Senator DURBIN and I introduced S3058, the Conflict Coltan and Cassiterite Act, which prohibited the importation of certain products that contained or are derived from columbite-tantalite or cassiterite mined or extracted in the Democratic Republic of the Congo. While the bill did not go anywhere, the issue itself has gained attention. We have taken a strong hard look at last year's bill and have done our best to improve on it.

In the current legislation we call for transparency and accountability throughout the supply-chain of these minerals. By making this supply-chain more translucent, we ultimately can help save millions of innocent Congolese lives who find themselves caught in the middle of this conflict, a conflict based on the control of these minerals. Some in industry have already started down this road and are even in front of the curve with their efforts, but we still need to strive to do a better job of showing transparency and we need to do it quickly.

It is no secret that the exploitation of minerals is taking place and funding the conflict in Congo. In its final report, released on December 12, 2008, the United Nations Group of Experts on the Democratic Republic of the Congo found that official exports of columbite-tantalite, cassiterite, wolframite, and gold are grossly undervalued and that various illegal armed groups in the eastern region of the Democratic Republic of Congo continue to profit greatly from these natural resources by coercively exercising control over mining sites from where they are extracted and locations along which they are transported for export.

I have said this before and I will say it again, this murky, conflict-funding supply-chain of minerals in eastern Congo has been the heart of darkness for that country too long and I am not the only one who believes that.

Last month the Democratic Republic of Congo's U.N. Ambassador Faida Mitifu spoke in New York during a panel discussion on media coverage of sexual violence against Congolese women. When the issue of minerals in eastern Congo was raised, Ambassador Mitifu said the exploitation of mineral resources is the driving force behind the conflict.

Her exact quote ''the minerals have truly been the driving force behind this war. It has been dressed with different clothes, but truly the minerals are the driving force.'' She went onto say the history of exploitation and conflict dates back to the Congo's colonial history with Belgium.

She is right. The mismanagement of natural resources has long cast a gloom over the Democratic Republic of Congo. The exploitation of these natural resources that began during the reign of King Leopold has endured for over 100 years. During this 24-year tyranny of Congo, King Leopold exploited the local population by turning it into a slave colony, extracting the resource of the day—rubber, while over 13 million Congolese died.

In his book the ''Heart of Darkness'' Joseph Conrad describes King Leopold's colonial project in the Congo ''the vilest scramble for loot that ever disfigured the history of human conscience.'' But have we seen history change at all? Well let me share with you some of the lives ravaged by this ongoing conflict.

This small 3½-year-old boy became one of the millions of victims of displacement and malnourishment. His family fled into the jungle from a rebel group that had burnt their village to the ground in just outside the village of Kitchanga in North Kivu.

They lived in the jungle and had been constantly on the move. Food became scarce and meals became as sporadic as 2 to 3 a week. He fell sick and developed a cough. When his mother brought him to the local health clinic, they were immediately referred to an international humanitarian organization in the area. There, this young boy was diagnosed with malaria, tuberculosis, and anemia.

His doctors then discovered he had been eating only what his mother could gather in jungle and ate only once every three to four days. They immediately began his treatments, which his small, frail body was struggling to accept.

While this small 2–year-old boy had a similar story, however more disheartening. His family had fled into the jungle when the rebels attacked their village. After 3 months of seeking shelter in the jungle, his mother finally brought him to a local health clinic where he too was referred to the international humanitarian organization there. The only diagnosis the doctors could come up with was malaria. However when this photo was taken his body was rejecting the treatments, he no longer cried-out in hunger or pain, he no longer responded to anything.

The issue of rape in the Congo is quite possibly the worst in the world. We used to call it a ''tool of war'' but now it's not even due to the war. Because it has been taking place there for so long, it has nearly become an accepted behavior and one where impunity reigns free.

Last year I spoke with Dr. Mukwege from Panzi Hospital in the city of Bukavu in the South Kivu Province of Congo. Panzi Hospital is the leading treatment hospital of rape and sexual violence survivors in Congo. Dr. Mukwege sat in my office and told me of how he was seeing as many as 10 new rape survivors who needed treatment a week.

He then pulled out a map and circled the areas where majority of his patients were coming from and explained that those areas were the key mining areas for coltan and cassiterite in South Kivu. He said that rebels controlled these areas because of the mineral wealth and that with their control of these areas came their lawlessness and with lawlessness came the impunity of rape.

Rape, displacement, insecurity, forced labor, child soldiers, curable illnesses left untreated, and deaths of 1,500 people a day are only a few of the human indignities directly and indirectly surrounding this struggle for control of the minerals in eastern Congo. However there is no room for turning a blind eye on this matter when we all must be actors in this supply-chain—from miner to consumer.

American greatness has always been founded on our fundamental goodness. We need to be a nation where the strong protect the weak and people of privilege assist those in poverty. It says a lot about the kind of America we all should work for when we speak out against this type of tragedy and commit ourselves to those who are suffering there.

Mr. FEINGOLD. Mr. President, today I am pleased to join Senators BROWNBACK and DURBIN as an original cosponsor of the Congo Conflict Minerals Act of 2009. The purpose of this bill is to bring greater attention and transparency to the way in which the trade in three minerals—columbite-tantalite, cassiterite, or wolframite—is intertwined with the ongoing violence, displacement and human rights abuses in the eastern Democratic Republic of Congo. The metals derived from these three minerals are used widely in the electronic products that we use daily, from cell phones to laptops to digital cameras. By working to ensure the raw materials used in those products are not benefiting armed groups, we can have a positive impact on ending armed conflict and human rights abuses in the Congo.

Specifically, this bill charges the State Department to support the work of the United Nations Group of Experts to further investigate and provide companies with guidance on the links between natural resources and the financing of armed groups. It also charges the State Department with developing a strategy to help break these linkages, while helping governments in the region to establish the necessary frameworks and institutions to monitor and regulate the cross-border trade of these minerals. Then, this bill requires U.S.-registered companies selling products containing those three minerals to disclose the country of origin of those minerals and, if they come from Congo or neighboring countries, to give further information, including the mine of origin. This requirement will compel companies to take responsibility for their suppliers and thus bring greater transparency to the trade in these minerals, which may enable more targeted actions down the road. Finally, this bill encourages USAID to expand programs seeking to improve the conditions and livelihood prospects for communities affected by this violence in Congo. We must not forget that the long-term goal is not to shut this trade down, but to support a conflict-free mining economy that benefits the Congolese people.

The United Nations Group of Experts has reported over the years that various illegal armed groups in eastern Congo profit greatly from the region's vast natural resources. In February 2008, the Group of Experts stated, ''individuals and entities buying mineral output from areas of the eastern part of the Democratic Republic of Congo with a strong rebel presence are violating the sanctions regime when they do not exercise due diligence to ensure their mineral purchases do not provide assistance to illegal armed groups.'' They defined due diligence as determining the precise identify of the deposits from which the minerals have been mined, establishing whether or not these deposits are controlled and/or taxed by illegal armed groups, and refusing to buy minerals known to originate—or suspected to originate—from deposits controlled/taxed by these armed groups. In December 2008, the United Nations Security Council unanimously adopted Resolution 1857, broadening existing sanctions relating to Congo to include individuals or entities supporting the illegal armed groups through the illicit trade of natural resources. The resolution also encouraged member countries to ensure that companies handling minerals from Congo exercise due diligence with their suppliers.

The U.S. has invested financial resources and diplomacy over recent years in trying to bring peace and stability to eastern Congo, and there have been some successes. However, our efforts have ultimately been hindered by a failure to directly address the underlying causes of conflict. A study by the Government Accountability Office released in 2007 found that U.S. efforts in Congo are undermined by weak governance and mismanagement of natural resources. The plunder and unregulated trade of eastern Congo's rich mineral base continues to make war a profitable enterprise. This legislation attempts to finally confront and address that problem. It commits the United States government and those companies under our jurisdiction to shed light on the dynamics of eastern Congo's mineral economy and to take actions to reduce its exploitation by armed groups. This can be an important step—perhaps even a transitional one—as we work with our regional partners to help them establish and implement better frameworks for regulation and oversight.

Some may say the bill goes too far, while others may argue that this bill does not go far enough; that it has loopholes and lacks sufficient ''teeth.'' This bill is not perfect. However, we must realize the conflict mineral problem is a complex one. This legislation is just a first step to bring greater transparency to that problem, which will then enable more comprehensive, robust and targeted measures down the road. At the same time, we must tread carefully because there are many communities in eastern Congo whose livelihoods are intertwined with the mining economy. All-out prohibitions or blanket sanctions could be counterproductive and negatively affect the very people we seek to help. I am confident that this bill is sensitive to that complex reality. It tasks the Government Accountability Office, within two years, with assessing any problems resulting from the implementation of this Act, determining any adverse impacts on local Congolese communities, and making recommendations for improving its effectiveness. It also urges USAID to expand its programs to work with these communities and improve their livelihood prospects.

I also realize that some others may argue that this bill goes too far; that it imposes impractical or onerous requirements on companies who end-use these minerals. Similar arguments were made in the early days of the Kimberley Process. I appreciate that these three minerals often pass through extensive supply chains and processing stages before the relevant metals are used in technological products. Bringing transparency to those supply chains may not be easy, but it is something we can and should expect of industry when certain commodities are known to be fueling human rights violations. Industry itself has acknowledged this. In February 2009, the Electronic Industry Citizenship Coalition, which includes several major U.S. electronic companies, put out a statement saying that companies can and should uphold responsible practices in their operations and work with suppliers to meet social and environmental standards with respect to the raw materials used in the manufacture of their products. That was a bold statement and I want to work with companies to make it a reality with respect to Congo.

I traveled in 2007 to eastern Congo and saw firsthand the grave suffering of people who have lived through a decade of conflict and humanitarian crisis. The numbers are staggering: an estimated 5.4 million deaths over the last decade—making it the deadliest conflict since the Second World War. In addition, millions of people are still displaced from their homes, living in squalid camps where children are subject to forced recruitment and women suffer unspeakable levels of sexual violence. In my travels to many parts of Africa over the years, the suffering of women and girls in eastern Congo particularly stands out. I met with women and girls there who had been gang raped, often leaving them with horrific physical and psychological damage. I met with women who had lost their husbands, their homes, and their livelihoods and yet against all odds they refused to give up—if only for the sake of their children. I believe this bill will make attaining peace for these women and their families a little easier and that is one of the reasons why I am supporting it.

In 2006, under the leadership of then-Senator Obama and Senator

BROWNBACK, the U.S. Congress passed the Democratic Republic of Congo Relief, Security and Democracy Promotion Act. That bill committed the United States to work comprehensively toward peace, prosperity and good governance in the Congo. The Congo Conflict Minerals Act of 2009 seeks to move us a step closer toward those goals. I urge my colleagues to support it, and thank Senators BROWNBACK and DURBIN for their leadership on this important issue.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 111—RECOGNIZING JUNE 6, 2009, AS THE 70TH ANNIVERSARY OF THE TRAGIC DATE WHEN THE M.S. ST. LOUIS, A SHIP CARRYING JEWISH REFUGEES FROM NAZI GERMANY, RETURNED TO EUROPE AFTER ITS PASSENGERS WERE REFUSED ADMITTANCE TO THE UNITED STATES

Mr. KOHL (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 111

Whereas on May 13, 1939, the ocean liner M.S. St. Louis departed from Hamburg, Germany for Havana, Cuba with 937 passengers, most of whom were Jewish refugees fleeing Nazi persecution;

Whereas the Nazi regime in Germany in the 1930s implemented a program of violent persecution of Jews;

Whereas the Kristallnacht, or Night of Broken Glass, pogrom of November 9 through 10, 1938, signaled an increase in violent anti-Semitism;

Whereas after the Cuban Government, on May 27, 1939, refused entry to all except 28 passengers on board the M.S. St. Louis, the M.S. St. Louis proceeded to the coast of south Florida in hopes that the United States would accept the refugees;

Whereas the United States refused to allow the M.S. St. Louis to dock and thereby provide a haven for the Jewish refugees;

Whereas the Immigration Act of 1924 placed strict limits on immigration;

Whereas a United States Coast Guard cutter patrolled near the M.S. St. Louis to prevent any passengers from jumping to freedom;

Whereas following denial of admittance of the passengers to Cuba, the United States, and Canada, the M.S. St. Louis set sail on June 6, 1939 for return to Antwerp, Belgium with the refugees; and

Whereas 254 former passengers of the M.S. St. Louis died under Nazi rule: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that June 6, 2009, marks the 70th anniversary of the tragic date when the M.S. St. Louis returned to Europe after its passengers were refused admittance to the United States and other countries in the Western Hemisphere;

(2) honors the memory of the 937 refugees aboard the M.S. St. Louis, most of whom were Jews fleeing Nazi oppression, and 254 of whom subsequently died during the Holocaust;

(3) acknowledges the suffering of those refugees caused by the refusal of the United States, Cuban, and Canadian governments to provide them political asylum; and

(4) recognizes the 70th anniversary of the M.S. St. Louis tragedy as an opportunity for public officials and educators to raise awareness about an important historical event, the lessons of which are relevant to current and future generations.

Mr. KOHL. Mr. President, seventy two years ago the M.S. *St. Louis*, a German ocean liner, sailed from Hamburg, Germany to Havana, Cuba with 937 passengers, mostly Jewish refugees searching for the freedom and safety of the American dream. Those passengers left their homes because of state supported anti-semitism including violent pogroms, expulsion from public schools and service, and arrest and imprisonment solely because of Jewish heritage. Some passengers were released from prisons at Buchenwald and Dachau only because they were immigrating out of the country. With their freedom and safety stripped away by Nazi persecution, these refugees sailed for Cuba, a way station to wait for entry visas to the U.S.

When the M.S. *St. Louis* arrived in Cuba, only 28 passengers were allowed to disembark. Corruption and political maneuvering within the Cuban government invalidated the transit visas of the other passengers. Those individuals waited with great hope for a remedy that would provide refuge far from Nazi persecution. Before returning to Europe, the ship sailed towards Miami in hopes of a solution. The ship sailed so close to Florida that the passengers could see the lights of Miami. One survivor remembers his father commenting that ''Florida's golden shores, so near, might as well be 4,000 miles away for all the good it did them.''

The US Immigration and Nationality Act of 1924 strictly limited the number of immigrants admitted to the U.S. each year and in 1939 the waiting list for German-Austrian immigration was several years long. While the press was largely sympathetic to the plight of the passengers of the M.S. *St. Louis*, no extraordinary measures were taken to permit the refugees to enter the United States. The passengers were told that they must ''await their turns on the waiting list and qualify for and obtain immigration visas''.

On June 6 the M.S. *St. Louis* sailed back to Europe with nearly all of its original passengers. Refuge for the passengers was eventually obtained in Great Britain, the Netherlands, Belgium, and France. World War II started three months later and those countries, with the exception of Great Britain, fell to Nazi occupation. Two hundred and fifty-four of those passengers died during the Holocaust and many others suffered under Nazi persecution and in concentration camps.

During this week when we remember the Holocaust, it is appropriate and right to acknowledge the voyage of the M.S. *St. Louis* and the lives and the dreams of those refugees who made a trip towards freedom only to be returned to Europe. This Senate Resolution acknowledges the 70th anniversary of the voyage of the M.S. *St. Louis* and honors the memory of those passengers, 254 of who died during the Holocaust. This resolution also provides an opportunity for public officials and educators to reflect on this historic event and lessons that are relevant to current and future generations.

SENATE RESOLUTION 112—DESIGNATING FEBRUARY 8, 2010, AS ''BOY SCOUTS OF AMERICA DAY'', IN CELEBRATION OF THE 100TH ANNIVERSARY OF THE LARGEST YOUTH SCOUTING ORGANIZATION IN THE UNITED STATES

Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BAYH, Mr. CRAPO, Mr. BUNNING, Mr. ENZI, Mr. COBURN, Mr. LUGAR, Mr. CHAMBLISS, Mr. BURR, Mr. BROWN, Mr. CARPER, Mr. ALEXANDER, Mr. INHOFE, Mrs. LINCOLN, Mr. RISCH, Mr. BENNETT, Mr. THUNE, Mr. CASEY, Mr. HATCH, Mr. WARNER, Ms. MURKOWSKI, Mr. BEGICH, Mr. CONRAD, and Mr. JOHANNS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 112

Whereas the Boy Scouts of America was incorporated by the Chicago publisher William Boyce on February 8, 1910, after William Boyce learned of the Scouting movement during a visit to London;

Whereas, on June 21, 1910, a group of 34 national representatives met, developed organization plans, and opened a temporary national headquarters for the Boy Scouts of America in New York;

Whereas the purpose of the Boy Scouts of America is to teach the youth of the United States patriotism, courage, self-reliance, and kindred values;

Whereas, by 1912, Boy Scouts were enrolled in every State;

Whereas, in 1916, Congress granted the Boy Scouts of America a Federal charter;

Whereas each local Boy Scout Council commits each Boy Scout to perform 12 hours of community service yearly, for a total of 30,000,000 community service hours each year;

Whereas, since 1910, more than 111,000,000 people have been members of the Boy Scouts of America;

Whereas Boy Scouts are found in 185 countries around the world;

Whereas the Boy Scouts of America will present the 2 millionth Eagle Scout award in 2009;

Whereas more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America;

Whereas the adult volunteer leaders of the Boy Scouts of America often neither receive nor seek the gratitude of the public; and

Whereas the Boy Scouts of America endeavors to develop United States citizens who are physically, mentally, and emotionally fit, have a high degree of self-reliance demonstrated by such qualities as initiative, courage, and resourcefulness, have personal values based on religious concepts, have the desire and skills to help others, understand the principles of the social, economic, and governmental systems of the United States, take pride in the heritage of the United States and understand the role of the United States in the world, have a keen respect for

the basic rights of all people, and are prepared to participate in and give leadership to the society of the United States: Now, therefore, be it

Resolved, That the Senate designates February 8, 2010, as ''Boy Scouts of America Day'', in celebration of the 100th anniversary of the largest youth scouting organization in the United States.

SENATE RESOLUTION 113—DESIGNATING APRIL 23, 2009, AS ''NATIONAL ADOPT A LIBRARY DAY''

Mr. WEBB (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 113

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate donations of books to schools and libraries across the country to extend the joys of reading to millions of people in the United States and to prevent used books from being thrown away; and

Whereas several States and Commonwealths that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as ''Adopt A Library Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2009, as ''National Adopt A Library Day'';

(2) honors organizations that help facilitate donations to schools and libraries;

(3) urges all people in the United States who own unused books to donate those books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 19—EXPRESSING THE SENSE OF CONGRESS THAT THE SHI'ITE PERSONAL STATUS LAW IN AFGHANISTAN VIOLATES THE FUNDAMENTAL HUMAN RIGHTS OF WOMEN AND SHOULD BE REPEALED

Mrs. BOXER (for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. MURRAY, Mrs. GILLIBRAND, Ms. CANTWELL, Mrs. SHAHEEN, Mrs. FEINSTEIN, and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

Whereas in March 2009, the Shi'ite Personal Status Law was approved by the parliament of Afghanistan and signed by President Hamid Karzai;

Whereas according to the United Nations, the law legalizes marital rape by mandating that a wife cannot refuse sex to her husband unless she is ill;

Whereas the law also weakens mothers' rights in the event of a divorce and prohibits a woman from leaving her home unless her husband determines it is for a ''legitimate purpose'';

Whereas President Barack Obama has called the law ''abhorrent'' and stated that ''there are certain basic principles that all nations should uphold, and respect for women and respect for their freedom and integrity is an important principle'';

Whereas the United Nations High Commissioner for Human Rights has said that the law represents a ''huge step in the wrong direction'' and is ''extraordinary, reprehensible and reminiscent of the decrees made by the Taliban regime in Afghanistan in the 1990s'';

Whereas the Secretary-General of the North Atlantic Treaty Organization (NATO) has asserted that passage of the law could discourage countries in Europe from contributing additional troops to help combat terrorism in the region;

Whereas President Karzai has instructed the Government of Afghanistan and members of the clergy to review the law and change any articles that are not in keeping with Afghanistan's Constitution and Islamic Sharia, yet has not made a concrete declaration that the provision legalizing marital rape and other provisions curtailing women's rights will be removed completely;

Whereas the law includes provisions that are fundamentally incompatible with the obligations of the Government of Afghanistan under the various international instruments that it has ratified, as well as under its own Constitution;

Whereas Afghanistan is a signatory of the Universal Declaration of Human Rights (UDHR), which establishes the principle of nondiscrimination, including on the basis of sex, and states that men and women are entitled to equal rights to marriage, during marriage, and at its dissolution;

Whereas Afghanistan became a party to the International Covenant on Economic, Social and Cultural Rights, done at New York December 16, 1966, and entered into force January 3, 1976 (ICESCR), which emphasizes the principle of self-determination, in that men and women may freely determine their political status as well as their economic, social, and cultural development;

Whereas Afghanistan acceded to the Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, and entered into force September 3, 1981 (CEDAW), which condemns discrimination against women in all its forms and reaffirms the equal rights and responsibilities of men and women during marriage and at its dissolution;

Whereas, notwithstanding any declarations or reservations made upon ratification of these various international conventions, the Government of Afghanistan is under an obligation not to act in any way which might defeat the object and purpose of these conventions, pursuant to the Vienna Convention on the Law of Treaties, done at New York May 23, 1969, and entered into force January 27, 1980, which is widely recognized as embodying customary international law;

Whereas Article 22 of the Constitution of Afghanistan (2003) prohibits any kind of discrimination between and privilege among the citizens of Afghanistan and establishes the equal rights of all citizens before the law;

Whereas Article 54 of the Constitution of Afghanistan obligates the Government of Afghanistan to ensure the physical and psychological well-being of the family, especially of mothers and children;

Whereas the international community and the United States have a long-standing commitment to and interest in working with the people and Government of Afghanistan to reestablish respect for fundamental human rights and protect women's rights in Afghanistan; and

Whereas the provisions in the Shi'ite Personal Status Law that restrict women's rights are diametrically opposed to those goals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) urges the Government of Afghanistan and President Hamid Karzai to declare the provisions of the Shi'ite Personal Status Law on marital rape and restrictions on women's freedom of movement unconstitutional and an erosion of growth and development in Afghanistan;

(2) supports the decision by President Karzai to analyze the draft law and strongly urges him not to publish it on the grounds that it violates the Constitution of Afghanistan and the basic human rights of women;

(3) encourages the Secretary of State, the Special Representative to Afghanistan and Pakistan, the Ambassador-at-Large for International Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded through unjust laws, policies, or institutions; and

(4) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry for Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1003. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1000 submitted by Mrs. BOXER (for herself, Ms. SNOWE, Mr. CORKER, and Mr. MERKLEY) to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

SA 1004. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 386, supra.

SA 1005. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 1006. Mr. SCHUMER (for himself, Mr. SHELBY, Mr. DODD, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. REED) proposed an amendment to the bill S. 386, supra.

SA 1007. Mr. HATCH (for himself, Mr. CORNYN, Mr. ENZI, Mr. ROBERTS, and Mr. BENNETT) proposed an amendment to the bill S. 386, supra.

SA 1008. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 386, supra; which was ordered to lie on the table.

SA 1009. Mr. PRYOR (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

SA 1010. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 386, supra; which was ordered to lie on the table.

SA 1011. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, supra; which was ordered to lie on the table.

SA 1012. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, supra; which was ordered to lie on the table.

SA 1013. Mr. SCHUMER (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1003. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1000 submitted by Mrs. BOXER (for herself, Ms. SNOWE, Mr. CORKER, and Mr. MERKLEY) to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

After page 2, line 20, add the following:

(f) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of paragraph (2):

(A) Creates a public-private investment fund.

(B) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(i) a public-private investment fund; or

(ii) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(C) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(D) Guarantees any debt or asset for purposes of a public-private investment program.

(2) REQUIREMENTS.—Any program described in paragraph (1) shall—

(A) impose strict conflict of interest rules on managers of public-private investment funds that—

(i) specifically describe the extent, if any, to which such managers may—

(I) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(II) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(ii) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(iii) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(B) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(C) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury

(D) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(E) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(F) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(G) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(i) the books, documents, records, and employees of each manager of a public-private investment fund; and

(ii) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(H) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(I) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(J) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(K) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(L) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(M) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(3) REPORT.—Not later than 45 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(4) DEFINITION.—In this subsection, the term ''public-private investment fund'' means a financial vehicle that is—

(A) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(B) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

SA 1004. Mr. ENSIGN submitted an amendment to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. 5. PUBLIC-PRIVATE INVESTMENT PROGRAM.

(a) IN GENERAL.—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of subsection (b):

(1) Creates a public-private investment fund.

(2) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(A) a public-private investment fund; or

(B) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(3) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(4) Guarantees any debt or asset for purposes of a public-private investment program.

(b) REQUIREMENTS.—Any program described in subsection (a) shall—

(1) impose strict conflict of interest rules on managers of public-private investment funds that—

(A) specifically describe the extent, if any, to which such managers may—

(i) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(ii) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(B) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(C) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(2) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(3) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury;

(4) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(5) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(6) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(7) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(A) the books, documents, records, and employees of each manager of a public-private investment fund; and

(B) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(8) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(9) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(10) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(11) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(12) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(13) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(c) REPORT.—Not later than 45 days after the date of the establishment of a program described in subsection (a), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(d) DEFINITION.—In this section, the term ''public-private investment fund'' means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

SA 1005. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 5. WARNINGS TO HOMEOWNERS OF FINANCIAL SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading ''Notice Required by Federal Law'' in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: ''Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [_____], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569–4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance.'' (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively.).

(c) LOAN SERVICER.—As used in this section, the term ''loan servicer'' has the same meaning as the term ''servicer'' in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(d) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A failure to comply with any provision of this section shall be treated as a violation of a rule defining an unfair or deceptive act or practice promulgated under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

SA 1006. Mr. SCHUMER (for himself, Mr. SHELBY, Mr. DODD, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. REED) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the appropriate place in section 3, insert the following:

(__) ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, $20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, $1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

SA 1007. Mr. HATCH (for himself, Mr. CORNYN, Mr. ENZI, Mr. ROBERTS, and Mr. BENNETT) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end, insert the following:

SEC. ____. TRANSPARENCY IN ANNUAL FINANCIAL REPORTS.

(a) FINDINGS.—Congress finds the following:

(1) The American workers who contribute union dues deserve to have transparency and accountability in the management of their unions.

(2) Since 2001, investigations of union fraud have resulted in more than 1,000 indictments, 929 convictions, and restitution in excess of $93,000,000.

(3) A new rule (referred to in this subsection as the ''transparency rule'') to require union management to disclose more information about sales and purchases of assets, and disbursements to officers and employees, among other things, was set to take effect on April 21, 2009, after a previous delay affording reporting entities more time to prepare to comply.

(4) The Obama Administration has set a goal for itself to be the most open and transparent administration in the history of the Nation.

(5) On April 21, 2009, the Department of Labor issued—

(A) a final rule providing for a further delay of the transparency rule; and

(B) a proposed rule to withdraw the transparency rule.

(6) The transparency rule would have been a key tool in the battle against fraud, discouraging embezzlement of the money of union members and making money harder to hide, and would have provided great sunlight and transparency to allow members to know how their dues were being spent.

(7) The Department of Labor's actions are in direct contradiction to everything the Obama Administration purports to stand for.

(b) PROHIBITION.—The Secretary of Labor may not expend Federal funds to withdraw the rule issued by the Secretary of Labor entitled ''Labor Organization Annual Financial Reports'', 74 Fed. Reg. 3678 (January 21, 2009).

SA 1008. Ms. SNOWE submitted an amendment to be proposed by her to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, add the following:

SEC. 5. EFFICIENT INVESTIGATION OF FINANCIAL CRIMES.

Not later than 60 days after the date of enactment of this Act, the Attorney General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the activities of the Department of Justice to work with other Federal departments and agencies and State and local governments to ensure that financial crimes (including fraud, misrepresentation, malfeasance, or related crimes with respect to development, advertising, brokerage, or sale of financial products including derivatives, mortgage-backed securities, credit default swaps, and subprime loans, or related services) are investigated and prosecuted in the most efficient way possible and without duplication of effort.

SA 1009. Mr. PRYOR (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED REPORTING ON USE OF TARP FUNDS.

Section 105 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5215(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) a detailed report on the use of capital investments by each financial institution, including—

''(A) a narrative response, in a form and on a date to be established by the Secretary, specifically outlining, with respect to the financial institution—

''(i) the original intended use of the TARP funds;

''(ii) whether the TARP funds are segregated from other institutional funds;

''(iii) the actual use of the TARP funds to date;

''(iv) the amount of TARP funds retained for the purpose of recapitalization; and

''(v) the expected use of the remainder of the TARP funds;

''(B) information compiled by the Secretary under subsection (b); and

''(C) a report, in a form and on a date to be established by the Secretary, on the compliance by the financial institution with the restrictions on dividends, stock repurchases, and executive compensation under the Security Purchase Agreement and executive compensation guidelines of the Department of Treasury.'';

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following:

''(b) INFORMATION PROVIDED BY FINANCIAL INSTITUTIONS.—

''(1) IN GENERAL.—For purposes of the report of the Secretary required by subsection (a)(4), financial institutions assisted under this title shall provide to the Secretary the information required by paragraph (2), at such times and in such manner as the Secretary shall establish.

''(2) INFORMATION REQUIRED.—Information required by this paragraph is—

''(A) for those financial institutions receiving $1,000,000,000 or more from the Capital Purchase Program established by the Secretary (or any successor thereto), a monthly lending and intermediation snapshot, as of a date to be established by the Secretary, which shall include—

''(i) quantitative information, as well as commentary, to explain changes in lending levels for each category on consumer lending, including first mortgages, home equity lines of credit, open end credit plans (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), and other consumer lending;

''(ii) quantitative information, as well as commentary, to explain changes in lending levels for each category on commercial lending, including commercial and industrial (C&I) lending and real estate;

''(iii) quantitative information, as well as commentary, to explain changes in lending levels for each category on other lending activities, including mortgage-backed securities, asset-backed securities, and other secured lending; and

''(iv) a narrative report of the intermediation activity during the reporting period, including a general commentary on the lending environment, loan demand, any changes in lending standards and terms, and any other intermediation activity; and

''(B) for those financial institutions receiving less than $1,000,000,000 from the Capital Purchase Program established by the Secretary (or any successor thereto), a lending and intermediation snapshot, as of a date to be established by the Secretary, but not more frequently than once every 90 days, including the information described in clauses (i) through (iv) of subparagraph (A).

''(3) CERTIFICATION REQUIRED.—The information submitted to the Secretary under this subsection shall be signed by a duly authorized senior executive officer of the financial institution, including a statement certifying the accuracy of all statements, representations, and supporting information provided, and such certifications shall be included in the reports submitted by the Secretary under subsection (a)(4).''.

SA 1010. Mrs. MCCASKILL submitted an amendment to be proposed by her to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—HECM FRAUD PREVENTION AND ENFORCEMENT ACT

SEC. 21. SHORT TITLE.

This title may be cited as the ''Home Equity Conversion Mortgage Fraud Prevention and Enforcement Act of 2009''.

SEC. 22. PURPOSE.

The purpose of this title is to provide additional fraud prevention, detection, and enforcement provisions with respect to federally-insured home equity conversion mortgages.

SEC. 23. FEDERALLY-INSURED HOME EQUITY CONVERSION MORTGAGES.

(a) CERTIFICATION OF RESIDENCE.—Section 255(d)(2) of the National Housing Act (12 U.S.C. 1715z-20(d)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) submits a certification to the Secretary and the mortgagee that the mortgagor occupies the dwelling that secures the mortgage; and''.

(b) PURCHASE OF DWELLING.—Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z-20(d)(3)) is amended by striking ''that is'' and all that follows through ''unit'' and inserting ''that—''

''(A) is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units; and

''(B) in the case of a dwelling that is purchased with the proceeds of a home equity conversion mortgage, was owned and occupied during the 180-day period ending on the date of the sale of the dwelling''.

(c) APPRAISALS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z-20(d)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) be secured by a dwelling that has been properly appraised by a person that—

''(A) the Secretary determines is qualified to perform such appraisals;

''(B) has verified the purchase price of the dwelling to ensure that the appraised value of the property is not inflated; and

''(C) has obtained any documentation necessary to support an appraised value that is high in relation to those of comparable dwellings.''.

(d) INFORMATION SERVICES FOR MORTGAGORS.—Section 255(f) of the National Housing Act (12 U.S.C. 1715z-20(f)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the margins accordingly;

(2) by striking paragraph (5);

(3) in the matter preceding subparagraph (A), as redesignated by this subsection, by striking ''The Secretary'' and all that follows through ''which shall include—'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall provide or cause to be provided to entities other than the lender the information required under subsection (d)(2)(B). Such information shall be discussed with the mortgagor and shall include—'';

(4) in the matter following subparagraph (D), as redesignated, by striking ''The Secretary shall'' and inserting the following:

''(4) ALTERNATIVE APPROACHES.—The Secretary shall'';

(5) in subparagraph (D), as redesignated by this subsection, by striking ''and'' at the end; and

(6) by inserting after subparagraph (D), as redesignated by this subsection, the following:

''(E) information about how to report mortgage-related fraud or consumer abuses, including information about how to contact the Office of the Inspector General of the Department of Housing and Urban Development;

''(F) in the case of a home equity conversion mortgage in which a person was removed from the title to the dwelling, information about—

''(i) the consequences of being removed from such title; and

''(ii) the consequences upon the death of the mortgagor or a divorce settlement.

''(2) FRAUD REPORTING.—A person or entity that counsels a mortgagor under this subsection shall report to the Inspector General of the Department of Housing and Urban Development any suspected mortgage-related fraud against a mortgagor.

''(3) CERTIFICATION.—Before making a home equity conversion mortgage, a mortgagee shall obtain from each mortgagor a certification that such mortgagor has received counseling under this subsection.''.

(e) ADDITIONAL PROTECTIONS.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by inserting after subsection (p) the following:

''(q) POWERS OF HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development may—

''(1) conduct independent audits and inspections of mortgagees to ensure that such mortgagees comply with the requirements under this section; and

''(2) compare the records of mortgagors under mortgages insured under this section with the Death Master File of the Social Security Administration.

''(r) PRIVACY PROTECTIONS.—A mortgagee may not sell or disclose any personally identifiable information about a mortgagor under a home equity conversion mortgage for marketing purposes unless such disclosure is at the request of the mortgagor.

''(s) COMPLIANCE SYSTEM.—Each mortgagee shall create and maintain a system to ensure compliance with this section that includes—

''(1) written procedures; and

''(2) a periodic review of records to detect and prevent violations of this section.

''(t) ADVERTISING.—

''(1) IN GENERAL.—A mortgagee may not advertise a home equity conversion mortgage in a manner that—

''(A) is false or misleading;

''(B) fails to present a fair balance between the risks and benefits of a home equity conversion mortgage; or

''(C) fails to reveal—

''(i) facts that are material to a representation made in such advertisement; or

''(ii) the consequences of obtaining a home equity conversion mortgage.

''(2) REQUEST TO WITHDRAW OR REVISE ADVERTISEMENT.—The Secretary or the Commissioner of the Federal Trade Commission may request that a mortgagee withdraw or modify an advertisement that does not meet the requirements established under paragraph (1).''.

SEC. 24. CRIMINAL PENALTIES.

(a) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TRANSACTIONS.—Section 1012 of title 18, United States Code, is amended by striking ''one year'' and inserting ''2 years''.

(b) EQUITY SKIMMING.—Section 912 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1709-2) is amended—

(1) in paragraph (1), by striking ''a mortgage or deed of trust insured or held by the Secretary'' and inserting ''a home equity conversion mortgage, a mortgage, or deed of trust insured or held by the Secretary''; and

(2) in the matter following paragraph (3), by adding at the end the following: ''Notwithstanding any other provision of law, and for purposes of any violation of this section relating to a home equity conversion mortgage, the statute of limitations for the commencement of a criminal action under this section shall not begin and shall be considered tolled until the fraud constituting the action is discovered.''.

SA 1011. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations (as in effect before January 9, 2009), provided that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) Section 27.42 of title 50, Code of Federal Regulations (as in effect before January 9, 2009), provided that, except in special circumstances, citizens of the United States may not ''possess, use, or transport firearms on national wildlife refuges'' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) (as in effect before January 9, 2009) prevented individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1012. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after line 1, and insert the following:

SEC. ___. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations (as in effect before January 9, 2009), provided that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) Section 27.42 of title 50, Code of Federal Regulations (as in effect before January 9, 2009), provided that, except in special circumstances, citizens of the United States may not ''possess, use, or transport firearms on national wildlife refuges'' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) (as in effect before January 9, 2009) prevented individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1013. Mr. SCHUMER (for himself, Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. DECLARATION OF ENGLISH AS LANGUAGE.

(a) IN GENERAL.—English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States. Nothing in this Act shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English.

(c) DEFINITION.—For purposes of this section, the term ''laws of the United States'' includes the Constitution of the United States, any provision of Federal statute, any rule or regulation issued under such statute, any judicial decisions interpreting such statute, or any Executive Order of the President.

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, April 23, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate office building to conduct a hearing on the nomination of Yvette D. Roubideaux to be Director of the Indian Health Service.

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. LEAHY. 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 April 23, 2009, at 10:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 23, 2009, in room S–216, at 12 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, April 23, at 2 p.m., in room SD–366 of the Dirksen Senate office building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 23, 2009 at 10:30 a.m. in room 406 of the Dirksen Senate office building.

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 10 a.m., in room 215 of the Dirksen Senate office building, to conduct a hearing entitled ''Technology Neutrality in Energy Tax: Issues and Options.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 10:15 a.m., to hold a hearing entitled ''Voice of Veterans from the Afghan War.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. 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 Thursday, April 23, 2009, at 9 a.m. to conduct a hearing entitled ''Follow the Money: State and Local Oversight of Stimulus Funding.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate office building.

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 23, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate office building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 23, 2009, at 2 p.m.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 11:30 a.m.

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

JOINT COMMITTEE ON PRINTING

Mr. LEAHY. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 11:45 a.m.

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2009 first quarter Mass Mailings is Monday, April 27, 2009. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

DESIGNATING APRIL 23, 2009, AS ''NATIONAL ADOPT A LIBRARY DAY''

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 113, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 113) designating April 23, 2009, as ''National Adopt A Library Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 113) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 113

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate donations of books to schools and

libraries across the country to extend the joys of reading to millions of people in the United States and to prevent used books from being thrown away; and

Whereas several States and Commonwealths that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as ''Adopt A Library Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates April 23, 2009, as ''National Adopt A Library Day'';

(2) honors organizations that help facilitate donations to schools and libraries;

(3) urges all people in the United States who own unused books to donate those books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 86, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 86) authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 86) was agreed to.

PROVIDING FOR ACCEPTANCE OF RONALD REAGAN STATUE

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res 101, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res 101) providing for the acceptance of a statue of Ronald Wilson Reagan from the people of California for placement in the United States Capitol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 101) was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989 as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 111th Congress: the Senator from Arizona, Mr. MCCAIN, and the Senator from Idaho, Mr. RISCH.

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican Leader, pursuant to P.L. 110–229, the appointment of the following to be members of the Commission to Study the Potential Creation of a National Museum of the American Latino: Dr. Eduardo Padron of Florida, Sean D. Reyes of Utah, and Ellie Lopez-Bowlan of Nevada.

ORDERS FOR FRIDAY, APRIL 24, 2009

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. tomorrow, Friday, April 24; 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 with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. DURBIN. The next vote will occur at approximately 5:30 p.m. on Monday. That vote will be on the motion to invoke cloture on S. 386, the Fraud Enforcement and Recovery Act.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10 p.m., adjourned until Friday, April 24, 2009, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

VICTOR M. MENDEZ, OF ARIZONA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE THOMAS J. MADISON, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN ALAN OWENS, OF ARIZONA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JAMES B. GULLIFORD, RESIGNED.

DEPARTMENT OF AGRICULTURE

RAJIV J. SHAH, OF WASHINGTON, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE GALE A. BUCHANAN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. DOUGLAS M. FRASER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY O. SPENCER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARC E. ROGERS

UNITED SATES MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOHN J. BROADMEADOW
COLONEL JOHN W. BULLARD, JR.
COLONEL STEVEN W. BUSBY
COLONEL HERMAN S. CLARDY III
COLONEL LEWIS A. CRAPAROTTA
COLONEL ROBERT F. HEDELUND
COLONEL FREDERICK M. PADILLA
COLONEL MICHAEL A. ROCCO
COLONEL RICHARD L. SIMCOCK II
COLONEL VINCENT R. STEWART

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELEANOR V. VALENTIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK L. TIDD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KURT L. KUNKEL
CAPT. JONATHAN A. YUEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KATHERINE L. GREGORY
CAPT. KEVIN R. SLATES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CLINTON F. FAISON III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CHARLES T. KIRCHMAIER

CONFIRMATION

Executive nomination confirmed by the Senate, April 23, 2009:

DEPARTMENT OF DEFENSE

ASHTON B. CARTER, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

IRISH-AMERICAN HERITAGE MONTH

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of H. Res. 254, a resolution recognizing the unique and distinguished role that Irish Americans have played in the history of our nation.

They have provided the backbone of our workforce, enlivened our art and culture, defended our country, and served in this Congress and as President of the United States.

In fact, there isn't an aspect of our nation that hasn't been improved by the efforts of Irish Americans.

Today, almost one in four Americans can trace their heritage back to Ireland.

With such a large and growing population, it is guaranteed that Irish Americans will continue to have a significant impact on our country for generations to come.

I'm proud to stand today with my colleagues, those lucky enough to be Irish American, as well as those who aren't, and honor this group that has been so important to our nation.

HONORING THE STRATFORD FIRE DEPARTMENT AS THEY CELEBRATE THEIR CENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the community of Stratford, Connecticut in marking the 100th Anniversary of the Stratford Fire Department. This is a remarkable milestone and a testament to the dedication and commitment of those men and women who devote their professional lives to protecting the Stratford community.

One hundred years ago the town's paid firefighting force was established with the hiring of the first paid fire chief and then volunteer, Allen Judson as well as the merging of two volunteer units, the Mutual Hook and Ladder Company and the Chemical Hose Company. In its earliest years, Chief Judson was the sole paid employee of the Department and he would lead the Department for the next forty-three years. Volunteers were called to emergencies by the ringing of the church bells with Chief Judson coordinating the "bucket brigades," the hand-drawn hook and ladder apparatus, as well as the manually operated water pump. By day the men who worked in Stratford Center responded and by night those who lived within a thousand feet of the Center responded while horses drew the fire apparatus. Nine years after its establishment, the second paid member of the Department, Assistant Chief William Anthony, was hired and by the 1930s there were more than half a dozen paid members.

Many changes have occurred since those early days of the Department—its responsibilities expanding dramatically and the job becoming more complex and dangerous. Today's 97-member Department staff four stations throughout Town and respond to fires, Haz-mat calls, vehicle extrications, medical calls, as well as plane incidents. Department members also participate in a variety of community activities aimed at fire safety and prevention as well as annual celebrations such as the Memorial Day Parade. The Department does all of this in a Town which today has 50,000 residents, is bordered by eighteen miles of shoreline, is intersected by Interstate 95, the Merritt Parkway, and the Metro-North railroad, and has an airport within its borders.

What makes this centennial celebration even more special is that the proceeds from the parade and festival will benefit the Stratford Professional Firefighters Burn Foundation—a non-profit organization founded in 1999 by the members of the Stratford Fire Department, Local 998 of the International Association of Firefighters to provide economic support to the funding of projects in the areas of fire and burn prevention through education, research, and public awareness programs.

We owe a great debt of gratitude to the men and women who dedicate themselves to the protection of our communities as firefighters. They face risks that few of us can truly comprehend. Each day, they must be ready to perform under intense pressure—literally in life or death situations. For one hundred years, the men and women of the Stratford Fire Department have ensured the health and safety of the Stratford community and I am proud to rise today to pay tribute not only to their rich history but to their outstanding and unwavering commitment to public service.

THE PLASTIC BAG REDUCTION ACT OF 2009

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MORAN of Virginia. Madam Speaker, today I am introducing the "Plastic Bag Reduction Act," legislation that will protect our watersheds, and ultimately the marine environment, by reducing a major source of coastal and marine debris, single-use packaging.

Trash in our watersheds interferes with public use and enjoyment of natural resources, can be hazardous to wildlife, and can break down into tiny "microplastics" that enter the food chain, carrying toxins with them. Trash is a serious problem in the Potomac and Anacostia River watersheds, where every year cleanup efforts retrieve tons of plastic bags and beverage containers.

Much of the trash that reaches major watersheds does not stay in the watersheds—it is washed out to sea and becomes marine debris. Scientists are becoming alarmed about massive "garbage patches" that are building up in nearly all of the world's oceans. The best-known patch consists of an estimated 100 million tons of plastic debris that has accumulated inside a circular vortex of currents known as the North Pacific gyre. It is estimated to be anywhere from 270,000 square miles to almost 580,000 square miles—between six and thirteen times the size of the Commonwealth of Virginia. Eighty per cent of the plastic in these ocean gyres is believed to come from the land.

The debris that chokes our inland watersheds, our coastlines, and the marine environment sickens and kills thousands of animals every year. Over 267 species worldwide have been impacted by plastic bags and other litter through entanglement or ingestion. Scientists are also realizing that the increasing volume of plastic that is slowly decomposing in the world's oceans may present a longterm problem for marine food chains. As plastic items break down, any toxic additives they contain—including flame retardants, antimicrobials, and plasticizers—may be released into the ocean environment. Not only are the components of the plastics themselves entering the food chain, but so are toxic chemicals that attach to the plastic particles because of plastic's molecular tendency to attract oils.

Many of these chemicals may disrupt the endocrine system—the delicately balanced set of hormones and glands that affect virtually every organ and cell. In marine environments, excess estrogen has led to discoveries of male fish and seagulls with female sex organs.

The Plastic Bag Reduction Act encourages consumers to choose reusable bags by imposing a 5 cent tax on single-use carryout bags beginning January 1, 2010. On January 1, 2015, the amount of the tax increases to 25 cents per bag. The tax applies to paper as well as to plastic single-use carryout bags. Of each 5 cents charged to the customer, the retail seller may apply for a tax credit of one cent for carrying out a qualified carryout bag recycling program. Of each 5 cents charged to the customer, one cent will be transferred to the Land and Water Conservation Fund. Finally, the bill directs the Comptroller General to conduct a study of the effectiveness of the provisions of the legislation and evaluate whether imposing a tax on other products, such as food wrappers and containers, could reduce the use of those products.

I am also co-sponsoring Congressman MARKEY's "Bottle Recycling Climate Protection Act of 2009." This legislation will impose a 5 cent deposit on beverage containers, which will reduce the number of bottles and cans that end up as trash in oceans and inland watersheds.

Madam Speaker, human health is directly linked to the health of our watersheds and

oceans. Each of us needs to take responsibility for protecting these essential resources. We can do so through the simple step of taking reusable bags with us when we shop. The Trash Free Watersheds Act creates a tax that I hope no American will choose to pay.

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BOSWELL. Madam Speaker, I regret my absence from the House on April 21st and April 22nd, but I was in my district welcoming President Obama to Newton, Iowa, former home of Maytag, and now home to a growing wind power industry, where we celebrated Earth Day and focused on alternative energy development and the green collar jobs this will create. Had I been present, I would have voted ''aye'' on rollcall votes 193, 194, 195, 196, 197, and 199, and I would have voted ''no'' on rollcall vote 198.

HONORING THE VILLAGE OF ITASCA

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. ROSKAM. Madam Speaker, I rise today to recognize the Village of Itasca in my Congressional District. Through a dedicated community-wide effort, Itasca has earned the designation of an International Safe Community from the World Health Organization.

This impressive effort places Itasca at the forefront of public health and safety efforts as the only Illinois community, and one of only five communities across the nation to receive this prestigious designation.

By developing community programs including self defense classes, home safety inspections, an unused prescription drug disposal program, investing in defibrillator equipment and training, and establishing a Community Emergency Response Team; the Village of Itasca has worked to engage its citizens, first responders, and local leaders in making Itasca a healthier, safer place to live and work.

Madam Speaker and Distinguished Colleagues, please join me in recognizing the Village of Itasca for achieving this challenging goal and setting an outstanding example for all Illinois communities to work together to tackle public health and safety challenges.

A TRIBUTE TO THE LIFE OF JAMES GRIFFIN BOSWELL II

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from the House, Mr. NUNES and Mr. RADANOVICH, and from the Senate, Mrs. FEINSTEIN to pay a special tribute to the life of an agricultural icon of California, Mr. James Griffin Boswell II of Indian Wells, California. James passed away on April 3, 2009 at the age of 86. He is survived by his wife Barbara Wallace Boswell, three children and several grandchildren.

Mr. James Griffin Boswell was born on March 10, 1923 in Greensboro, Georgia to William Whittier Boswell, Sr. and Kate Hall Boswell. James graduated in 1941 from the Thacher School an exclusive private boarding school in Ojai, California. In 1946 he received his B.S. in Economics from Stanford University. Prior to graduating from Stanford, ''JG'' as he was most commonly known, served in the United States Army during World War II where he was stationed in the South Pacific.

At the age of twenty-nine, James inherited one-third of the JG Boswell Company after the death of his uncle, JG Boswell I. At that time the company held 150,000 acres in California. During the next half century, James spent a good portion of his time transforming the family farm located near Corcoran, California in the San Joaquin Valley.

The diversification of the JG Boswell Company created many industry leading developments. Mr. Boswell's labs developed new, highly productive seed varieties as well as technological improvements that increased their capacity. He was an innovative water user, one of the first to employ lasers when leveling fields allowing water to flow evenly and efficiently. His careful water management also included hiring agronomists to determine when and how to irrigate. This allowed the Boswell farms to produce more cotton with less water than their competitors. James remained a very private man, in spite of periods of growth and success for his enterprises, which included such things as diversification into real estate development and farming ventures in Australia. His family business maintained that private reputation throughout his life.

James Griffin Boswell served as Chairman, President and CEO of the JG Boswell Co. from 1952 and continued until his retirement in 1984. After his retirement James continued to serve on the Boswell Company Board of Directors until his passing. In addition, Mr. Boswell served on the Boards of Safeway, General Electric, Security Pacific Bank, Bank of America, and Up with People. James was a trustee of the California Nature Conservancy, Cal Tech, Thacher School, the James G. Boswell Foundation in California and the Boswell Family Foundation in Idaho. Many were the recipients of Mr. Boswell's generosity.

It goes without saying that Mr. James Griffin Boswell's dedicated involvement to the cotton industry earned him a reputation of respect and enormous appreciation from Central Valley cotton farmers, and the agriculture industry in general. James was known as the Cotton King. My colleagues and I are honored and humbled to join his family today in celebrating the life of this amazing man. His presence will be dearly missed in our community in the years to come.

IN HONOR OF U.S. CAPITOL POLICE LIEUTENANT DOMINICK COSTA ON THE OCCASION OF HIS RETIREMENT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BECERRA. Madam Speaker, I rise today to honor Lieutenant Dominick Costa for his more than 31 years of public service to the U.S. Capitol Police Department and our congressional community.

Since his appointment to the U.S. Capitol Police on October 3, 1977, Lieutenant Costa has held several important positions within the Department. He has served in the House and Senate Divisions, Capitol Division, and the First Responder Unit. As an instructor and as a supervisor in the Training Division, he helped develop and enhance the skills of fellow officers. Over the years, Lieutenant Costa also worked as a Crime Scene Research Officer, a member of the U.S. Capitol Police Department's Ceremonial Unit and as an Administrative Sergeant in charge of the Department's Victim Witness Program. After being promoted to Lieutenant in November 2004, Lt. Costa served as the Watch Commander, providing area command for all Department operations and serving as the U.S. Capitol Police Chief's representative in his absence.

On January 3, 2009, Lieutenant Costa retired after over three decades of exemplary service as a member of the U.S. Capitol Police Department. He is currently residing in La Plata, Maryland with his wife Barbara of 28 years and daughter Danielle. His unwavering commitment to the public serves as an inspiration to all Americans.

Madam Speaker, I rise to once again praise Lieutenant Dominick Costa for his outstanding public service to the Congress and to his country. I ask my colleagues to join me in wishing Lieutenant Costa well in his retirement and thank him for all his years of service.

HONORING ST. PAUL INDUSTRIAL TRAINING SCHOOL AND MR. JAMES WILLIAM SMOTHERS AND MRS. ALICE OLENZA SMOTHERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize St. Paul Industrial Training School and the dedication of a Texas State Historical Marker in commemoration of this institute.

St. Paul Industrial Training school was founded in Henderson County, Texas by James William Smothers and Alice Olenza Smothers in the 1920's. This couple placed a particular emphasis on educating orphaned and abandoned children, and throughout the course of six decades, thousands of African American students received instruction at their institute. The Smothers' dedication to service was unwavering, and even when a tornado leveled the campus in 1942, the couple resolved anew to continue their work. Today, St. Paul Industrial Training School, Inc. continues

the legacy of this couple and their school by offering financial assistance to needy, college bound students.

Institutions of this nature played an important role in our nation's history, and the work of educators like the Smotherses was integral in advancing the civil rights movement. They worked diligently to make sure that every child had the opportunity to learn and succeed, and they felt that it was vital to ensure these youths had the ability to make a lasting contribution to society.

The placement of this historical marker will take place on May 2, 2009, and I ask my fellow colleagues to join me in recognizing St. Paul Industrial Training School and its founders, Mr. J. W. Smothers and Mrs. Alice 0. Smothers.

HONORING THE ROSELLE LIONS CLUB

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. ROSKAM. Madam Speaker, I rise today to recognize the 75th anniversary of the Roselle Lions Club in my Congressional District. On April 26, 2009, the Roselle Lions will mark more than 75 years of dedicated community service.

Through the years, the Lions Club has been instrumental in aiding those with hearing and vision impairments by providing members of the local community in need with hearing aids, glasses, and support groups.

With local events like The Lions Carnival, National Night Out, and the Children's Christmas Party, the Lions Club has raised funds for these worthy causes and provided a fun and safe environment for families to spend time together. The extent of the Roselle Lions' dedication and generosity can be seen in the countless library, school, and civic projects they have supported financially, and with their time and energy.

Madam Speaker and Distinguished Colleagues, the Roselle Lions Club has worked tirelessly to make their local community a better place to live, work and raise a family. They have brought compassion to those in need and been a tremendous asset to the citizens of Roselle.

Please join me in recognizing the impressive work of the Roselle Lions Club, and wishing them every success in their next 75 years of fellowship and service.

IN HONOR OF STEPHEN VANCE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. FARR. Madam Speaker, I rise today to honor the life of an invaluable member of the Santa Cruz community, and his humanitarian efforts all over the world. After decades of service and devotion to aiding developing countries, Stephen Vance lost his life serving the people and countries for whom he always cared.

After graduating from the University of California at Santa Cruz, Stephen became immersed in work for the United States Agency for International Development (USAID). In his role at USAID, Stephen spent more than twenty years working the issues of developing countries. He held numerous Country Director and Chief of Party assignments with USAID contractors and directed the USAID Mission experience. He served as the Senior Economic Development Advisor for USAID in Timor-Leste, where he managed USAID's economic growth team. Earlier, he served two years as the Executive Director of the Soros Foundation in Mongolia. While there, he spearheaded the foundation's transformation from a grant-making organization with more than 20 programs and 500 projects to an independent, non-partisan center for policy research and analysis and a platform for citizen participation and advocacy. Stephen designed and developed new projects in enterprise development, trade diversification, foreign investment promotion, rural and agricultural finance and agricultural development.

Stephen's years of work reflected his desire to improve living situations and stimulate economic growth and self-sufficiency in developing countries. Though he sought to create a more perfect, peaceful world, Stephen's life was lost at the hands of gunmen in Pakistan. At the time of his assassination, he was working for Cooperative Housing Federation International. There he directed "Livelihoods Project" in the FATA region, a program intended to infuse $750 million in economic development into the area.

Stephen was loved by many; his upbeat and optimistic attitude, as well as his zealous and vivacious approach to dealing with situations made him always a pleasure to be around. His humanitarian efforts gained him the respect and friendship of people all over the world; his zest for life and creative nature made him a person who will not soon be forgotten.

The City of Santa Cruz and the rest of the world will miss Stephen's vision and leadership, but there is no doubt that he has left us a better place than when he first arrived.

Madam Speaker, on behalf of the United States of Congress, I would like to honor the many accomplishments of Stephen Vance and express sincere gratitude for his contributions locally and internationally.

PREVENTION, AWARENESS, AND RESEARCH AUTOIMMUNE DISEASE (PARAID) ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. KENNEDY. Madam Speaker, today, I am introducing along with my colleague Representative CLIFF STEARNS, the Prevention, Awareness, and Research Autoimmune Disease (PARAID) Act.

I am introducing this legislation to address the critical issue of autoimmune diseases in our population. The National Institutes of Health (NIH) estimates that between 14 and 23.5 million Americans have an autoimmune disease and the prevalence is rising. Seventy-five percent of those afflicted are women with most cases occurring during the childbearing years. The chronic nature of these diseases accounts for its incredible cost to the individual and staggering drain on our nation's healthcare resources. The National Institutes of Health estimates that annual direct health care costs for autoimmune disease are in the range of $100 billion.

Autoimmune diseases encompass more than 100 interrelated diseases, such as lupus, multiple sclerosis, rheumatoid arthritis, Sjogren's syndrome, polymyositis, pemphigus, myasthenia gravis, Wegener's granulomatosis, psoriasis, celiac disease, autoimmune platelet disorders, scleroderma, alopecia areata, vitiligo, autoimmune thyroid disease, and sarcoidosis. Basic research into the mechanism that drives the autoimmune response is the fundamental knowledge needed to cure many of these diseases.

This legislation will increase awareness of autoimmune diseases, increase research on environmental triggers of autoimmune diseases, enhance education on the relationship between autoimmune and mental illness, and provide loan repayment for physician research on autoimmune disease. This support will help alleviate the suffering of millions of Americans, who suffer every day with the symptoms of these diseases, many times unable to fully participate in their work and family life as a result.

For these reasons, I urge you to give full consideration of this bill as quickly s possible.

ARMENIAN GENOCIDE

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. WALZ. I rise in sadness today and also in hope, as we commemorate the Armenian genocide that happened in the second decade of the twentieth century.

There is nothing easier than to forget the victims of history, and nothing more tragic, and for those very reasons, there is nothing more important than to remember them. And that is what we are here for.

The genocide of the Armenian people is a fact of history. It is a sad fact of history.

But the very fact that we are here, together in the U.S. House of Representatives addressing the issue is reason for hope. Armenians' determination to carry on, and in the United States' historic support for them, and in our joined determination to make sure that we recognize the facts of history—there is great humanity and hope.

I remain committed to the public recognition of the fact of the Armenian genocide. It is the only way to make sure we are forever vigilant to prevent genocide in the future.

I have hope, that we can all move forward, not in an exercise in collective guilt, but in the simple recognition of what happened, that a genocide was perpetrated upon the Armenian people, and that such a thing, quite simply, never should have happened and must never happen again.

HONORING BOY SCOUT TROOP 457 OF MIAMI, FL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to congratulate and commend Troop 457 of Boy Scouts of America in my district of South Florida. On Saturday, April 25, 2009, the troop will conduct their Court of Honor, honoring 13 of their own with the most prestigious rank of Eagle Scout.

Boy Scouts of America is a tremendous organization that my husband, Dexter, and I have continuously supported. With Dexter being a Eagle Scout, and me previously serving as a Girl Scout Troop Leader, we fully understand and appreciate all of the hard work and dedication invested into achieving the highest rank of Eagle Scout.

These 13 young men have distinguished themselves in the South Florida community as leaders of tomorrow through their countless hours of service toward improving South Florida. It is with great honor that I ask that the names of these 13 individuals be submitted into the CONGRESSIONAL RECORD.

William David Cochran, Kenneth Lewis Baer, James Phillip Baer, Joshua Rothenberg, Michael Thomas Dannelly, Leo Benjamin Kaplowitz, Wade Morgan Judy, Timothy Young Hunter, David Benjamin Shapiro, Alexander Pergakis, Jonathan A. Muench, Jonathan O. Lopez, Gabriel Cespedes.

OBSERVANCE OF THE ARMENIAN GENOCIDE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CAPUANO. Madam Speaker, I rise in sorrow and in solidarity with Armenians, with our fellow citizens of Armenian descent, and with all men and women of good will to recall the atrocities Armenians suffered in the early years of the last century. Contemporary accounts leave no doubt that indiscriminate massacres took place.

I understand that this topic evokes painful memories and raises difficult issues of national identity for persons of both Armenian and Turkish ancestry. Nonetheless, I believe that we must call genocide by its proper name and acknowledge it when it has occurred so that we may better learn to recognize and resist its horrors in the future. That includes recognizing the policies of the Ottoman Empire during World War I and its aftermath as genocidal.

International response to genocide has historically been inadequate at best, and we must do all we can to strengthen our resolve to prevent and punish such atrocities. Moreover, I believe that nations can move forward in fellowship when the past is confronted with honesty and courage. I hope to see the republics of Armenia and Turkey cooperate and jointly contribute to the stability of their troubled region.

IN HONOR OF THE MONTEREY MUSEUM OF ART

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. FARR. Madam Speaker, I rise today to honor the Monterey Museum of Art for their fifty years of service dedicated to the stewardship and celebration of the artistic legacy of the Monterey Peninsula. On behalf of the whole House, I am honored to extend to the Monterey Museum of Art the gratitude of the Congress and the American people for their past and future service.

Monterey County, in Central California, is a region that has inspired artists since the late 1800s. Artists flocked to the area, which was then and still is a region of pristine beauty. They brought with them the tradition of plein air painting, still in evidence today with artists painting the land and seascapes of ''the greatest meeting of land and sea.''

The Monterey Museum of Art was founded in 1959 in Carmel as a Chapter of the American Federation of the Arts by a group of civic minded individuals who sought to create an arts space for that seminal arts colony. In addition to celebrating pioneers of early California art such as Armin Hansen, the museum collects and exhibits contemporary photography by such renowned artists as Ansel Adams, Edward Weston, and Imogen Cunningham, contemporary artists working locally, in California and nationally.

Now comprising two locations, after the bequest of an historic adobe in the early 1980's by Frank Work, the museum serves nearly 40,000 visitors annually from around the world, including thousands of local schoolchildren. The museum is reaching out to families and children with new activities and programs geared to inspire a passion for the visual arts in accordance with their mission.

The mission of the Monterey Museum of Art is to collect, preserve, and interpret the art of California from the nineteenth century to the present day, within a national and international context. In this way, they expand the appreciation of their evolving artistic legacy and inspire a passion for the visual arts. We look forward to the next fifty years of their endeavors in this area.

Madam Speaker, I want to hold up the Monterey Museum of Art as a model museum and cultural institution, an expression of what makes our nation a worldwide leader in arts unique to our land. May their continued success inspire many more generations to celebrate our nation's artistic heritage and participate in its future.

ST. PETERSBURG TIMES EARNS TWO PULITZER PRIZES FOR JOURNALISM

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. YOUNG of Florida. Madam Speaker, The St. Petersburg Times earned a rare honor Monday by collecting multiple Pulitzer Prizes for journalism excellence.

Washington Bureau Chief Bill Adair and his team won the only Pulitzer Prize awarded this year by Columbia University for content created for the web. They earned the honor in the National Reporting category for PolitiFact, a website at www.politifact.com conceived by Bill Adair to test the validity of political statements.

Times Staff Writer Lane DeGregory won the second Pulitzer Prize for Feature Writing for her story ''The Girl in the Window'', which is about a Plant City child who was locked in her room by her adoptive parents.

This is a great honor for Paul Tash, the Editor, Chairman, and Chief Executive Officer of The St. Petersburg Times and his team of writers, editors, and support staff in this the newspaper's 125th year.

Madam Speaker, following my remarks, I will include for the benefit of my colleagues a story from the Times by Stephen Nohlgren with more background on these awards and the six Pulitzer Prizes earned previously by St. Petersburg Times reporters and editors.

The creation of PolitiFact will be of special interest to our colleagues in the House. The PolitiFact team, led by Bill Adair, included editors Scott Montgomery and Amy Hollyfield, reporter and researcher Angie Drobnic Holan, reporters Robert Farley and Alexander Lane, news technologist Matthew Waite and designer Martin Frobisher.

Together they searched through political ads, speeches and debates and determined the accuracy of political statements by presidential candidates and candidates for other offices. The information is accessible and searchable on the internet and is also published in the Times. PolitiFact became such a valuable source of information during last fall's campaign season that it was quoted regularly by national news organizations.

Madam Speaker, Please join me in congratulating Lane DeGregory, Bill Adair, and his team for a job well done in earning journalism's highest honor this week. They have set the standard for human interest and political reporting as judged by the peers in their field of work.

[From the St. Petersburg Times, Apr. 21, 2009]

TIMES WINS 2 PULITZERS

(By Stephen Nohlgren), The St. Petersburg Times, April 21, 2009

For the first time in its 125-year history, the St. Petersburg Times has won two Pulitzer Prizes in a single year.

Staff writer Lane DeGregory, 42, captured the feature writing category for ''The Girl in the Window,'' a moving account of a Plant City child whose mother kept her locked in a filthy room, and the adoptive family who worked to overcome her feral beginnings.

The Times staff won the national reporting prize for PolitiFact, a Web site, database and ''Truth-O-Meter'' that tests the validity of political statements.

That award reflected the growing influence of online media in public affairs. PolitiFact was designed for the Web at politifact.com, though its content also appears regularly in the Times' print edition.

The two awards are ''so representative of our organization as a team, of the skill we bring to work every day,'' Executive Editor Neil Brown told the newsroom staff Monday amid cheers and popping champagne corks.

Like newspapers all over the country, the Times is navigating tough economic times, Brown said, but ''this is old-fashioned journalism, great reporting and great writing.

Nothing has changed about that. This is what we do.''

The Pulitzers, awarded by Columbia University, are widely regarded as journalism's highest accolade. The only other newspaper to win more than one prize in this year's 14 categories was the New York Times, with five.

The St. Petersburg Times previously had won six Pulitzers, its most recent coming in 1998.

Though Columbia tries to keep results under wraps until one nationwide announcement, reporters and secrets don't mix well.

By lunchtime Monday, grins, hugs and excited whispers spread through the newsroom. A few minutes before the 3 p.m. announcement, staffers congregated around one computer to await the Associated Press bulletin together.

After congratulations died down, DeGregory told her colleagues she was working at the Virginian-Pilot 10 years ago, when she read ''Angels & Demons,'' a Pulitzer-winning series by then-Times reporter Thomas French about the murders of an Ohio woman and her two daughters in Florida.

''I thought, 'Oh my God, there's a newspaper that publishes real stories like that?' ''

When she was hired at the Times in 2000, DeGregory said, ''I thought it couldn't get any better than working at this place and working with these people. But today it got a little better.''

''The Girl in the Window'' was published last August, with photos by Melissa Lyttle.

Danielle was 7 when neighbors spotted her face through a broken window of her home. Detectives found her in diapers, her skeletal body raw from bug bites.

She couldn't speak.

A Fort Myers family adopted her, and DeGregory chronicled their efforts to draw her from her silent shell.

Within a month of publication, more than 1 million people read the story online. Calls to authorities from Tampa Bay residents wanting to adopt foster children jumped 33 percent.

Times staff writer John Barry was a Pulitzer finalist in the feature category for ''Winter's Tale,'' an account of a dolphin with a prosthetic tail and a disabled girl who befriended it.

PolitiFact was conceived by Washington bureau chief Bill Adair during the runup to the 2008 presidential election.

Adair, 47, felt frustrated in earlier campaigns by a lack of time and resources to fact-check political rhetoric.

''We had neglected this aspect of reporting too long,'' said Adair, a 20-year Times veteran. ''With the Web, we had the tools to do reporting better and the tools to be able to publish in new ways.''

With the green light from Times' brass, Adair skipped traditional campaign coverage and worked full time on PolitiFact.

The PolitiFact team included editors Scott Montgomery and Amy Hollyfield, reporter and researcher Angie Drobnic Holan, reporters Robert Farley and Alexander Lane, news technologist Matthew Waite and designer Martin Frobisher.

The team combed through political ads, speeches and debates, and summarized the findings on a ''Truth-O-Meter,'' which labeled statements as True, Mostly True, Half True, Barely True, False or Pants on Fire.

A searchable database kept the rulings accessible.

Soon other media outlets were quoting PolitiFact as an authority on public discourse, and Adair was appearing on CNN and National Public Radio.

About 95 percent of the Web site's hits come from outside the Tampa Bay area and 10 percent from outside the United States.

''This is such a terrible time for newspapers, and I think our winning today is a sign that the Web is not a death sentence for newspapers,'' Adair said. ''We need to look at it as an opportunity.''

For the first time this year, the Pulitzer board invited entries in all categories from Web-only news operations. The Times won the only prize for content created for the Web.

Editor, chairman and CEO Paul Tash capped off Monday's newsroom toasts by recalling longtime owner Nelson Poynter, who willed the Times to a not-for-profit journalism institute so that public service, not profits, would drive the newspaper's corporate culture.

''Here's to a little guy, in a bow tie, who came from Indiana,'' Tash said. ''He gave us the chance, and today our colleagues have vindicated his confidence.''

Pulitzer Prizes at the St. Petersburg Times and Evening Independent

1998: Thomas French, feature writing, for ''Angels & Demons,'' his narrative portrait of an Ohio mother and two daughters slain on a Florida vacation, and the three-year inquiry into their murders.

1995: Jeffrey Good, editorial writing, for ''Final Indignities,'' his editorial campaign urging reform of Florida's probate system for settling estates.

1991: Sheryl James, feature writing, for ''A Gift Abandoned,'' a series about a mother who abandoned her newborn child and how it affected her life and the lives of others.

1985: Lucy Morgan and Jack Reed, investigative reporting, for their reporting on Pasco County Sheriff John Short, which revealed his department's troubles and led to his removal from office by voters.

1980: Bette Swenson Orsini and Charles Stafford, national reporting, for their investigation of the Church of Scientology.

1964: Times staff, public service, for the investigation of the Florida Turnpike Authority, which disclosed widespread illegal acts and resulted in a major reorganization of the state's road construction program.

RECOGNIZING THE ARMENIAN GENOCIDE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. BACHMANN. Madam Speaker, I believe it is important that we all remember the past, whether it relates to people's positive actions or their negative. The saying that those who do not know their past are doomed to repeat it holds much truth. For that reason, today I rise to recognize a tragic event in human history that resulted in the loss of the lives of nearly 1.5 million Armenians during World War I.

On April 24, 1915, the then-Ottoman Empire began the systematic execution of Armenians, an event now known as the Armenian Genocide. While a large number of Armenians were killed outright, many others suffered and died of starvation and diseases which spread through their concentration camps. By 1923, the entire Armenian population previously inhabiting the landmass of Asia Minor and West Armenia had been eliminated.

As a Member of Congress, I have joined with nearly one hundred of my colleagues in support of legislation affirming the United States record on the Armenian Genocide and urging the President to ensure U.S. foreign policy reflects an understanding of the human suffering relating to this genocide. I appreciate the efforts of the International Association of Genocide Scholars, which recently appealed to President Barack Obama requesting that he remain true to his previous statements and, as President, recognize the Armenian Genocide as, ''a widely documented fact supported by an overwhelming body of historical evidence.''

Madam Speaker, the United States serves as an example to the world of what can be achieved when basic human rights are protected and nurtured. It is in this role that we must recognize this methodic extermination of over one million Armenians during World War I. Moreover, I believe that through appropriate recognition, we can work to ensure that atrocities such as the Armenian Genocide are remembered, and not relived.

RECOGNIZING THE SERVICE OF AMERICAN CANCER SOCIETY VOLUNTEER BOB WILLIAMS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. HIGGINS. Madam Speaker, I rise today, during National Volunteer Week, to recognize Bob Williams, a man who has gone above and beyond in the call to serve his community and fellow American.

I first met Bob and learned of his story when he visited my office in his role as the American Cancer Society's Ambassador for New York's 27th Congressional District.

Bob, a cancer survivor himself, does not simply advocate on the fight against cancer, he lives it.

Bob is a volunteer with the American Cancer Society's ''Road to Recovery'' program which links patients in need of transportation to cancer treatments with volunteers willing to donate their time and the use of their car to provide free transportation.

With remarkable devotion and an overflowing heart Bob has made trip after trip—well over 500 in total—providing patients with comfort and companionship as they drive the over 120 mile round trip route between Chautauqua County and Roswell Park Cancer Institute.

Quickly the miles added up and with more than 100,000 miles under his belt Bob recently rightfully earned the title American Cancer Society Western New York Volunteer of the year.

Through the ''Road to Recovery'' program Bob has provided transportation to over 1,600 people, relieving patients of the fight to find a ride to treatment and allowing them to focus on the fight against the disease.

Madam Speaker, thank you for this opportunity to honor Bob Williams, a man who with humility and compassion has set an example for us all on the enormous difference one person can make. Bob's volunteerism is admirable and inspiring and I am pleased to acknowledge his many contributions this Volunteer Week.

CELEBRATING THE CAREER OF ROSIE SEAMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise today to honor the career of beloved television host, author and community leader, Rosie Seaman.

A former preschool and kindergarten teacher, Rosie joined Mobile's WKRG-TV5 in 1974 as the host of ''Rosie's Place,'' a locally-produced, weekly half-hour show for school-age children. For almost ten years, families across the central Gulf Coast welcomed Rosie into their homes. In 1976, ''Rosie's Place'' won the Alabama Arts and Humanities Award for best TV series in the state.

Rosie later went on to produce other children's programming at WKRG, including ''Small Fry News'' and ''Youth Magazine.''

Rosie has worn many hats over the course of her 35 year career with Mobile's CBS affiliate. She was the producer of the public affairs program, ''Page 5,'' associate producer for the ''We Are Mobile'' tri-centennial movie project, and producer for WKRG's morning and noon news programs. Most recently, she served as segment producer at WKRG, booking guests for the station's news and public affairs programs.

Through her work at WKRG, Rosie ensured that civic leaders and organizations had frequent access to the airwaves. She helped organizations including the United Way, the American Cancer Society, the Salvation Army and the Child Advocacy Center reach out to viewers through the station's public affairs and talk segments on news shows.

Rosie was also the author of several nationally published educational books, which ranged in topic from arts and sciences to the teaching of moral values to young children. Mobile's Drug Education Council recently published one of Rosie's books on drug awareness for young children.

In recognition of her remarkable accomplishments, The Press Club of Mobile awarded Rosie its 2004 John Harris Lifetime Achievement Award.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. On behalf of all those who have benefited from her good heart and generous spirit, permit me to extend thanks for her many efforts in making Mobile and south Alabama a better place. Rosie Seaman is an outstanding example of the quality of individuals who have devoted their lives to the field of broadcast journalism.

On behalf of a grateful community, I wish her the best of luck in all her future endeavors.

TO COMMEMORATE THE 150TH ANNIVERSARY OF FIRST REFORMED CHURCH IN GRANDVILLE, MICHIGAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. EHLERS. Madam Speaker, it is my distinct pleasure to rise today in commemoration of the 150th Anniversary of the First Reformed Church of Grandville, Michigan. On Sunday, April 19, 2009, a commemorative worship service and celebration will memorialize this extraordinary milestone, and it is a privilege to recognize and honor Reverend Christopher Wolf and the congregation of this remarkable church for the model of Christian service and the beacon of hope they have offered to the Grandville community over the past 150 years.

From the first service on April 13, 1859 up until today, First Reformed has faithfully served The Lord, the residents of Grandville, and the world through its ministries, involvement in the community, and missionary outreach. The commemoration of First Reformed's sesquicentennial anniversary during the April 19 service is the highlight of a year-long celebration of spiritual, historic and community events.

This remarkable anniversary reminds all of us that wonderful things do happen when we seek to serve and glorify God. Reflecting on the journey experienced by the congregants of First Reformed over the last 150 years, it is appropriate to reaffirm and strengthen our own faith, acknowledge the blessings bestowed upon us, and recognize the call to reach out to others and share God's love.

I am proud to represent the people who call First Reformed their church home, and am grateful to this congregation for their Christ-like example. I am honored to extend my best wishes on this sesquicentennial occasion, and look forward to their service and ministry to the people of Grandville for many more years.

HONORING DR. NANCY ZIMPHER

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to honor Dr. Nancy Zimpher, President of the University of Cincinnati for her tremendous dedication to higher education. Unfortunately, President Zimpher will be departing us to become the new chancellor of the State University of New York on June 1. They will be blessed to have her.

A native Ohioan, President Zimpher became the University of Cincinnati's 25th president and first woman president in October of 2003. From the beginning, President Zimpher worked tirelessly to raise the University's profile. During her tenure she increased the University of Cincinnati's freshman class and total enrollments to new heights, while increasing retention and graduation rates. The caliber of students and educators at the University of Cincinnati has never been higher. President Zimpher's immense responsibilities have included managing 16 colleges, an academic medical and research center, one billion dollar annual budget, and the most employees in the Greater Cincinnati area.

Away from the University, President Zimpher has given her time and talents to numerous civic causes, including serving on the boards of the Cincinnati USA Regional Chamber of Commerce, Cincinnati Center City Development, United Way of Greater Cincinnati, and many others.

As a proud graduate of the University of Cincinnati and a faithful Bearcat, it is with a heavy heart that I congratulate Dr. Zimpher on her new and exciting opportunity as chancellor of the State University of New York. The Cincinnati region and most importantly the University of Cincinnati are better off today due to President Zimpher's dedication and leadership. Good luck Dr. Zimpher, you will be missed.

EARMARK DECLARATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. WOLF. Madam Speaker, pursuant to the Republican guidelines on earmarks, I submit the following statement for the record regarding H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act.

Requesting Member: The Hon. FRANK R. WOLF

Bill Number: H.R. 1105

Provision: State and Local Law Enforcement Assistance, Byrne Justice Assistance Grant

Legal Name of Requesting Entity: Northern Virginia Regional Gang Task Force

Address of Requesting Entity: One Park Center Court, Manassas Park, VA, 20111

Description of Request: In response to increasing gang activity in northern Virginia, a multi-jurisdictional law enforcement task force was established in 2003 to more effectively respond to gang activity. As a result of the task force's efforts, criminal gang activity has declined by more than 50 percent. In order to sustain and maintain these impressive results, the task force requested $2.5 million in funding, which is included in H.R. 1105.

Requesting Member: The Hon. FRANK R. WOLF

Bill Number: H.R. 1105

Provision: State and Local Law Enforcement Assistance, Byrne Justice Assistance Grant

Legal Name of Requesting Entity: Northwest Virginia Regional Gang Task Force

Address of Requesting Entity: P.O. Box 49, Berryville, VA, 22611

Description of Request: In response to increasing gang activity in the Shenandoah Valley, this task force was established to coordinate and share information with their counterparts at the Northern Virginia Regional Gang Task Force. According to the Federal Bureau of Investigation, the entire northern Virginia region is a hotbed of gang activity. In order to better fight gang activity in this area, the task force requested $750,000 in funding, which is included in H.R. 1105.

Requesting Member: The Hon. FRANK R. WOLF

Bill Number: H.R. 1105

Provision: Capital Investment Grants

Legal Name of Requesting Entity: Dulles Corridor Metrorail Project

Address of Requesting Entity: 1 Aviation Circle, Washington, D.C. 20001

Description of Request: H.R. 1105 provides $29.1 million to be used for extending the Metrorail system through Tysons Corner to Washington Dulles International Airport. Northern Virginia continues to be one of the country's fastest growing areas, but with that has come the distinction of being the second worse traffic congested region in America. Congressional funding to bring a much needed mass transit system linking the West Falls Church Metro station to Washington Dulles International Airport was first approved in FY 1999.

Additional Request: I also requested language in this bill that would prohibit the Federal Transit Administration (FTA) from reallocating previously appropriated funding for the Dulles Corridor Rapid Transit Project. Specifically, I requested that the funding from FY 2002, FY 2003, FY 2004, FY 2005, FY 2006 and FY 2008 be protected.

HONORING THE MEMORY OF FRANKLIN ROOSEVELT BRACKIN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BONNER. Madam Speaker, the town of Loxley, Alabama, and all of southwest Alabama recently lost a dear friend, and I rise today to honor Franklin Roosevelt Brackin and pay tribute to his memory.

Known to his many friends as Frank, he was a native of Covington, Alabama and lived in Loxley for over three decades. Frank was known to everyone in Loxley for riding his bicycle adorned with American flags through town. He took it upon himself to monitor the flags flown on the town's public property, and he would notify the staff at Town Hall if he spotted a problem.

Each day, Frank ate breakfast at the Loxley Civic Center with other seniors, and he visited the Fire Department, Police Department and merchants along Alabama Highway 59. As Frank grew older and traffic increased, he began making his daily visits on foot, at which time, Loxley police provided him with an orange safety vest to make him more visible as he traveled throughout the community.

Frank was also a member of the Association of Retarded Citizens of Baldwin County (ARCBC). Each year, he and other ARCBC members traveled to either Disney World or Dollywood, which was always a highlight of his year. Frank was also active in the Baldwin County Strawberry Festival, serving on the cleanup committee for many years.

Madam Speaker, I ask my colleagues to join me in remembering a beloved friend to many throughout southwest Alabama. Franklin Roosevelt Brackin will be dearly missed by his family—his two brothers, his sister, and the entire town of Loxley—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

A LIFE LIVED FOR OTHERS: A TRIBUTE TO GEORGE K. STEIL, SR.

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to pay tribute to a loving father, grandfather, and great-grandfather, a devoted husband, and a personal friend and mentor. George K. Steil, Sr. was a pillar of integrity and leadership in the Janesville community and the state of Wisconsin. George passed away less than a month ago at his home in Janesville, but not before leaving an indelible mark on the countless lives he touched—myself included. He will be sorely missed, but will never, ever, be forgotten.

George was born in Western Wisconsin in 1924, and served his nation with honor in World War II as a sergeant in the U.S. Army Amphibious Forces in both New Guinea and the Philippines. Shortly after his return from service, George married the beautiful Mavis Andrews in 1947 in Darlington, Wisconsin.

George is an institution at the University of Wisconsin—having received a Doctor of Law Degree from the University of Wisconsin in 1950, been named a lecturer at UW in 1974, and having received the law school's highest honor—the Alumni Distinguished Service Award in 1991. He was appointed by Governor Tommy Thompson to the UW Board of Regents, serving as the Board's President from 1992–1994, as well as Chairperson of the UW Medical Foundation and member of the UW Hospital Authority.

He had among the most illustrious legal careers of any in the State of Wisconsin, serving on numerous statewide—and international—committees and associations. George was elected president of the State Bar in 1976, and later honored by the Wisconsin Bar Foundation as the 9th recipient of the Charles L. Goldberg Distinguished Service Award for his outstanding public service as a citizen, an attorney, and a humanitarian.

His leadership in the community was also unparalleled. He has served as President and Senior Partner of Brennan, Steil, and Basting in Janesville, having been with the firm from 1960 until his death. George had been President of Janesville's Chamber of Commerce; Chairman of the Board of Directors of Bank One in Janesville; and took countless other leading roles in both the public and private sector. He had also been recognized for his commitment to the Catholic Church and the Diocese of Madison. George's commitment to faith was evident in all he did, as his service to God was manifest in his tireless service to others.

His long list of achievements and honors fails to do justice in describing the type of man George Steil was. My father was George's law partner, and I had the privilege of getting to know the Steil family during the formative years of my life. Because I lost my father at a young age, George became a mentor of mine. He gave me the kind of fatherly guidance and encouragement that I so desperately needed as I grew up and faced life's many challenges. Unlike any other, I looked to George as a role model, and was blessed to be taken under his wing.

George Steil dedicated his life to the service of others: to his fellow countrymen in the U.S. Army; to his neighbors—especially those most vulnerable—in Janesville, Rock County, and Wisconsin; to his clients, his customers, and fellow parishioners; and—most passionately—to his friends and his family.

To George's four children: George, Jr. and wife Patricia; John of Janesville; Michelle and husband Patrick; and Marcelaine and husband John. Your father will forever be one of Janesville's finest.

To his two great-grandchildren and ten grandchildren, including my former and future staffers Bryan and Allison Steil: your grandfather's zest for life and selfless commitment to service provides a guiding light for you to follow for years to come.

To his wife Mavis: For your unconditional love and support over the years, I will forever be in debt to you and to your husband.

My prayers and my eternal gratitude remain with the Steil family.

IN MEMORY OF ROBERT E. ''BOB'' WHEELER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Robert E. ''Bob'' Wheeler of Hot Springs, who passed away on April 16, 2009, at the age of 72. Affectionately called ''Mister Hot Springs,'' Bob dedicated his life's work to Hot Springs, the city he loved and the city he called home.

Bob was a hard worker and an inspiring leader, and it was his vision that helped make Hot Springs the vibrant center of tourism, commerce and history that it is today. In response to the city's struggling economy in the 1980s, Bob was instrumental in passing bond issues that renovated and expanded the former Hot Springs Convention Auditorium into the Hot Springs Convention Center, a state-of-the-art conference facility that now hosts groups from across the country. He was also key in reopening the Magic Springs & Crystal Falls amusement park, as well as envisioning and seeing to completion Summit Arena, which now hosts major concerts and athletic events.

In an official capacity, Bob served as the City Director from 1986 until 2004, when he declined to run for re-election. He also served on the Hot Springs Advertising and Promotion Commission for 15 years, being named the commission's only ''Commissioner Emeritus'' upon his retirement.

Bob was a successful businessman heading Wheeler Printing, and he was the motivation for making Hot Springs the permanent home of the Miss Arkansas Pageant, where he served more than 40 years as the state pageant's Executive Director.

Realizing the city's important contributions to Arkansas over the years, Bob's vision included a city that recognizes and honors its past and traditions while embracing change and economic development. Today, as a direct result of Bob's efforts, Hot Springs is a year-round destination for conventions and tourists and a thriving community in which to raise a family.

Most importantly. Bob inspired a new generation of leaders in Hot Springs all of whom embraced his vision and shared his infectious energy and passion that will carry the city well into the 21st century.

Unfortunately. Bob lost his long battle with Alzheimer's disease last week. Though he is no longer with us and will be deeply missed, Bob's legacy will live on as Hot Springs and its leaders continue to meet the expectations, dreams and goals outlined by the city's biggest champion.

HONORING THE SEXTON FAMILY'S SERVICE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. WILSON of South Carolina. Madam Speaker, I wish to take this opportunity to recognize and honor the service and sacrifice of the Sexton family. Thirteen Sextons have served bravely in our Armed Forces since World War II—several having served on the front lines in both the Atlantic and Pacific Theatres. This tradition of service and dedication to the United States of America has earned them due recognition and appreciation. I submit their names here for the RECORD:

Hugo ''Doc'' Sexton—served with U.S. Navy—WWII Veteran (1908–1982);

James Edward ''Tad'' Sexton—served with U.S. Army (1911–1945);

Harbon ''Whitey'' Sexton—served with the 30th Infantry Division; killed in action in France (1915–1944);

Joseph Howard ''Tut'' Sexton—served with 1st Infantry Division—WWII Veteran (1918–1983);

Jeff Jackson ''Jodie'' Sexton—served with 90th Infantry Division—WWII Veteran (1920–2003);

Willard ''Pistol'' Sexton—served with 1106th Combat Engineers—WWII Veteran (1922–2009);

Elurd Preston ''Pete'' Sexton—served with U.S. Navy—WWII Veteran;

John Daniel Sexton—U.S. Air Force Veteran (1930– 2008);

Jim Sherman Sexton—retired from the U.S. Air Force;

Ernest Norman ''Snag'' Sexton—retired from the U.S. Air Force;

Robert Charles ''Bobo'' Sexton—retired from the U.S. Army (1937–1991);

Luther Madison ''Luke'' Sexton—retired from the U.S. Air Force;

Jonah Clark ''Buster'' Sexton—retired from the U.S. Air Force.

Hugo served in the Pacific Theatre. James entered the Army but was medically discharged shortly after he began service. Harbon, Joseph, Jeff, and Willard all landed in France as part of the American forces fighting in the Atlantic Theatre. Harbon was killed in action near Isigny, France, while the others fought throughout Europe until the end of the war. Joseph also landed with the 1st Infantry division in North Africa.

Pete was stationed in the Pacific after joining the Navy prior to the end of the war. John was on active duty just prior to the Korean War. The remaining Sextons, Jim, Ernest, Robert, Luther, and Jonah all spent more then 20 years each on active duty before retiring from their respective branches. At three different times between 1942 and 1968, there were five Sexton brothers wearing the Uniform of the United States Armed Forces at the same time.

CONGRATULATING CHANDLER BRAMLETT ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Chandler Bramlett, on the occasion of his retirement from Infirmary Health System.

With a career spanning over 40 years, Chandler has served in administrative positions in healthcare facilities in Florida, Georgia, Mississippi, and Alabama.

A native of Mobile and graduate of Murphy High School, Chandler received a Bachelor of Science degree in Chemistry from the University of Alabama in 1964 and an M.B.A. and Certificate in Hospital Administration from the University of Florida in 1996.

After graduation and before his induction into military service, Chandler served as an administrative assistant with Baptist Hospital in Pensacola, Florida. Later that same year, he joined the U.S. Public Health Service Office in Atlanta where he worked as a health services officer at the Division of Medical Care Administration Regional Office. Two years later, he was named vice president of the North Mississippi Medical Center in Tupelo, Mississippi. In 1972, Chandler returned to Alabama as the administrator of Jackson County Hospital and Nursing Home in Scottsboro.

Chandler joined the Mobile Infirmary in 1976, initially as administrator of its Rotary Rehabilitation Hospital. In 1978, he was named executive vice president. Five years later, he became president/chief executive officer of Infirmary Health System, which today is the largest integrated healthcare delivery system in the Central Gulf Coast Region.

Today, the Infirmary Health System is the fifth largest private sector employer in the state. It is the parent company of five hospitals and one nursing home in Mobile and Baldwin Counties with 1,300 licensed beds, including Mobile Infirmary Medical Center, the largest not-for-profit acute care hospital in Alabama. Under Chandler's leadership, the not-for-profit healthcare system was created, a comprehensive partnership with the University of South Alabama's Mitchell Cancer Institute was developed, and a scholarship program to train nurses was created.

With more than three decades with the company, Chandler was the most senior healthcare executive serving in the state of Alabama at the time of his retirement in December 2008.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. I know his family, his wife, Polly; their daughters, Louise, Susanne, Patricia, and Amanda; his many friends; and past and present Infirmary Health System employees join me in praising his accomplishments and extending thanks for his service over the years on behalf of the city of Mobile and the state of Alabama.

Chandler will surely enjoy the well deserved time he now has to spend with family and loved ones. On behalf of a grateful community, I wish him the best of luck in all his future endeavors.

INTRODUCTION OF THE HONOULIULI INTERNMENT CAMP SPECIAL RESOURCES STUDY ACT OF 2009

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. HIRONO. Madam speaker, I rise today to introduce a bill to authorize a special resources study of the World War II-era Honouliuli Internment Camp site in the State of Hawaii.

Unlike much of the mainland United States, Japanese Americans in Hawaii were not subjected to the mass roundups experienced by Americans of Japanese ancestry who lived on the West Coast of the U.S. mainland. Executive Order 9066, which called for removal of Japanese Americans from restricted areas, was not enforced to the same degree in Hawaii. Forcing all of Hawaii's Japanese American population into camps was simply not practical as they made up some 40 percent of the population at the time.

Executive Order 9066 put Hawaii under martial law. Interestingly, even before the attack on Pearl Harbor, the FBI had a ''custodial detention list'' of 337 people in Hawaii marked for arrest if America went to war with Japan. On December 7, 1941, the day Pearl Harbor was attacked, the FBI and the Army ordered the internment of everyone on the ''custodial detention list.''

Most of these initial internees were ''consular agents,'' persons who worked on a volunteer basis to assist other Japanese in filling out reports of birth, marriage, and death to be sent back to the emigrants' original villages in Japan. Many of these volunteer ''consular agents'' were long-time residents of Hawaii but were not citizens because they were not born in Hawaii. At the time, Japanese immigrants were barred from becoming naturalized U.S. citizens on the basis of race. None of these ''consular agents'' were ever charged with espionage or sabotage. Shinto and Buddhists priests, language teachers, and community leaders were also rounded up and put in the camps.

Honouliuli Internment Camp was the largest and last-closed of the eight detention centers that operated in Hawaii. Honouliuli was also used as a prisoner of war camp. Each of the major islands had internment facilities for a period of time. Some 1,200 Japanese Americans and 100 Americans of Italian or German descent were interned in Hawaii between December 7, 1941, and September 14, 1945. Many were initially held in Hawaii and then transferred to internment camps on the U.S. mainland.

The story of the internments in Hawaii is not well known. Most people in Hawaii are not even aware of this history. Archeological reconnaissance surveys of the Honouliuli Camp

site have been conducted with the support of the Japanese Cultural Center of Hawaii, Conservation Fund, National Park Service, National Trust for Historic Preservation, and the University of Hawaii. The landowner, Monsanto, has also been supportive.

The Honouliuli site, which is located in a gulch in an agricultural area on the island of Oahu, still contains many remnants of the camp. The special resource study authorized by this bill will evaluate the Honouliuli site, as well as associated sites on Oahu and other islands, regarding its significance in the history of World War II; in relation to the forcible internment of Japanese Americans, Italian Americans, and German Americans; and for its physical historic resources.

One of the things I am most proud about America is our willingness to examine painful and often shameful periods of our past. The experience of Hawaii in relation to Executive Order 9066 has not really been told before. The proposed resource study will provide a map of how we might move forward in preserving and interpreting the historical record of this period.

I urge my colleagues to join me in supporting this legislation.

COMMEMORATING THE LIFE OF MICKEY CAFAGNA, MAYOR OF POWAY

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BILBRAY. Madam Speaker, I rise today to mourn the passing of one of San Diego Counties most beloved citizens, Mayor Mickey Cafagna. Mayor Cafagna lost his battle to cancer on Saturday, April 11, 2009, and I urge my colleagues to join me in commemorating the life of this devoted public servant.

Mayor Cafagna has had a long history of serving San Diego County. In addition to being a successful businessman, he was elected mayor of Poway, served on the Poway City Council, was chairman of the Regional Solid Waste Association, and represented the city of Poway on the San Diego Association of Governments (SANDAG) since 1998, serving two years as Chairman of the Board, where I had the privilege to serve with him.

A consummate family man, Mayor Cafagna is survived by his wife Sharon of 43 years, his two children and five grandchildren, who were the light of his life. Mayor Cafagna was widely known and respected for his goodwill to all, his ability to bring people together with warmth, humility, and good sense of humor. His accomplishments both personal and public are to be commended and I can say that he will be sincerely missed by the people of San Diego County, especially in the beautiful city of Poway.

It is with immense gratitude that I commend Mayor Cafagna for his long and distinguished service on behalf of his constituents and county. His humor and easygoing personality will be greatly missed by all who worked with him. However the stories and warm memories of this larger than life man will be shared by many. I urge my colleagues to join me in commemorating the life of Mayor Mickey Cafagna.

HONORING DR. PADMANABHAN ''DAN'' MUKUNDAN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. DAVIS of Illinois. Madam Speaker, on February 5, 2009 the City of Chicago and the nation lost an inspirational leader in community health, Dr. Padmanabhan ''Dan'' Mukundan. Dr. Mukundan, or ''Dr. Dan'' as he was warmly known, was a pioneering force in community medicine in Chicago for nearly 40 years. Dr. Dan held a lifelong commitment to caring for the medically underserved and he believed passionately in providing the highest quality of medical care to all persons regardless of health status or ability to pay.

Dr. Dan opened his first practice on Chicago's South Side in the 1970s, and in the early 1990s he joined ACCESS Community Health Network where he served as the Medical Director. His drive and enthusiasm for quality community health care attracted other dedicated medical providers into the field and into ACCESS, which is now the largest community health center organization in the nation. With Dr. Dan's support, ACCESS has grown to operating over 50 health centers serving over 215,000 patients annually in the greater Chicago area. Today, ACCESS is regarded as a national leader in providing quality primary and preventive medicine to uninsured and underinsured patients. Dr. Dan's work was essential to enabling ACCESS to build a unique community health infrastructure in the Chicagoland area, an infrastructure leveraged through partnerships to provide patients access to the specialty, diagnostic and inpatient services they require. In addition, he expanded the scope of ACCESS's program to include mental health and social services.

On Saturday, April 25, family, friends, colleagues and patients of Dr. Dan will gather to remember his life and his accomplishments. I extend my heartfelt condolences to Dr. Mukundan's family and to those who will gather in his memory, including Donna Thompson, Linda Shapiro and other members of the ACCESS leadership team.

Dr. Mukundan's work had an indelible impact on the fabric of health care in Chicago's underserved communities and today I rise to recognize, and to direct my colleague's attention to, this great Chicagoan.

HONORING THE MEMORY OF RAY-RAY RUSSELL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama, recently lost a dear friend, and I rise today to honor the memory of Ray-Ray Russell.

A native of Mobile, Ray-Ray graduated from Williamson High School in the Maysville community and earned a Bachelor's Degree in communication from Alabama State University.

In 1996, Ray-Ray returned to Mobile and started working for WBLX–FM radio. He was host of the station's long-running radio show, ''The Gulf Coast Wake-up Party.'' For years, listeners across the central Gulf Coast tuned in every morning for Ray-Ray to help them start their day. He also broadcast Friday night high school football games for Comcast's Port City 6.

However, Ray-Ray's contributions extended far beyond the airwaves. He started the Rolling Reader program, in which disc jockeys read to elementary school children. In fact, Ray-Ray read to Mobile and Baldwin County classes at least once a week. He also participated in a number of charity events.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. Ray-Ray Russell was an outstanding example of the quality of individuals who have devoted their lives to the field of broadcast journalism, and at the age of 42, he was taken from us too soon.

On behalf of all those who have benefited from his generous spirit, permit me to extend thanks for his many efforts in making Mobile and south Alabama a better place. Ray-Ray will be deeply missed by his family—his seven children and his seven brothers and sisters—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING MITCH KING

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MORAN of Virginia. I rise to thank and praise Mitch King for his exemplary 36 years of public service—a career which has spanned 11 Postmaster Generals and during which mail service has expanded to serve more than 149 million addresses every day, becoming the country's largest retail network.

Mitch is the epitome of a true public servant: he was and is always professional, always ready to help with any issue, and always on the lookout for constructive solutions. It has been an honor to benefit from his contributions both on the House Appropriations Committee and in my District over the years, and it is only right that we should honor and salute him for his more than three decades of service.

Mr. King is one of several Managers in the Government Relations Department at the U.S. Postal Service Headquarters in Washington, DC, responsible for Congressional Liaison and legislative activities. He will retire from the Postal Service on May 1, after 36 years of service.

During the later part of his career, he managed Postal Service Congressional Liaison activities for the states of Virginia, Maryland, Pennsylvania, Ohio, West Virginia, Kentucky, Mississippi, Alabama, Florida, and the District of Columbia. He was also responsible for postal-related legislative activity within the House Appropriations Committee. Additionally, one of his ad hoc activities included service on the Elections Center-sponsored Election Mail Task Force.

Mitch began his postal career in 1973 as a letter carrier in my District in Falls Church. Subsequently, he became a supervisor of letter carriers, before becoming an Instructor in

the Delivery Service Branch of the Postal Service Management Academy in Potomac, Maryland. By the spring of 1982, he began working in the Government Relations Department at the U.S. Postal Service Headquarters in Washington, DC. In 1992, he was promoted to the position of Government Relations Manager; a Postal Career Executive position.

Since then he has managed government relations activities with many Members of Congress, addressing an ever expanding variety of postal-related issues. He has also served as the principal postal contact for the House Appropriations Committee and the Financial Services Appropriations Subcommittee. While the Postal Service receives only minimal funding to support free mail for the blind and overseas voters, Mitch has been an extraordinary resource to us in addressing a host of postal issues which have arisen in our committee.

Mitch and his wife, Mickey Fenyk-King, recently celebrated their 35th anniversary. Now, they look forward to having more time to spend with family and friends and to exploring the world together. They have surely earned our thanks and congratulations for a job well done and our very best wishes for their journeys ahead.

HONORING KATE DONAGHUE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to my friend, Kate Donaghue from Westborough, Massachusetts for her outstanding service to the people of my district and my home state of Massachusetts. On Sunday, April 26 of this year, Kate will be this year's recipient of the Democrat of the Year award from the Middlesex Worcester Coalition in appreciation for her lifetime of service.

For over 20 years Kate has given countless hours of her time to help promote social and political change in Massachusetts. Kate has been an avid volunteer with many groups and has worked tirelessly for the greater good for more than 40 years. She has served as an elected member of the Massachusetts State Democratic Committee for the past 13 years and has served in many capacities with the party. She is one of the founding chairpersons of the Middlesex Worcester Democratic Coalition and is also a board member of the recently formed Worcester Democratic League. She has also represented her district at countless state and national conventions.

Kate is also the founder of the widely read Donaghue's Democratic Dispatch, which she founded in 2000. This popular email newsletter provides information about political and civic events that are happening across the commonwealth. Thanks to her efforts, thousands of individuals are kept abreast about how to be engaged in local and national political efforts.

Kate has also worked tirelessly to get others involved in community service efforts. She has helped organize Earthday Clean-ups, food drives and clothing drives.

Madam Speaker, I commend Kate Donaghue for her dedication to Massachusetts and the political community in promoting activism in politics throughout the community. I congratulate Kate on receiving this award and I ask my colleagues to join me in paying tribute to this fine example of civic engagement.

94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. PALLONE. Madam Speaker, I rise today to commemorate the 94th Anniversary of the Armenian Genocide. It is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

For thousands of years, the Armenian people have been known for their perseverance in the face of great challenges. Today we honor the victims and survivors of the Armenian Genocide. We pay our respects to the Armenian people for their strength to overcome adversity.

It is a somber day as we reflect on the victims of the Armenian Genocide, the continued denial by the Turkish government, and our own government's inaction in using the word genocide to describe these events.

There is an absurdity about Turkey's inability to recognize its own past and something deeply disturbing about our government's complacency in this misrepresentation of history.

The Armenian Genocide is the first genocide of the twentieth century. Between 1915 and 1923, 1.5 million Armenians were systematically and deliberately killed by the Ottoman Turks.

Our own National Archives and writings from the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, display how the Ottoman government specifically decided to target the Armenians, move them towards what is the modern day Syrian Desert, and butcher men, women, and children.

It is a disturbing history, but one that needs to be retold, remembered, and reaffirmed to ensure its legacy and rightfully honor its victims and survivors.

We have stood by for too long as the Turkish government manipulates the issue of the Armenian Genocide. We have watched them pay millions of dollars to Turkish lobbyists to mislead and even threaten members of Congress. We have watched the Turkish government bring scholars and writers to court for insulting Turkishness just for writing the words Armenian Genocide. And two years ago we watched in profound disbelief when Hrant Dink was assassinated in Istanbul.

It is enough.

Armenian Genocide Recognition is not only important for Armenians, it is important for us as Americans. If we are going to live up to the standards we set for ourselves and continue to lead the world in affirming human rights everywhere, we need to stand up and recognize the Armenian Genocide.

To not do so sends a message that we are complicit in Turkey's denial. By not affirming the Armenian Genocide, we fail as Americans to take a stand against all genocides and we fail to end genocide denial.

We can reverse this path and officially speak the truth. We as Americans and as an entire international community must recognize the Armenian Genocide so that we can renew our commitment to prevent such atrocities from occurring again.

I am hopeful that the U.S. Government can stand behind our statements and our promises.

HONORING CODY WAYNE JOHNSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cody Wayne Johnson a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 70, and in earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop participating in many scout activities. Over the many years Cody has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cody Wayne Johnson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ADDIE GREEN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and extend my congratulations to the Honorable Addie Green on the occasion of her retirement from elected office. Ms. Green will retire as County Commissioner for District 7 in Palm Beach County, and can look back on a proud career of service and distinction in community leadership.

Though she is a native Alabamian, Ms. Green has been a resident of Palm Beach County since 1965. She graduated from Stillman College with a Bachelor of Science degree and went on to receive her Masters Degree in Education from Florida Agricultural & Mechanical University in Tallahassee, Florida.

Ms. Green served as Mangonia Park's Vice Mayor in 1988 and Mayor in 1991. In 1992, she was elected to the Florida House of Representatives and served four consecutive terms as the District 84 Representative. While serving in the Florida House of Representatives from 1995 to 1998, I had the pleasure of working with Ms. Green. During her State tenure, she served on several influential House committees and was instrumental in securing vital resources for Palm Beach County.

The appropriations Ms. Green worked diligently to bring to Palm Beach County included: $1.35 million for the Mangonia Residence for senior citizens; $751,000 for Floridians stricken with Parkinson's disease; $250,000 for the Belle Glade Business Park Wages Program to create new jobs; tax relief for NOAH, an organization that provides affordable housing to more than 400 families in

the Glades; $249,000 for the renovation of the Lake Park Library; $500,000 for the St. Mary's Medical Center Children's Emergency Room Wing; $500,000 for Home Safe; and $100,000 for project SOAR Healthy Mothers/Healthy Babies.

Moreover, Ms. Green has helped to secure funding for projects beneficial to the Palm Beach community such as an aquatics facility in Riviera Beach, the Dan Calloway Recreation Complex, the Northwest Community Center, the Spady House Museum and C. Spencer Pompey Amphitheater in Delray Beach, the Wilson Recreation Center and Pool Renovation, the 1916 County Courthouse Restoration, and the 4–H Community Gardens. She arranged recreational and cultural funding in support of Heritage Fest, Children's Outreach, Mt. Olive Community Outreach Center, Roots Festival, the Soul of Delray, Annual Jazz & Blues Festival in Riviera Beach, Salvation Army, Teen Partnership Coalition, Operation Hope, and a host of school-based programs.

With the concerted efforts of many individuals and business leaders in the community, Ms. Green was able to organize the first Homeless Task Force for Palm Beach County. In 2007, she was named ''Commissioner of the Year'' by the Florida League of Cities for her extraordinary efforts of presiding over tough County transitions and improved relationships with cities throughout South Florida.

I am fortunate to have had the opportunity to work side by side with Commissioner Greene and it is a privilege for me to have this opportunity to recognize her before the esteemed House of Representatives. Now, in retirement, she embarks upon new challenges in life and I am certain her legacy of greatness will only grow and develop as she enters this new phase of life. I wish her every happiness and success.

HONORING RODNEY JOHN DIRIDON ON THE OCCASION OF THE 70TH ANNIVERSARY OF HIS BIRTH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, today I rise to congratulate Rodney John Diridon, ''Rod,'' on the 70th anniversary of his birth. In addition to celebrating the commemoration of a life well spent, I would like to acknowledge the dedication he has exemplified in serving the Valley of Santa Clara for over half of his life.

Diridon, the son of an immigrant Italian railroad brakeman, has focused on transportation issues for decades. A most effective proponent of public transportation, Rod Sr. is considered the ''father of modern transit'' in Santa Clara County and credited with countless achievements including building the light rail system. He is a former member of the Santa Clara County Board of Supervisors and a former candidate for the California State Assembly.

Upon his retirement from public office in 1994, the main train station in San Jose was renamed ''The Diridon Station'' in his honor. He currently heads the Norman I. Mineta Transportation Institute at San Jose State University, and is a former chairman of the board of the High Speed Rail Authority.

Rod's service to his community and country started much earlier in his life. From 1963 to 1967 he served in the U.S. Navy as a Fleet Officer and Combat Duty Officer in Vietnam.

In 1969, Diridon founded the Diridon Research Corporation, later renamed Decision Research Institute (DRI) in 1972. DRI conducted market research, needs assessment surveys and legislative consulting throughout the United States. As founder and president he developed a ''shared survey'' research procedure subsequently adopted by the UNICEF of the United Nations.

His political career began in 1972 as the youngest person ever elected to the Saratoga City Council. He retired because of term limits, after completing 20 years and six terms as chairperson of both the Santa Clara County Board of Supervisors and Transit Board. He is the only person to have chaired the San Francisco Bay Area's (nine counties and 104 cities) three regional governments: the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the Association of Bay Area Governments.

To find the basis for Rod's call to public service, one need only look at his family's roots. Rodney John Diridon was born in Dunsmuir, California in 1939 to Claude and Rhoda Diridon. As the son of Italian immigrants, Rod's father, Claudius Diridoni was compelled to change his name when bigotry in the railroad employment system kept him from being hired. After becoming a union member, Claude was protected from discrimination, thus starting the Diridon family's long appreciation of organized labor.

Although Rod was dyslexic, through hard work and determination, he was a good student and member of championship football teams in high school. While working his way through college as a railroad trainman, he attended Shasta Junior College and Chico State, each for one year. He then transferred to San Jose State University, where he was a student leader, and graduated with a Bachelor of Science in Accounting and an MSBA in Statistics.

He was married to Mary Ann Fudge from July 4, 1964 until 1999 and raised two children, Rodney Jr. born September 10, 1969, and Mary Margaret, born September 14, 1971. On June 10, 2001 he married Dr. Gloria Duffy.

Rod has chaired over 100 international, national, state and local community service programs and projects, most related to transit and the environment. He served, in 1993, as the chairperson of the American Public Transit Association in Washington, D.C., and more recently as the North American Vice President of the International Transit Association in Brussels. He has been an advisor to the Federal Transit Administration and in 1995 chaired the National Research Council's Transit Oversight and Project Selection Committee. Rod chaired the NRC's Transportation Research Board's study panel on ''Combating Global Warming Through Sustainable Transportation Policy.'' He is frequently asked to provide testimony to Congressional Committees.

Diridon has received published recognition and numerous awards for his contributions and has served on numerous organizations committed to community service at the national, state, regional and local levels. He has been most involved with transportation, the environment, arts and human rights fund-raising and advocacy.

INTRODUCING THE NATIONAL COMMISSION ON EMPLOYMENT AND ECONOMIC SECURITY ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the National Commission on Employment and Economic Security Act of 2009.

This legislation is a necessary and vital investment in the people of the American workforce and their families. This bill will establish a national commission to examine issues of economic and psychological insecurity within our workforce that have been caused by employment displacement. Further, it will propose solutions, including recommendations for legislative and administrative action, to Congress and the President.

Since the recession began in December 2007, more than 5.1 million jobs have been lost. Last month, the national unemployment rate reached an unprecedented 8.5 percent, the highest it has been since the recession of 1983 and it is much higher in many states like Florida, at 9.7 percent, and it has topped 12.6 percent in Michigan.

Over the past year, unemployment rates have increased in all 50 states and the District of Columbia. The scope of the economic downturn is so large that its impact is felt virtually everywhere along the economic spectrum.

While Americans lose their jobs and their incomes shrink, too often, they face the loss of their family's health insurance and, subsequent to the loss of income, even their housing. According to a September 2008 survey by the American Psychology Association, 80 percent of Americans say the economy is a significant cause of stress, an increase from 66 percent since April 2008. Perhaps even more disturbing, calls to the National Suicide Prevention Lifeline have increased by more than 20 percent from January 2008 to January 2009.

Madam Speaker, the mental health of the American worker will be integral on the road to economic recovery and Congress must face this problem head on and help the very people who are facing unemployment, loss of health insurance, home foreclosure, stress, increased violence, and depression. It is time that we create this Commission and get our nation back on track.

We have a solemn responsibility to ensure the greatest possible assistance to the American workforce, whose commitment to economic participation has been a defining feature of the cultural fabric of our country. I urge my colleagues to support this legislation.

HONORING DELANE GOWER KINZLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Delane Gower Kinzler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 345, and in earning the most prestigious award of Eagle Scout.

Delane has been very active with his troop participating in many scout activities. Over the many years Delane has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Delane Gower Kinzler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SISTERS OF ST. JOSEPH CELEBRATE 125 YEARS OF MINISTRY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to celebrate the 125th Anniversary of the Sisters of St. Joseph. I would like to share some local history as provided by the Springfield Diocese.

The Sisters of St. Joseph of Springfield were founded in 1883 following a request by the pastor of St. Patrick's in Chicopee Falls. He needed help starting a parish school and so seven sisters from the New York Congregation moved to the Springfield Area. The small community grew slowly but steadily while educating poor immigrant children in central and western Massachusetts and Rhode Island.

By the mid 1960s, the ranks of the Springfield Congregation swelled to over one thousand women. The group had founded or staffed sixty schools and had established the Elms College.

Following the Second Vatican Council, the Sisters restructured their community life. Many moved out of convents and into small houses and apartments in local towns and cities. Their ministries expanded as well. No longer limited to schools, the Sisters worked in prisons, parishes, homeless shelters and other social services.

In the mid 1970s, the Sisters of St. Joseph of Fall River merged with the Springfield Congregation. In 2001, the Sisters of St. Joseph of Rutland, Vermont joined the community which also covers Worcester, the Berkshires, Rhode Island and even Louisiana and Uganda. Today, the Springfield Congregation of about 300 Sisters continues to serve the people of God through a variety of Ministries.

Today we salute the Sisters of St. Joseph for 125 years of ministry as educations, pastoral ministers, innovators, evangelizers and social justice ministers. We thank the Sisters for their loving service to our communities. The Sisters of Saint Joseph have provided quality, values-based Catholic education to countless students and we are grateful for their immeasurable impact.

COMMENDING THE PRESIDENT OF THE UNITED STATES ON ALLOWING FAMILY TRAVEL TO CUBA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CONYERS. Madam Speaker, I rise today to commend the President for his leadership and commitment to improve the United States' relationship with Cuba.

Lifting restrictions on family members' travels to the island and removing restrictions on remittances to Cuban families responds to both Cuban-American and Cubans' needs as well as it builds bridges between the American and the Cuban people.

I believe that keeping the family ties alive and allowing family members to assist one another are essential for Cuban citizens' quest for reform and a critical step towards the building of a trustworthy relationship.

Cuban-Americans are the best ambassadors to the Cuban people for democracy's core values. Diplomatic relations can begin with familial and cultural exchanges. This is especially true with Jazz music, which has always shown the sense of freedom.

Cuba has a rich musical tradition that has many admirers throughout the World, particularly in America. As more Cuban-Americans travel to Cuba, there will be increased opportunities to access this rich tradition. Reaching out in an effort to expand our common interest in culture and the arts will deepen our understanding of one another and serve as a bridge builder to more substantial bilateral relations.

In that spirit, I would like to submit this letter, from the US-Cuba Cultural Exchange, into the RECORD. This letter, written last March, urges the President to build a respectful and critical dialogue between the United States and Cuba through cultural exchange.

US-CUBA CULTURAL EXCHANGE,
Albuquerque, New Mexico, March 3, 2009.

President BARACK OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: We are artists, arts presenters, arts educators, cultural entrepreneurs and scholars, and cultural heritage and policy professionals from diverse political persuasions. We have been adversely affected by the cultural embargo imposed by the U.S. government against both Cuban and American artists and cultural institutions. We are writing to request that you make concrete changes in U.S. policy towards Cuba that will allow for the uninhibited flow of art, culture, information, ideas and debates, as well as travel by artists, cultural workers and professionals, and arts and cultural aficionados between the two countries.

U.S. policies towards Cuba—worsened many times over by the previous administration and criticized throughout the world—have prevented us from engaging in critical communication and collaboration with our Cuban counterparts, compromising our nation's cherished ideals of freedom of expression and preventing cultural interchange between two societies that share a historic relationship lasting over two centuries.

In 2007 we requested policy changes from the Bush Administration so that respectful, critical dialogue and principled exchange could take place between the peoples of Cuba and the United States and our respective governments. Our petition fell on deaf ears. As citizens, artists, scholars, educators and cultural workers from all artistic practices and from advocacy and service organizations in the arts, we now call upon your Administration to:

1. open a respectful dialogue with the government and people of Cuba in accord with established protocols supported by the community of nations;
2. end the travel ban that prevents U.S. citizens from visiting Cuba, and allow for Cuban artists and scholars to visit the United States, thus eliminating the censorship of art and ideas, and
3. initiate, by working with the U.S. Congress, a process that can result in the development of normal, respectful bilateral relations between our countries.

The artistic and cultural communities in the United States and in Cuba are catalysts of imagination and creativity. We are committed to serve as bridges for our fellow citizens. Now, we need our government to take leadership and re-open the pathways of exchange.

We look forward to working with you to advance the interests of the United States and of Cuba.

Sincerely,

(Sampling of over 1,100 signatures from arts & culture as of March 2, 2009)

Patch Adams; Michael Alexander, Exec Dir, Grand Performances* & Chair, California Arts Council*; Stuart A. Ashman, Cabinet Secretary, State of New Mexico Cultural Affairs; Stephen Bailey, Executive Director/CEO, Grand Opera House; Amiri & Amina Baraka; Harry Belafonte; Laura Bickford, Film Producer; Beth Boone, Artistic & Executive Director, Miami Light Project; Jackson Browne, Songwriter; Jimmy Cobb, NEA Jazz Master, Drums; James Early, Artists & Intellectuals in Defense of Humanity; Charles Fishman, Executive Producer, Duke Ellington Jazz Festival; Danny Glover, Activist-Actor; Charlie Haden, Educator/Musician; Herbie Hancock, Musician/Chairman, Thelonious Monk Institute of Jazz.*

Donald Harrison, Musician & Composer; Louis Head, US-Cuba Cultural Exchange; Oscar Hernandez, Musician/Composer; Mike Kappus, President, The Rosebud Agency; Robert Kraft, President, Fox Music; Vivien Lesnik Weisman, Filmmaker; Sandra Levinson, Director, Cuban Art Space/Center for Cuban Studies; Bill Martínez, Arts Attorney & Presenter, Martínez & Associates; Graham Nash; Lukas Nelson, Musician; Arturo O'Farrill, Musician & Founder, Afro Latin Jazz Alliance & 2009 Grammy Award Winner; Michael Orlove, Senior Program Dir, Chicago Department of Cultural Affairs; Eddie Palmieri; Armando Peraza, Musician; Dafnis Prieto, Musician.

Bonnie Raitt, Musician & Activist; Awilda Rivera, Radio Personality, WBGO-Jazz 88; Tito Rodriguez, Jr., Musician, Tito Rodriguez, Jr. Orchestra; Ann Rosenthal/Cathy Zimmerman, Co-Dirs, MAPP International Productions; David Rubinson, Music Producer; Poncho Sanchez, Musician; Carlos Santana, Musician; Pete Seeger; Scott Southard, Director, International Music Network; Mavis Staples and

Yvonne Staples, Singers; Ned Sublette, Independent Scholar; Yosvany Terry, Saxophonist & Composer; Dave Valentin, Latin Jazz Artist & Grammy Award Winner; Jesse ''Chuy'' Varela, Broadcaster/Writer, KCSM–FM 91/SF Chronicle; Howard Zinn, Author & Playwright.

CONGRATULATORY TRIBUTE TO DR. LARICE Y. COWAN ON THE ACCESSION OF HER RETIREMENT AS ASSISTANT CHANCELLOR AND DIRECTOR OF THE OFFICE OF EQUAL OPPORTUNITY AND ACCESS AT THE UNIVERSITY OF ILLINOIS CHAMPAIGN URBANA CAMPUS.

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to Dr. Larice Cowan, a fellow alumnus from the University of Arkansas at Pine Bluff who has distinguished herself as an outstanding academician and practitioner in the field of human relations and affirmative action. Dr. Cowan graduated from the University of Arkansas at Pine Bluff with a Bachelor of Arts Degree in Sociology in 1971; she subsequently earned a Masters Degree in Social Work at the University of Arkansas at Little Rock, and a PhD in Educational Policy Studies from the University of Illinois at Champaign.

Dr. Cowan began her career in civil rights and human rights as Director of the Community Relations Department for the City of Champaign, where she pioneered cooperative relationships between Champaign Police Department and the community. She partnered with a Lieutenant in the police department and two university professors to produce a research document titled ''Police-community Relations: A Process, not a Product'', this research actively is credited with helping to change police and citizens interaction within the City of Champaign.

After coming to the University of Illinois, Dr. Cowan devoted her life to a career in affirmative action and diversity. As Assistant Vice Chancellor for Administration and Director of Affirmative Action for staff, she led the campus in establishing policies and procedures to advance campus affirmative action for faculty and staff. As Assistant Chancellor and Director of OEOA, she introduced the first major campus-wide diversity program which was attended by Deans, Directors, and department heads and instrumental in the development of the first video produced on sexual harassment prevention and the presentation of a series of campus programs on sexual harassment prevention. Currently, Dr. Cowan oversees the university's affirmative action policies and procedures, including companies such as The Americans with Disabilities Act: the investigation of internal and external complaints of alleged discrimination filed with federal and state civil rights agencies, the development and implementation of educational programs on diversity inclusion, sexual harassment prevention, disability issues and related topics for faculty and staff to improve campus climate and to facilitate campus and community outreach and interaction. Dr. Cowan is active in her local community where she serves on several boards dealing with education, substance abuse, women's issues and civil rights. She has received numerous awards and citations for her outstanding work. I am pleased to commend and congratulate Dr. Cowan on an outstanding career and wish her well in all of her future endeavors.

HONORING SEAN IAN O'REAR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Ian O'Rear, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop participating in many scout activities. Over the many years Sean has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Ian O'Rear for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING ARMENIAN GENOCIDE REMEMBRANCE DAY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. PETERS. Madam Speaker, I rise today to commemorate the Armenian Genocide Remembrance Day, which is observed by communities around the world on April 24th. It is of great importance that atrocities past are not forgotten, but rather serve as a solemn reminder of the importance of our continued vigilance and opposition to genocide today.

On April 24, 1915, the Ottoman Empire arrested Armenian intellectuals and community leaders in Constantinople, marking the beginning of an eight year campaign against Armenian civilians. By the genocide's end in 1923, roughly one and a half million unarmed men, women and children were rounded up, stripped of all their possessions and means of support, and sent on death marches or to concentration camps.

Nearly a century later, these events still resonate across the world. I am proud of the United States' strong and continued history in standing up to and opposing genocide. I am proud to join with so many of my colleagues who have weighed in on this issue and have called on Turkey and Armenia to have an open and honest dialogue about their past.

Madam Speaker, as we observe the Armenian Genocide Remembrance Day, it is important that we pay our respects to the hundreds of thousands of lives senselessly lost. My thoughts and prayers on this day will be with the Armenian community in Oakland County, Michigan and throughout the world.

INTRODUCTION OF KINGMAN AND HERITAGE ISLAND ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. NORTON. Madam Speaker, the Kingman and Heritage Islands Act of 2009 will make it possible for the District of Columbia, the Army Corps of Engineers and environmental education groups to develop Kingman and Heritage Island as a center for environmental education, a recreation site, and for restoration of the Anacostia River eco-system. Kingman and Heritage Islands were created by the Army Corps of Engineers in the 1920's as part of the Anacostia Tidal Flats Reclamation project and were managed by the U.S. Department of the Interior/National Park Service (NPS) through 1996. At the request of the District, Congress dedicated the two islands to a child-oriented theme park in the National Children's Island Act of 1995. This Act transferred title of certain NPS property in Anacostia Park to the District of Columbia (District). These properties included Heritage Island and a portion of Kingman Island located within the District. However, the law includes a reversionary provision to the Department of Interior if a theme park was not built, necessitating this bill.

As times have changed, the District no longer believes that a theme park is the highest and best use of the space. Instead, the District announced plans to use Kingman Island as part of an initiative to help revitalize the River. The bill calls for a unique environmental natural reserve park to restore the ecosystem, provide usable open space for residents and visitors, and environmental education, including a September 11th Remembrance Grove. In my view, this is an even more appropriate use for Kingman Island. This use also buttresses my own work in the Congress on the Anacostia River, particularly the Anacostia Watershed legislation, which Congess has passed and whose implementation is now underway.

A renovated pedestrian bridge now provides access to these islands for environmental programs and the general public. Over 40 acres of tidal marsh in Kingman Lake are currently being restored through the combined efforts of the Army Corps, the District and local environmental teaching groups. The renovated islands will include a particularly appropriate memorial tree grove dedicated to the three District of Columbia schoolchildren who were victims of the September 11 terrorist attack. Self-guided trails and interpretive stations will instruct visitors about the abundant natural history of the Anacostia River and will track contemporary efforts to restore the river's wildlife, habitats and water quality.

This non-controversial, no-cost bill will have a positive effect on the deteriorating ecology of the region. Because the bill involves a District of Columbia property, it has little national significance except for residents of the region and visitors to the nation's capitol. The bill will serve all who are here or are visiting and therefore I intend to ask that the bill be put on the suspension calendar after review by the appropriate committee.

HONORING PEGGY COLLIER

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. PUTNAM. Madam Speaker, today I rise to honor a local civil servant. Ms. Peggy Collier has served as a crossing guard at Highlands City Elementary School for forty years come this May of 2009, when she will retire. Ms. Collier began her career on May 1, 1969 and has since rarely missed a day of work. No matter the weather, almost nothing prevented this local Highway 98 icon from helping usher our children into their school day.

I wish to congratulate Ms. Collier for a long, successful career and I wish her well in retirement.

HONORING JOSH GREATHOUSE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Josh Greathouse a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Josh has been very active with his troop participating in many Scout activities. Over the many years Josh has been involved with Scouting; he has not only earned numerous merit badges and performed volunteer work for soldiers, but has also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Josh Greathouse for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO LIEUTENANT GENERAL WILLIAM F. PITTS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, Lieutenant General William F. Pitts and his wife, Doris Pitts. Today, I ask that the House of Representatives honor and remember these two incredible people who dedicated their lives in service to our country. On Tuesday, December 30, 2008, Lt. Gen. Pitts passed away at the age of 89. Doris followed eight weeks later on March 1, 2009.

Lt. Gen. Pitts' father was a career military officer. Lt. Gen. Pitts was born at March Field Hospital, located in Riverside, California, on Thanksgiving Day 1919. When he was 10 years old, Lt. Gen. Pitts took his first airplane ride and vowed to become an Air Force pilot. In 1943, he graduated from West Point and flew 25 World War II missions against Japan in a B–29 Superfortress. In his last mission in the bomber, he was shot down off the coast of Japan but was able to parachute out of the plane and was rescued by a submarine.

After Lt. Gen. Pitt's heroic service during World War II, he was steadily promoted and earned three stars. He served as a NATO commander in Turkey, four tours at the Pentagon and also as a diplomat in Cuba, Haiti, the Dominican Republic, England and Taiwan. In 1972, Lt. Gen. Pitts returned to March Air Force Base as the Commander of the 15th Air Force. His military decorations and awards include the Distinguished Service Medal, Legion of Merit with an oak leaf cluster, Distinguished Flying Cross with one oak leaf cluster, Air Medal with three oak leaf clusters, Air Force Commendation Medal with one oak leaf cluster, the Distinguished Unit Citation Emblem with one oak leaf cluster and the Purple Heart.

In 1975, Lt. Gen. Pitts retired from the Air Force and he and his wife, Doris, made Riverside their permanent home in the 1990s. He was active in the March community during his retirement, helping to keep the base open during the Base Realignment and Closure process. In honor of his efforts, March erected a stone post at the parade grounds on the base. He was also a board member of the March Field Museum.

Doris Mansfield Pitts was born in New York City on January 17, 1924. She was the only daughter of Lillian and John Mansfield, a Spanish American War veteran and newspaper executive. She attended Barnard School in New York and worked for IBM during World War II. She met her husband at West Point and they were married following the war on December 22, 1948. She served her country as a supportive military wife, joining and complimenting her husband throughout his highly successful military career. Doris relocated her family settling in more than 15 locations during their time in the Air Force. Doris was a loving wife, mother of three daughters and grandmother to four grandchildren.

On December 22, 2008, Lt. Gen. Pitts celebrated his 60th anniversary with his wife Doris. Lt. Pitts and Doris are survived by their daughters Dale, Alisha and Linda; sister Nanetta Atkinson; and four grandchildren.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men like Lt. Gen. Pitts who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. In the case of Lt. Gen. Pitts, he was blessed to have the love and strength of his wonderful wife to help him along the way. Lt. Gen. Pitts and Doris Pitts were dear friends and above all, they were patriots. They will both be sorely missed but their legacy and service to our great nation will always be remembered.

HONORING JOHN HOPE FRANKLIN

SPEECH OF

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 2009

Mr. COHEN. Mr. Speaker, I rise today to honor the life and achievements of noted historian and visionary, John Hope Franklin.

I have a copy of Professor John Hope Franklin's book From Slavery to Freedom: A History of African Americans in my office. The manual has been an invaluable reference text for me for many years. It was one of my college textbooks while I was an undergrad at Vanderbilt University in Nashville, Tennessee.

Born in 1915 in Tulsa, Oklahoma, John Hope Franklin was the grandson of a slave. He went on to become one of the most prolific chroniclers of civil rights history in America.

Professor Franklin was just 4 or 5 years old when he witnessed the horror of the Tulsa Race riots of 1921. Under Chairman CONYER's Judiciary Committee, I was fortunate enough to meet Professor Franklin in 2007. He came to testify in a hearing before Congress urging the passage of legislation that would clear the way for survivors of the riots in the Greenwood neighborhood of Tulsa to sue. The hearing's main effort was to extend the statute of limitations survivors' claims.

John Hope Franklin was a graduate of Fisk University, a historically African-American university in my home State of Tennessee; he received his Ph.D. from Harvard University.

In 1956, Dr. John Hope Franklin became the first African-American Chairman of the History Department at the all-white Brooklyn College.

Dr. Franklin's research contributed to the success of Thurgood Marshall and the Legal Defense Fund. Officially, Dr. Franklin was a part of the NAACP Legal Defense Fund team that helped develop the historic Brown v. Board of Education of Topeka case that forever changed the face of public education in this country.

In 1982, he became the first African American professor to hold an endowed chair at Duke University.

In 1995, he received the Presidential Medal of Freedom, the highest civilian honor in our country. Dr. Franklin received the National Freedom Award in 2007 from the National Civil Rights Museum in Memphis, Tennessee for his influence over the state of civil and human rights in America.

Dr. John Hope Franklin has been honored by the nation's two oldest learned societies, the American Academy of Arts and Sciences and the American Philosophical Society.

John Hope Franklin integrated the African American narrative into the fabric of American history. He made us recognize that African American history is the history of all of us.

Currently the Judiciary Committee, Chairman CONYERS, and I are working on H.R. 1843, the John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2009. H.R. 1843 provides that any Greenwood, Oklahoma, claimant (a survivor or heir/descendent of victims of the Tulsa, Oklahoma, Race Riot of 1921) who has not previously obtained a determination on the merits of a Greenwood claim may, in a civil action commenced within five years after enactment of this Act, obtain that determination. Simply put, this is the legislation that stemmed from the 2007 hearing where I met Professor Franklin. This legislation extends the statute of limitations for survivors and survivors' claims.

Thank you, John Hope Franklin.

HONORING DOMINIC PALUMBO FOR A LIFETIME OF SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. DeLAURO. Madam Speaker, it gives me great pleasure to rise today to join the North Haven Democratic Town Committee as well as the many family, friends, and community leaders who have gathered to pay tribute to an outstanding member of our community and a man I am honored to call my friend, Dominic Palumbo. Entrepreneur, community leader, mentor, and friend, Dom has left an indelible mark on our community.

Dom has dedicated a lifetime of service to the town of North Haven, the State of Connecticut and our nation. Born and raised in New Haven, Connecticut, Dom joined the Merchant Marines and later the armed forces where he fought in both World War II and the Korean War. Upon his return from military service, Dom and his family settled in North Haven where he began a successful business, North Haven Ceramic & Tile, and soon became an institution in town.

There are few who demonstrate the depth of commitment to their community as Dom has over the years. When he made North Haven his home, he quickly became involved in local issues and is perhaps best known in town for his enduring presence on the Planning and Zoning Commission. The Planning and Zoning Commission is one of those local boards which have a significant impact on the town as its responsibilities include the oversight of the overall development of a community—balancing the often competing demands of expansion and the quality of life for its residents. Dom served on that board for more than thirty years, at least ten of which as its Chairman, and in doing so helped to shape the very character of his community as it has grown.

Dom's contributions stretch far beyond the town of North Haven. Over the course of his life he has been involved in countless service and civic organizations which include serving as Director of the Quinnipiac Council of the Boy Scouts of America, a supporter of the Special Olympics, a sponsor of several Little League and Midget Football teams, as well as a founding member of the North Haven High School Sports Hall of Fame. The myriad of awards, commendations, and honors that he has received from groups ranging from the Knights of Columbus to the National Multiple Sclerosis Society are a testament to the difference that he has made.

Dom has long been a political leader in the North Haven community. As a founding member of the town's Democratic Town Committee, Dom has spent long hours advising and supporting candidates as they seek elected office—in North Haven and across the state, at every level of government. As a longtime member of the Connecticut Democratic State Central Committee, he has also helped to shape Connecticut's Democratic Party. His commitment to public service and to improving his community has been an inspiration to candidates as they sought his guidance and direction.

I would be remiss if I did not take this opportunity to extend my sincerest thanks to Dom for his many years of special friendship. Today along with his wife, Judith; his four children, Richard, Robert, Ronald and Raymond; and his four granddaughters, we pay tribute to Dominic Palumbo—a remarkable individual whose innumerable contributions have set an example of community service to which we should all strive.

HONORING MICHAEL ANGELO HARTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Angelo Harter a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop participating in many Scout activities. Over the many years Michael has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Angelo Harter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HOLOCAUST REMEMBRANCE DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. McCARTHY of New York. Madam Speaker. Today, I wish to join with my friends, family, and colleagues as we remember the murder of more than 6 million Jews and others killed during the Holocaust. Their memory must be preserved and the atrocities committed by the Nazis and their accomplices must be noted in order to ensure that such crimes against humanity will never be repeated

We should also take time to remember the millions of others systematically murdered by the Nazis, including Gypsies, Poles, the handicapped, homosexuals, Jehovah's witnesses, political dissidents and prisoners of war.

This year, we recognize in particular the one and a half million children who perished during the Holocaust. It is estimated that mere thousands survived. Many of the survivors still with us today were children during the Second World War and lost many friends and relatives. Decades later, the horrors of the Holocaust are still etched in their memory and they serve as a reminder of the vulnerability of children in times of war. We must ensure that we protect those in every corner of the world that cannot defend themselves.

More than 60 years have passed since the Holocaust, yet racism and anti-Semitism still exist in the world. The troubling events from this past week's United Nations Summit on Racism in Geneva reinforce even more the need to mark this day. Iranian President Ahmadinejad's remarks remind us that we need to remain vigilant about hate and misinformation. He has repeatedly distorted facts and denied that the Holocaust even existed. As citizens of the world, we remain alert and ensure that dictators and despots are never again able to commit genocide against any people in any corner of the globe.

In honor of their memory and to protect generations to come, we must never forget.

INTRODUCTION OF THE SOUTHEAST ALASKA NATIVE LAND ENTITLEMENT FINALIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. YOUNG of Alaska. Madam Speaker, today I, along with my distinguished colleagues, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. BOREN and Mr. SHULER introduce the Southeast Alaska Native Land Entitlement Finalization Act. This legislation will redress the inequitable treatment of the Native Regional Corporation for Southeast Alaska, Sealaska Corporation, by allowing it to select its remaining land entitlement under Section 14 of the Alaska Native Claims Settlement Act, ANCSA, from designated Federal land in Southeast Alaska.

In 1971, Congress enacted ANCSA to recognize and settle the aboriginal claims of Alaska Natives. ANCSA allocated 44 million acres and nearly $1 billion to Alaska's Native people, to be managed by the 12 Regional Corporations, including Sealaska, and more than 200 Village Corporations. While Sealaska is one of the Regional Corporations with the largest number of Native shareholders, with 21 percent of all original Native shareholders, Sealaska received the smallest Regional Corporation land settlement, which was less than 1 percent of the total of all ANCSA lands. Now, nearly four decades since ANCSA's passage, Sealaska is still without their full land entitlement.

It remains critical that Sealaska complete its remaining land entitlement under ANCSA to continue to meet the economic, social and cultural needs of its Native shareholders, and of the Native community throughout Alaska.

The Bureau of Land Management projects that Sealaska is entitled to receive between 355,000 and 375,000 acres pursuant to ANCSA. To date, over 35 years after ANCSA's enactment, Sealaska has secured conveyance of 290,000 acres. Accordingly, there are up to 85,000 acres remaining to be conveyed. However, ANCSA limits Sealaska land selections to withdrawal areas surrounding certain Native villages in Southeast Alaska. The problem is that there are no lands remaining in these withdrawal areas that meet Sealaska's traditional, cultural, historic, or socioeconomic needs, and certain portions of those lands should more appropriately remain in public ownership.

The selection limitations preclude Sealaska from using any of its remaining ANCSA land settlement to select places of sacred, cultural, traditional, and historic significance located outside the withdrawal areas that are critical to facilitate the perpetuation and preservation of Alaska Native culture and history. Moreover,

selection from the withdrawal areas would not allow Sealaska to meet the purposes of ANCSA, which is to create continued economic opportunities for the Native people of Southeast Alaska. Further, more than 40 percent of the original withdrawal areas are salt water and, therefore, not available for selection.

Despite the small land base in comparison to all other Regional Corporations, Sealaska has provided significant economic benefits to not only Sealaska Native shareholders, but also to the other Native Corporations throughout Alaska. Pursuant to a revenue sharing provision in ANCSA, Sealaska distributes considerable revenues derived from its timber development—more than $315 million between 1971 and 2007—to the other Native Corporations. Unless it is allowed to select land outside of the designated withdrawal areas, Sealaska will not be able to select land that would allow it to maintain its existing resource development and management operations, or provide continued economic opportunities for the Native people of Southeast Alaska and economic benefits to the broader Alaska Native community through the revenue sharing requirements under ANCSA.

The legislation presents a solution that would allow Sealaska to complete the conveyance of its land entitlement and enable the Federal Government to complete its statutory obligation to the Natives of Southeast Alaska, as promised under ANCSA. I thank my colleagues and urge your support for this important legislation for the Native people of Southeast Alaska.

TRIBUTE TO BOY SCOUT TROOP 127

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. SHUSTER. Madam Speaker, I rise today to recognize the accomplishments of Boy Scout Troop 127 as it celebrates its 90th anniversary on April 18, 2009. Troop 127 has played a crucial role in developing the character of over 1,000 boys, and continues to do so today with thirty-six Scouts.

Troop 127 was founded in 1919 (originally as Troop 7) with the Presbyterian Church of Falling Spring as its sponsoring organization. The Reverend William L. Mudge was the first Scoutmaster of Boy Scout Troop 7, which began with 19 Scouts and grew to 46 by 1925. Troop 127 has a long history of more than 60 years of continued summer camping and service support to Keystone Area Council's Hidden Valley Scout Reservation in Loysville, Pennsylvania. Their outdoor hiking tradition includes extended trips across the country, including, Mt. Katandin, Mt. Washington, and Pisgah National Forest. These outdoor adventures, which span the Eastern United States but also include excursions as far away as Alaska and Florida, serve to educate and develop character amongst participants.

Boy Scout Troop 127 is currently led by The Reverend Wayne Lowe, Jr., Charles Q. Smith, and Scoutmaster Donn Schoonover. The leadership of these gentlemen and those that led the Troop in the past has inspired more than 125 youth to achieve the rank of Eagle Scout.

Troop 127's contribution to the community and to Pennsylvania as a whole is without question. Troop 127's proud tradition of 90 years of Scouting service to the Greater Chambersburg and Franklin County Communities embodies the spirit of Scouting and serves to encourage Pennsylvania's boys to work hard and give back to their community. I congratulate Troop 127 in their celebration of the 90th anniversary of such a wonderful organization, as it has brought a greater appreciation to our area and has surely been an asset to the community.

HONORING GARRISON WESLEY PRIDDLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Garrison Wesley Priddle a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Garrison has been very active with his troop participating in many Scout activities. Over the many years Garrison has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Garrison Wesley Priddle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE INTRODUCTION OF THE SIMON WIESENTHAL HOLOCAUST EDUCATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. MALONEY. Madam Speaker, today, I am pleased to re-introduce the Simon Wiesenthal Holocaust Education Act, along with Representatives ACKERMAN, BERMAN, and HIGGINS. Named after a survivor of the Nazi death camps who dedicated his life to documenting the crimes of the Holocaust, the legislation would provide federal grants to Holocaust organizations to teach today's students about the Holocaust. I thank my friend Senator MENENDEZ for introducing the Senate companion bill this week as we commemorate Holocaust Remembrance Day.

I also want to take this opportunity to remember our dear friend and colleague Chairman Tom Lantos, who passed away last year. The only Holocaust survivor elected to Congress, Tom translated his horrific experience into a lifetime commitment to Holocaust education and the fight against anti-Semitism.

As the generations who survived the Holocaust pass away, we must make sure that new generations know the horrors of that terrible time. We must also make sure that those who would deny the existence of the Holocaust do not have the ability to rewrite history.

Unfortunately, many young people around the country have not learned about the Holocaust because their schools do not have the funds or tools to teach about this tragic event in world history. We need programs in our schools that allow students to learn about the consequences of intolerance and hate.

The most effective way to counter prejudice, hate crimes and violence is through education: the best investment a society can make towards ensuring tolerance.

The Simon Wiesenthal Holocaust Education Assistance Act is a positive step toward that end.

ON THE NINETY-FOURTH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise to commemorate the 94th anniversary of the Armenian Genocide, and to call, once again, for the immediate passage of the Affirmation of the United States Record on the Armenian Genocide Resolution.

Between 1915 and 1923, a campaign conceived and executed by the Ottoman Empire forcibly deported nearly 2 million Armenians from their homes, resulting in the deaths of perhaps one and a half million innocents. While the target of this genocide was the Armenian people, it was indeed a crime against all of humanity. Today, I would like to ask this House to remember this great crime, and to commit ourselves once again to the absolute abolishment of genocide wherever it is committed.

The history surrounding this issue is clear. Genocide did occur, and ushered in what was to become possibly the most war-torn century of human history.

This House has had before it, for many years now, a resolution which properly affirms the United States record on the Armenian Genocide. I have been a strong supporter and cosponsor of this resolution every Congress, and I remain so today. It is long past time for this Congress to pass this resolution, which in the 111th Congress has been introduced as H. Res. 252.

The term ''genocide'' had not yet been coined in 1915, when the first Armenians were driven from their homes. The definition of this most profound crime against humanity came in 1944 from Raphael Lemkin, a Polish Jew who survived the Holocaust by fleeing to America after the fall of Warsaw to the Nazis. In the wake of World War Two, in which most of his family was lost in Hitler's genocide against the Jews, Lemkin led the international community to establish the United Nations Convention on the Prevention and Punishment of Genocide. Lemkin's definitive example of genocide? The crimes against the Armenians.

April is Genocide Prevention Month, and it is only right that we have set aside a period of time every year to reflect upon the horrors of the crime of genocide and to rededicate ourselves to ridding the earth of this scourge. And even as we commemorate the Armenian Genocide, we must also recognize the other crimes being committed today, and redouble

our efforts to stop them. Genocide is occurring today in the scorched towns of Darfur, in western Sudan. The genocide in Darfur is not new, the crimes of the Sudanese government and its militia allies are well known to all of us here. As with the Armenian Genocide, there is no factual debate about what is happening in Darfur. It is genocide. It is a crime against humanity. And it must stop immediately.

While much of this debate has been repeated year after year, this year we find ourselves in a particularly hopeful moment in regards to this decades-old conflict about what happened to the Armenians in the early 20th century. Just yesterday, the governments of Armenia and Turkey announced that, after a year of intensive talks mediated by the government of Switzerland and encouraged by the Obama administration, they have ''agreed on a comprehensive framework for the normalization of their bilateral relations.'' This joint statement is an extremely important step for Armenia and Turkey, and I commend both countries and their political leadership for the courage they are showing today. The people of Armenia and Turkey have lived far too long with their bilateral relations in a state of suspended animation. It is time for these two proud countries to stand together, in acknowledgement of the difficulties of the past, with confidence that old wounds can be healed, and with a profound commitment to a better future.

Madam Speaker, I call upon this House once again to pass H. Res. 252, the Affirmation of the United States Record on the Armenian Genocide Resolution. I thank all of my colleagues for commemorating the 94th anniversary of the Armenian Genocide and joining together to reaffirm our commitment to end the crime of genocide wherever it is found. And on this spring day, at a time of rebirth and renewal, I commend Armenia and Turkey on the steps they are taking to fully normalize their bilateral relations, and I urge them to complete this process as soon as possible.

HONORING DEREK TYLER COX

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Derek Tyler Cox, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Derek has been very active with his troop participating in many scout activities. Over the many years Derek has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Derek Tyler Cox for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE ''DURBAN II COUNTER CONFERENCE''

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. BERKLEY. Madam Speaker, I rise today to recognize the American Association of Jewish Lawyers and Jurists (AAJLJ), which organized the ''Durban II Counter Conference'' in New York City April 20–24, 2009, to provide an honest and critical examination of issues of racism, racial discrimination, genocide, xenophobia, gender discrimination and religious discrimination, in marked contrast to the hate-filled proceedings that occurred the same week in Geneva.

The Counter Conference commenced with remarks by my distinguished colleague from New York, Representative CAROLYN MALONEY, and included presentations by our parliamentary colleagues from Canada—Senator Jerahmiel Grafstein and former minister Irwin Cotler—and Israel's Deputy Permanent Representative to the United Nations, Daniel Carmon, along with prominent experts and human rights advocates from the academic and legal communities. The panels included topics that should be part of any serious discussion on racism, such as ''A Look at Religious Intolerance and Discrimination,'' ''Current Issues in Gender Discrimination,'' and ''Genocide in Darfur, Rwanda and the Congo.'' Too many of these topics are ignored in the UN and I am pleased that the Durban II Counter Conference focused on them.

I want to particularly recognize the lead organizers of the event—AAJLJ president Stephen Greenwald, conference chair Robert Weinberg and conference vice chair Marc Landis, along with Ambassador Richard Schifter, former United States Representative to the United Nations Human Rights Commission. Ambassador Schifter delivered the keynote address at the conference, entitled ''The Third Totalitarian Threat,'' which I would like to insert into the CONGRESSIONAL RECORD.

THE U.N.'S CHALLENGE TO DEMOCRACY—ADDRESS BY RICHARD SCHIFTER, FORMER U.S. REPRESENTATIVE IN THE U.N. COMMISSION ON HUMAN RIGHTS AND FORMER U.S. DEPUTY REPRESENTATIVE IN THE U.N. SECURITY COUNCIL TO THE DURBAN II ''COUNTER-CONFERENCE'' AT FORDHAM LAW SCHOOL IN NEW YORK CITY ON APRIL 20, 2009

If Adolf Hitler had lived to 120, today would be the day he died. While he has, fortunately, not been bodily with us for the past 64 years, his spirit, regrettably, is still alive and very much alive in Geneva this week. As we have focused on Durban II, we have appropriately remembered Durban I, where anti-Israeli propaganda initially intertwined with antisemitism. Whatever product the wordsmiths may come up with, the dominant forces in Geneva will have seen to it that the anti-Israel message of Durban I is reaffirmed.

There is no doubt that Durban I and Durban II are matters of serious concern. Yet, as we examine the context in which these UN-sponsored conferences are held, we must necessarily come to the conclusion that the anti-Israel and antisemitic phenomenon of these meetings is only the tip of the UN iceberg. Or, to use another metaphor, we deal at this Durban II meeting, as we did at Durban I, with only a symptom of the debilitating disease from which the UN suffers.

The perfectly legitimate and highly worthy cause of opposition to racism, which is the alleged reason for these gatherings, was from the very start subverted by the totalitarians that dominate the UN General Assembly and who are making full use of the Assembly and its offshoots in their continuing campaign against democracy, civil liberties, and the rule of law. They are engaged in a campaign against the basic principles of the Enlightenment, principles that were enshrined in the UN Charter.

What we are witnessing now worldwide is the third major totalitarian attack on these principles. In its modern form the ideology of democracy and human rights emanated from the Netherlands in the 17th Century and then spread to the United States, England, France, Germany in the 18th and 19th Centuries, and beyond that region in the 20th Century. It is no longer a way of governing limited to the West. India, it is worth keeping in mind, has for many years been the world's largest democracy. Japan and South Korea are democracies and so are many smaller non-Western countries.

It is indeed appropriate that we are meeting on the day that marks not only the opening of Durban II, but also the day once known in Germany as the Geburtstag des Fuehrers, the birthday of the leader. For it was Hitler who led the initial totalitarian attack on the Enlightenment, turning first on the democratic process in his own country and then seeking to bring all of Europe under his control.

In the course of the 20th Century we experienced not only Hitler's attack on the Enlightenment, which led to World War II, but also Stalin's repressive and expansionist policies, which precipitated the Cold War. Both World War II and the Cold War were conflicts resulting from profound differences in ideology. And now, in the 21st Century, we, whose way of life is based on the principles of the Enlightenment, are the objects of the third totalitarian attack, an attack undertaken, strange as it may seem, by an informal de facto alliance of neo-fascists and neo-communists, an alliance that unites Mahmoud Akhmadinejad with Hugo Chavez.

The proceedings in Geneva at the Durban II meeting are vivid proof to the world of what that new alliance seeks to accomplish. Under the mantle of opposition to racism, it seeks to attack the Western world and our basic concepts of freedom. Its manipulation of significant human rights issues is well illustrated by its approach to the issue of slavery. It is only the wrongful transatlantic slave trade that is attacked. The slave trade in East Africa, undertaken by non-Westerners, including Arabs, is deliberately omitted. Nor is there any mention in the Durban II drafts of the racist aspect of the current conflict in Darfur, which Colin Powell has correctly characterized as genocidal.

While there is a need for us to follow the Durban II proceedings closely for what they reveal regarding the agenda of the new totalitarians, we need also to recognize that Durban II is just one forum of a much larger enterprise, an enterprise that makes full use of the United Nations system to advance its cause, the cause of the new totalitarianism. Israel, I submit, is the canary in the coal mine. The new totalitarians view as their enemies all those who are committed to the way of life that emanated from the Enlightenment.

I have been around long enough to remember the speech given by Emperor Haile Selassie of Ethiopia in 1936 at a session of the League of Nations Assembly to appeal for action against Mussolini's Italy, which had invaded his country. In his speech he warned: ''It is collective security: it is the very existence of the League of Nations. It is

the confidence that each State is to place in international treaties. . . . In a word, it is international morality that is at stake.''

The Emperor's words were heard but no meaningful action was taken. The League quietly faded from the world scene as World War II approached. It had failed in its mission. When the League's successor, the UN, was created in 1945, it was hoped that it would function far better than its predecessor. It is now 64 years later. As we look at the UN Charter's very first statement of purpose for the United Nations, that of maintaining international peace and security, we can hardly say that UN's record in that field has been a resounding success. International morality remains at risk.

The world's inability to use the UN to advance the cause of international peace and security does not mean that none of the purposes of the Charter have been served by the UN system. If we drop from Article 1 paragraph 1 of the UN Charter, which refers to the maintenance of international peace and security, to paragraph 3, we shall find the statement of another purpose of the UN: ''to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in encouraging respect for human rights and for fundamental freedoms.''

While the Security Council was hamstrung by the Soviet Union's ''nyet'' to efforts to maintain peace, the democracies, constituting a majority of the General Assembly in the early years of the UN, went to work to implement paragraph 3. In 1946, following up on the Charter's promise that the UN would promote respect for human rights, the Assembly established the UN Human Rights Commission. Under the leadership of Eleanor Roosevelt, the Commission promptly went to work on drafting the document which became known as the Universal Declaration of Human Rights. The Universal Declaration, reflecting fully the thoughts of John Locke, as expressed in 1689 in his ''Two Treatises of Government'' and incorporated a hundred years later into the French Declaration of the Rights of Man and the Citizen and into the U.S. Bill of Rights, spelled out with specificity precisely what was meant by the term ''human rights.'' It is appropriate to note that in 1948, when the Universal Declaration was adopted by the UN General Assembly by the affirmative vote of 48 of its 56 members, no member voted ''no.'' Eight members, 6 Soviet bloc states plus Saudi Arabia and South Africa abstained.

In these early years of the UN's existence, the General Assembly also created other entities whose task it was to implement the UN's commitment to humanitarian work, such as the World Health Organization, the United Nations Children Fund, and the Office of the United Nations High Commissioner for Refugees, all three of which have done highly useful work in their respective fields and are functioning well to this day.

The truly creative period of the UN General Assembly came to an end around 1970. It came to an end as a result of the extraordinarily clever maneuvering of the totalitarians represented at the UN and the failure of the democracies to match their clever manipulations. From the founding of the UN until the 1960s, the Soviet bloc had consistently been outvoted by the democracies at the UN. That was now to come to an end.

As it was, the diplomats representing the Soviet Union and its East European satellites at the United Nations lacked the finesse needed to succeed in a parliamentary setting in which mere bluster would not suffice to win votes. But they found a close ally who had the skills needed to build a new majority bloc in the United Nations General Assembly. It was Fidel Castro.

Castro assembled a highly competent cadre of diplomats, who took on the task of building an international network of institutions that would operate in opposition to the United States. Though he was clearly aligned with the Soviet bloc, Castro got Cuba admitted to the Non-Aligned Movement (NAM) and in due course turned the Non-Aligned and a parallel organization, the Group of 77 (G–77), into mouthpieces for the Moscow line.

An important step on the way toward taking control of the NAM and the G–77 organizations was for Castro to link up with the Arab League and the Organization of the Islamic Conference. At its September 1973, where Castro sought to line up the NAM with Moscow, he was initially challenged by Muammar Qaddafi, who wanted the Non-Aligned to remain truly non-aligned. It was at that point that Castro appears to have realized how he could best attain his goal: he broke diplomatic relations with Israel and added Israel to the United States on his and the entire Soviet bloc's enemies list.

Castro had no genuine interest in the Palestinian cause. The purpose of his move in 1973 and in Cuba's key role since that time in the anti-Israel effort at the UN was to build a strong bloc at the UN of opponents of the United States. He was aware of the fact that between 1959 and 1972, the membership of the United Nations had increased by more than 60%, from 82 to 132. 35 of the additional 50 members belonged to the Organization of the Islamic Conference, which had been founded in 1969, or were newly-independent African states, or both. What Castro was well aware of was that by breaking ties with Israel, he would be able to get Qaddafi's help in lining up the votes of the Organization of the Islamic Conference. But there was still the question of how to reach out to those African states that did not belong to the OIC.

It did not take the Castro and Qaddafi alliance very long to find an answer to that question. Only weeks after the September 1973 NAM summit, the General Assembly considered a resolution that called for more pressure on South Africa to end the apartheid regime. The clique that had begun to manipulate the UN chose Burundi to offer an amendment which referred to ''the unholy alliance between Portuguese colonialism, South African racism, Zionism and Israeli imperialism.'' The amendment was adopted by a two-to-one majority. By linking Zionism with South African racism, many of the non-Muslim states of Africa were brought into the new alliance. This was the first shot in the drumfire that has continued at the UN to this very day.

The government of Burundi of those days brought truly unique qualifications to the discussion of racism. In the preceding year, the army of Burundi, led by Tutsis, had killed about 100,000 Hutus, for no reason other than their ethnicity. I should add that Burundi is a vastly different country today. In recent years its voting record on Israel-related issues at the UN has been one of the better records. Still, the Burundi initiative of 1973, undoubtedly initiated by the anti-democratic clique, was the first effort to use the issue of Israel to bring sub-Saharan African states into the anti-democratic bloc at the UN.

In the memoir of his year at the UN, entitled A Dangerous Place Pat Moynihan quotes from a letter that he had received from Leon Gordenker, a professor of international relations at Princeton and an expert on the United Nations, who had called Moynihan's attention to the Burundi initiative in the fall of 1973. In 1975 Gordenker wrote Moynihan to complain about the failure of the United States to engage in a concerted effort at the UN to win votes: ''Surely a government that can negotiate with China and the Soviet Union can organize enough persuasiveness to reduce the production of pernicious symbolism and to win the support from sensible regimes for human rights.''

In his memoir Moynihan explains the reason for this failure: ''American diplomacy put overwhelming emphasis on seeking friendly relations with individual other countries. The institutional arrangement for this was the ambassador and his embassy. To get an embassy was the great goal of the career officer; having achieved it, his final object was to be judged a successful ambassador by maintaining friendly relations. Anything that interfered with this goal was resisted by the system. In recent years, and notably in the new nations, the one aspect of foreign policy that could most interfere with this object was the voting behavior of so many of the small or new nations in multilateral forums, behavior hostile to the United States. In consequence the 'bilateral system' resisted, and usually with success, the effort to introduce multilateral considerations into its calculations.''

These words, let us note, were written in 1975. It is now 34 years later. They are as relevant today as they were then. Our mission to the UN lacks the needed back-up in the capitals of UN member states.

That back-up is needed because of the vastly different manner in which our mission operates when compared to our principal opponents. Once a Cuban diplomat is assigned to the UN he stays there and, over the years, truly learns the business of multilateral diplomacy. As he continues in the UN system, he watches his counterparts from other countries arrive, begin to learn the routine, and then depart as their tour of duty at the UN comes to an end, and they are replaced by a new set of diplomats who have to learn the UN routine from scratch.

There is another aspect to the Cuban performance. While there are missions to the UN that operate under specific instructions from their respective governments, there are many other missions that receive no specific instructions, allowing their representatives at the UN to make their own decisions on how to vote. It is that aspect of the UN system that has been fully utilized in building the anti-democratic bloc. For one, arrangements are made for missions to be rewarded for their cooperation by being elected to positions in the UN system that are of special interest to them. For another, an informal job placement service operates at the UN that enables relatives of cooperating diplomats to obtain jobs in the UN Secretariat. As one diplomat once put it to me: ''After you have been at the UN for a little while, you start playing the UN game and you forget about your country.''

There is more to it than that. I recall an incident from the time in which I represented the United States in the UN Human Rights Commission. Having done the needed parliamentary work, I had gotten a resolution adopted that the Cubans had opposed. Immediately following the vote, the Cuban representative rose to accuse me of having bribed some of the representatives so that they would vote with the United States. After the meeting had adjourned, I asked colleagues from other missions whether that really happens at the UN. They all thought I was terribly naïve. ''Of course it happens,'' they said. ''The Cubans do it all the time. So do the Libyans.''

I am sure you agree that we should not pay bribes to ambassadors. But I have not found it easy to understand why we were under specific instructions at the UN never to suggest any relationship between U.S. foreign assistance and UN voting. I recognize that we should understand why Egypt or Pakistan

would vote against the U.S. at the UN, but why, for example, should we not make it clear to the Philippines or Vietnam, which during the current fiscal year receive about $100 million, each in U.S. foreign assistance that our resources are limited and that these limited resources will, in the first instance, be made available to states that are prepared to reciprocate our friendship?

During my stay at the UN I also learned how the leaders of the anti-democratic forces transmit their voting instructions to their following. The explanation that democratic members of the NAM or the G–77 offer to explain their anti-democratic votes is that they vote the NAM or the G–77 ''consensus.'' That raises the question of how that consensus is reached.

I was offered an explanation by an ambassador from a NAM state with whom I was having lunch. In the course of our conversation he asked me whether I knew how the NAM consensus was formed. When I told him that I did not know, he said: ''You know, we used to be on the other side.'' By that he meant on the pro-Soviet side. He continued by telling me that on the day preceding any meeting of the NAM caucus, which had 101 members at that time, the friends of the Soviet Union, about 17 or 18 states, would have a special meeting. When they were all assembled, a small group would enter the room, always including Cubans. That group would then give out instructions on how the assembled representatives should act when they met the next day at the meeting of the full NAM caucus. Each representative would be assigned a specific task, to make a motion on a position to be taken by the NAM, to be the first speaker in support of a motion, or to be the second speaker in support. Then, the next day, when the full caucus met, the whole scenario would be played out. My colleague concluded his account of NAM procedure by saying: ''And there sits the silent majority and just goes along.''

To return to the events following the 1973 Burundi amendment to the anti-apartheid resolution: as we so well know, having developed the theme of correlating Zionism with apartheid, the other side did not let go. At the International Women's Year Conference in July 1975 in Mexico City a resolution was adopted which called for the elimination of Zionism, apartheid and racial discrimination. The news from Mexico City focused, of course, on the emphasis that had been placed on the rights of women. But it was in that setting, a setting that emphasized the need for progress for women that another totally unrelated step had been taken in the Zionism is racism campaign. Then, in November of that year that formula was made UN doctrine by the UN General Assembly by its adoption of the ''Zionism is Racism'' resolution, by a vote of 72 to 35 with 32 abstaining. Confirming the bargain that had been struck, the new controlling alliance put together by Castro and Qaddafi furnished 68 of the 72 affirmative votes. Brazil and Mexico, Cyprus and Malta provided the remaining four. A majority of the ''no'' votes was provided by the Western Group, but the Western Group was joined by Latin American, Caribbean and sub-Saharan African states. In addition, many of these non-Western states abstained.

What deserves mention is that if Mexico had voted ''no'' rather than ''yes'' or if Colombia and Guatemala had joined the United States in voting ''no'' rather than abstaining, the resolution would have been adopted only if the General Assembly had voted that the resolution was not ''important.'' That is so because with these minor vote changes, the resolution would not have received the two-thirds vote required by the Charter for important resolution. I am mentioning these details to underline the validity of Moynihan's observation that our side does not do the needed parliamentary spade work at the UN. That is, as noted, in sharp contrast to the extraordinarily effective work done by the Cubans to this day. My guess is that they were well aware of the two-thirds majority requirement and worked hard to attain that result.

I have described how the Zionism is racism campaign got started. Now let us move fast forward to December 22, 2007, when the UN General Assembly had before it a resolution that authorized the allocation of about $7 million to fund the operation of a committee, chaired by Libya, whose task it was to prepare Durban II. The resolution passed by a vote of 105 to 46. The fact that the ''no'' vote fell only slightly short of one-third plus 1 is important because the resolution raised a budgetary question and resolutions that raise budgetary questions require a two-thirds majority for adoption. If we had picked up 7 of the 41 abstentions or absences, Durban II would not have been funded.

Now let us take a look at how Durban II came about by comparing the December 2007 vote to the Zionism is Racism vote of November 1975. Here is what we find:

(1) Most of the Western states once again voted ''no,'' although a few, Liechtenstein, New Zealand, Norway, and Switzerland switched to ''abstain.''

(2) The 25 Western states have now been joined by 18 East European states, some of which had voted ''yes'' in 1974. Others had not been in existence then, having been republics of the Soviet Union or Yugoslavia. Three Asian UN members also voted ''no.'' They were South Korea, the Marshall Islands, and Palau.

(3) Most of the Latin American, Caribbean and African states that had voted ''no'' on ''Zionism and Racism'' in 1975 voted for funding Durban II in 2007.

As we make this comparison between the 1975 vote and the corresponding 2007 vote, we need to note that in the interim, in 1991, the Zionism is Racism resolution was repealed by a vote of 111 to 25. The repeal was the result of a major effort, undertaken by the then Assistant Secretary of State for International Organizations, John Bolton. The substantial margin of victory for our side was also the result of the fact that the Soviet bloc had dissolved, the Soviet Union was disintegrating, and the anti-democratic coalition at the UN was in utter disarray.

But this disarray did not last long. The anti-democratic forces at the UN quickly regained their footing and were soon again in full operation. While they used to fly the flag of the Non-Aligned Movement in earlier decades, they now sail under the flag of the Group of 77. There is only one significant difference between the NAM and the G–77. China does not belong to the former, but belongs to the latter. In fact the G–77 calls itself now the ''Group of 77 and China.'' China has become an increasingly significant player in the anti-democratic camp at the UN.

China, incidentally, is one country that has no history of antisemitism. On the contrary, Chinese intellectuals see parallels between their ancient culture and the ancient culture of the Hebrews. China has also excellent trade relations with Israel. But at the UN, China consistently votes against Israel. It does so because it is an integral part of the group of member states that use the UN to embarrass the democracies.

As we watch the totalitarians at work in Geneva, using the UN umbrella in their attacks on the basic principles on which the UN was founded, it is understandable that there are many observers who are prepared to give up on the UN. The response that I want to offer to these pessimists is that while we can clearly identify the symptoms of the disease from which the UN suffers, it is a disease from which it can be cured. What is needed is for the governments of the democracies, particularly of the United States, to engage in more effective parliamentary work at the UN.

Let us take a look at the roll calls on the two votes that I have cited the 1975 Zionism is Racism vote and the 2007 Durban II funding vote. On the first of these the ''no'' vote was 32.7%. On the second it was 30.5%, an insignificant difference in the percentages. As we look at this almost imperceptible change in percentages, we should note that the Freedom House categorizations for 1975 and 2007 show a wholly different pattern. In 1975, Freedom House classified 27% of the UN membership as free. In 2007 the percentage of free countries was 46%, a major increase.

Why was that difference not reflected in the votes on the two resolutions? Our side had indeed picked up Eastern Europe's new democracies. But we had lost the support of many Latin American, Caribbean, and African states, most of them fellow-democracies. The additional votes cast for our side were not the result of any diplomatic effort on our part. They reflected the political beliefs of the new East European democracies. The democracies whose votes we lost, on the other hand, were lost as a result of a failure on our part to engage them fully on UN issues, combined with the extraordinarily clever manipulation by the other side.

So, as we watch Durban II unfold, let us keep in mind that effecting change at the UN is not a hopeless cause. The percentage of UN member states that Freedom House classifies as ''not free'' is down to 22%. Under these circumstances should it not be possible for the democracies to return the UN to the principles spelled out in the Charter? I submit it can be done if the United States Government will commit itself to spend the time and energy needed to attain that goal. And it is our task, as citizens, to urge our Government to do just that.

Let me conclude my remarks by expressing the thanks of all of us assembled here to those whose idea it was to arrange for this counter-conference and who did the necessary organizational work. All of us who believe in the fundamental principles on which the United Nations were founded need to stand up against those who are fully engaged in efforts to subvert them. That is what this counter-conference is doing. And we shall overcome!

HONORING STEVEN MICHAEL KINNAMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steven Michael Kinnaman a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 145, and in earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop participating in many scout activities. Over the many years Steven has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Steven Michael Kinnaman

for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

75TH ANNIVERSARY OF THE STAFFORD CONNECTICUT FIRE DEPARTMENT NO. 1

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor the 75th Anniversary of the Stafford, Connecticut Fire Department No. 1. For 75 years the men and women of this department have dedicated themselves to protecting the people and the community in which they serve.

While the department was not formally incorporated until November 11, 1936, it began its work in Stafford on May 10, 1934 in the B. Schwanda and Sons button factory. The eight founding members later began meeting in an unused garage and dance hall that later became incorporated into station 145. While membership grew over the next ten years, a shortage of able bodied men during World War II forced the department to allow members of the Junior Fire Department over the age of 14 to join the full department.

In June 1949, a committee was formed to begin work on plans for a new firehouse located on Colburn Road. Just a few years later, this new department was built to house the members, vehicles and equipment. That structure is still used to this day as the home base for the ET–145, ET–245, Rescue 145, Forestry 145, Service 145 and Marine 145. In 1953, the department won first prize in a statewide contest conducted by the Hartford County Mutual Fire Insurance Company as the volunteer department with the most improved facility with the best fire prevention program available.

In March of 1956, under the leadership of then chief Benjamin Muzio, the Auxiliary of the Stafford Fire Department No. 1 was organized to assist the department with fundraising efforts to acquire necessary equipment and supplies. Through the years, the Auxiliary has raised funds through a variety of events including the annual chicken BBQ that draws people from communities far and wide every year.

The men and women of this department have put their lives on the line for the past 75 years and they deserve our thanks and praise. On behalf of the people of Connecticut's Second Congressional district, I want to thank you for your service.

ACKNOWLEDGING AND COMMENDING NATIONAL LIBRARY WEEK

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BLUMENAUER. Mr. Speaker, from April 12–18, 2009, our nation celebrated National Library Week and the vital role that these institutions and their dedicated staff play in supporting our communities. On April 22, 2009, the House of Representatives passed H. Res. 336, supporting the goals and ideals of National Library Week and encouraging Americans to take full advantage of these wonderful public resources.

In Oregon, we pride ourselves on our strong community and a commitment to quality of life and education. Public libraries are a vital piece of this fabric and, in fact, Oregon has the second highest circulation of public library materials in the nation and the only 5-star library in the Northwest. As the economic downturn has pushed family budgets to the brink, these resources are more important than ever. In addition to public reading and visual materials, libraries offer Internet and computer access for all, free of charge. Many also serve as community spaces for gatherings and events.

Another library that deserves recognition is our very own Library of Congress. In 2008, to highlight the world-class work of this institution I formed the Library of Congress Caucus, now nearly 50 Members strong. I have the distinct honor of co-chairing this bipartisan organization with my friend Congressman ZACH WAMP. Our goal is to draw further attention to the nation's library, its collections and curators, and to encourage further use by Members of Congress and the public alike.

The Library of Congress not only houses the much-appreciated Congressional Research Service, it also offers 1.6 million visitors access to 15 million primary-source documents and operates the Veteran's History Project and the Surplus Books Program. One of my favorite programs, the Surplus Books Program is an innovative book donation program, through which Members may send library materials to the schools and libraries in their home district. At a time when funding for libraries is scarce, this is a simple way to reduce book waste and distribute excess resources to our communities and schools where they are needed most.

I strongly encourage members to take advantage of these extraordinary programs and resources, and congratulate all our nation's libraries, librarians, and library-enthusiasts.

CHRISTOPHER ALLEN CARPENTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Carpenter of Kansas City, Missouri. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities and 29 merit badges. Over the many years Christopher has been involved with scouting, he has not only earned titles such as Den Chief and Patrol Guide, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher Carpenter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE CORNBREAD FESTIVAL OF SOUTH PITTSBURG, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to congratulate the people of South Pittsburg, Tennessee on their 13th annual National Cornbread Festival. In 1996, a group of residents in this small city of 3,500 decided to take action to promote economic activity, which had waned as surrounding areas developed and a newly constructed highway directed traffic away from South Pittsburg's local businesses.

The goals of the Cornbread Festival were to promote the unique sights, sounds, tastes, and history of South Pittsburg and, Madam Speaker, they have done a fine job. Each year, during the last weekend in April, people have traveled from across the country and around the world to take part in the vibrant heritage of southeast Tennessee. This festival, which has been featured several times in national publications and on the Food Network, celebrates the southern delicacy of cornbread and the culture that surrounds it. Local artists and musicians keep the region's great traditions alive. Visitors can also see the great history of the local cast-iron industry around which South Pittsburg grew, and which still produces the skillets used to make the world's best cornbread.

Most importantly, Madam Speaker, this festival has made a great contribution to the community that created it and continues to run it. Proceeds from the National Cornbread Festival have been used to landscape streets, help build athletic fields, and support Boy Scouts, schools, daycares, and libraries. It serves as an economic driver which has helped to revitalize downtown South Pittsburg and its local businesses. It is a true testament to the power of community involvement and self-determination.

Madam Speaker, I congratulate South Pittsburg on a thirteenth year of what I hope will be a longstanding tradition. I encourage my colleagues and the American people to take note of the National Cornbread Festival and to consider a trip to see what's cooking in South Pittsburg, Tennessee.

HONORING THE 34TH ANNIVERSARY OF THE FALL OF SAIGON

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, it is my honor to rise today to recognize a day of great historical significance to my constituents and this nation.

On April 30, 1975, the city of Saigon fell to communism. This day was a somber day marked by hardship and loss of life for both Vietnamese and Americans. Thousands of people fled Vietnam by boat from the late 1970s to the mid-1980s. One half of those who fled by boat did not survive the journey.

Indeed, many Vietnamese-Americans come from a line of brave folks who left an oppressive regime to search for freedom. Citizens of

Vietnamese descent form a key, politically active group of Americans. They truly know the meaning of the term "American," and they value freedom, democracy, and liberty.

My constituents, as part of the Vietnamese Community in Virginia, Washington DC, and Maryland, will commemorate the 34th Anniversary of the Fall of Saigon on Saturday. And so, Madam Speaker, it is with great pride that I submit into the CONGRESSIONAL RECORD a statement of recognition of this historic day.

I ask my colleagues to join me in recognizing the significance of this day.

HONORING BRIGADIER GENERAL GILL P. BECK

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. COBLE. Madam Speaker, I rise today to recognize Brigadier General (BG) Gill P. Beck, who has been selected by Appalachian State University's (ASU) Alumni Association to be the sole recipient of its 2009 Distinguished Alumnus Award in a ceremony to be held this Saturday, April 25, 2009, at the Broyhill Inn in Boone, North Carolina.

General Beck was selected for this honor due to his remarkable record of leadership and service to the public in both his professional and military careers, and for his many contributions to civic and charitable causes in his community.

A third-generation Mountaineer and third-generation North Carolina attorney, Gill Beck attended Appalachian State from 1974 to 1978 on a football and academic scholarship. Describing himself as "the slowest quarterback in the state" in high school, he showed his "coachability" by switching positions and playing center in college. Three years later, he was named team captain and distinguished himself as the team's best blocker. A three time All-Southern Conference first-team selection, he was selected as ASU's athlete of the year during his senior year.

While at ASU, he distinguished himself academically as well, making the Chancellor's List all eight semesters, twice being named an Academic All-American, graduating second in his class with a 3.98 grade-point average and earning an Army ROTC scholarship to study law at Duke University in Durham, North Carolina. After graduating with High Honors from law school, he entered the Army JAG Corps, where he spent the next six years on active duty and represented the Army in a wide variety of litigation matters.

A resident of Greensboro, Beck has served as an Assistant United States Attorney in the Middle District of North Carolina since 1992. He currently serves as the Chief of the Civil Division, United States Attorney's Office, where he is responsible for directing all civil litigation against or for the United States within the United States District Court for the Middle District of North Carolina, as well as prosecuting criminal forfeitures that involve drug or money laundering offenses. As a federal prosecutor, he has spearheaded a number of high-profile civil actions, including several that involve the fight against fraud and whose resolution protected the rights and interests of taxpayers. In 1997, the U.S. Department of Justice presented Gill Beck with its highest award, the Attorney General's Distinguished Service Award, for his initiative and success in one such action that recovered more than $180 million for taxpayers.

Since completing his initial active duty tour in the Army, Gill Beck has continued his military service as an Officer and Judge Advocate in the U.S. Army Reserve. In a promotion ceremony at Fort Myer, Virginia, in December 2008 that was presided over by the Judge Advocate General of the Army, Lieutenant General Scott C. Black, Beck "pinned on" the rank of Brigadier General after being nominated by President Bush and being confirmed by the United States Senate. In an investiture ceremony that day, BG Beck was also installed as the Chief Judge, U.S. Army Court of Criminal Appeals (IMA), U.S. Army Legal Services Agency (USALSA).

BG Beck's previous military assignments include Commander, 12th Legal Support Organization, Staff Judge Advocate Task Force 134 (Operation Iraqi Freedom), Staff Judge Advocate, Deputy Staff Judge Advocate, and Brigade Judge Advocate, 108th Division (Institutional Training), and a total of thirteen years on active duty with tours in the 1st Infantry Division, 3d Armored Division, 82nd Airborne Division, and Litigation Division (USALSA).

Madam Speaker, during his 2005 tour of duty in Iraq, then-Colonel Beck and his family provided an illustration of just how important the initiative and contributions of individual members of our armed forces and their military spouses "back home" are to the success of our military operations and humanitarian endeavors abroad. What began as a simple personal request to his wife, Mary Jo, to send toys, trinkets and candy to present to the Iraqi children turned quickly into a community-wide effort. "Operation Toy Drive," which was coordinated by Mary Jo and her friend, Hillary Bouknight, resulted in the collection of tens of thousands of items that were transported by a U.S. based charity, Operation Give, and shipped by FedEx (without charge I might add) to the U.S. military for distribution by our U.S. service men and women to the children of Iraq. Indeed, not only did Mary Jo orchestrate the effort but the entire Beck family, including his sons, Gill Jr. and Jon, got into the act. In addition to collecting toys from others, Jon even donated a bear he had received for his birthday.

Before concluding my remarks, I'd also like to make mention of BG Beck's outstanding commitment to his profession and voluntary service with the N.C. Bar Association (NCBA). He has served as a member of the Board of Governors of the NCBA, past Chair of the NCBA's Government and Public Sector Section, and while deployed to Iraq in 2005, was selected to receive the association's Government and Public Sector's Distinguished Attorney Award as North Carolina's top government and public sector attorney. In describing why he was chosen for the award, Linda Miles, the city attorney of Greensboro stated, "Gill Beck embodies all of the virtues of a public servant. He is a person of integrity, honesty and loyalty in his service to his country in every way."

Madam Speaker, in closing, I would just note that BG Beck and his family are among those who represent the best of America. His dedication to duty, reputation for integrity, and commitment to improving the well-being of others, whether in his hometown and state or more than half a world removed, are exemplary. I am happy to convey my personal best wishes to General Beck and his family and ask that you and our colleagues in the House join me in recognizing BG Beck not only on the occasion of his fitting selection as Appalachian State University's Distinguished Alumnus of the Year for 2009, but also for his lifetime of service and commitment to others.

COMMENDING PAUL McGILL OF HUNTERDON COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. LANCE. Madam Speaker, I rise today to commend Paul McGill of Hunterdon County for his outstanding efforts on behalf of the Shannon Daley Memorial Fund. The Shannon Daley Memorial Fund was established by approximately 70 Hunterdon County members of the Readington Men's Basketball League who came together to raise money and support for families of children suffering with catastrophic illnesses.

On Friday, April 24, 2009, Paul McGill will be recognized by the United Way of Hunterdon County as their Community Volunteer of the Year. The evening will celebrate Paul's volunteerism and recognize his achievements as the officer and chief operating officer for the Shannon Daley Memorial Fund.

Paul has devoted significant portions of his personal time to insure the continued success of the charity—which includes a significant amount of time devoted to fundraising. In addition to fundraising, Paul provides extensive leadership for the Shannon Daley Fund and has developed close personal relationships with Hunterdon County residents and businesses to support the cause. He has done and continues to do an outstanding job to help families in need.

For those who know Paul, he is a true inspiration, an exemplary volunteer and an outstanding community leader. Paul McGill has truly made a difference in the lives of so many families in Hunterdon County and I am proud of his efforts.

I am pleased to share the good deeds of Paul McGill with my colleagues in the United States Congress and with the American people.

IN RECOGNITION OF BARONESS CAROLINE COX OF QUEENSBURY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. PETERS. Madam Speaker, I rise to recognize The Honorable Baroness Caroline Cox of Queensbury on the occasion of her visit to Michigan during the week of April 24, the day set to commemorate the 1915 commencement of the genocide of the Armenian peoples. During her visit, Baroness Cox continues her tireless mission to educate and promote awareness of the present-day status of the Armenian population of Nagorno-Karabakh and oppressed peoples around the world.

In particular, Baroness Cox will be visiting Oakland University in Michigan's 9th District where she will lecture and celebrate the University's Institute for Research, Education & Advocacy for Children's Health—R.E.A.C.H. The mission of R.E.A.C.H. furthers and embodies the life's work of Baroness Cox. Using her formal educational training in nursing, sociology and economics, Baroness Cox has been a prolific author and advocate of human rights around the globe. The Humanitarian Relief Trust which she established in 2005 provides resources, aid and training to peoples living in extreme poverty and under oppression. She is known for her personal and hands-on work targeting the "no-go" areas of the world to provide humanitarian aid and relief. Though she spends nearly half her time on international missions, she cherishes her role in the British Parliament as the "voice of the voiceless."

Baroness Cox, I welcome you to Michigan's 9th District and salute your untiring and steadfast commitment to improving the human condition in some of the most challenging areas of the world—Sudan, Burma, Nigeria and East Timor, among others. We are fortunate that you have so ardently acted on your "inherent tendency" to help others and made it your life's mission. Your wise admonition to us all rings as true today as ever, "We can't do everything . . . however, we can all do something."

HONORING THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC) COUNCIL #10

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise to congratulate the League of United Latin American Citizens (LULAC) Council #10 from Davenport, Iowa on their 50th anniversary.

LULAC Council #10 was established in 1959 to support the strong, multi-generational Latino community that has thrived in Davenport and broader Quad Cities area since the early 1900s. The Council #10 founders' goals were to advance the economic conditions, educational attainment, political participation, housing, health and civil rights of Latino families and workers. At that time it was not uncommon for local businesses to discriminate against Latino workers, and many Latino children were falling behind in school because their English skills were not adequate. Despite these challenges the Latino population made great strides in the Quad Cities community while preserving their culture and values.

Since its inception, LULAC Council #10 has worked with local school districts to create bilingual education opportunities and English as a Second Language programs. These programs have been so successful that they are now used to help the growing Vietnamese student population in Davenport. Council #10 maintains a local scholarship program to give Latino students opportunities to continue their education. The club hosts a senior meal program, organizes multiple festivals celebrating Latino cultures, and works tirelessly with local unions and employers to avert discrimination in the workplace.

Madam Speaker, LULAC Council #10 has a proud history and its members have made great contributions to Davenport and our country. I congratulate Council #10 on their 50th anniversary.

HONORING THE TOWN OF CULPEPER, VIRGINIA ON ITS 250TH ANNIVERSARY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. CANTOR. Madam Speaker, I am proud to recognize the Town of Culpeper as it celebrates its 250th anniversary this Friday, April 24th, 2009.

The Town of Culpeper is located at the eastern base of the Blue Ridge Mountains in the Piedmont River Valley. It has a legendary history that dates clear back to the American Revolution when a group of local residents organized themselves as the Culpeper Minute Men Battalion in 1775 and were called upon to fight in the Revolution and throughout campaigns in the 19th and 20th Centuries. Both Confederate and Union troops occupied the Town during the Civil War. In fact, during the winter of 1863 and 1864, more than 100,000 Union troops occupied the town as its strategic railroad location made it an important supply station for both Confederate and Union troops. The town witnessed more than 100 battles during the war and many homes were used for military housing and hospitals.

After the Civil War, the Town of Culpeper grew to become a thriving regional marketing hub. Even today the town continues to evolve. With a population of approximately 15,000, it has rebuilt itself to become a Virginia Main Street Community with a lively historic downtown. It was even named once as one of "America's Top 10 Small Towns." While Culpeper was originally built as an agricultural economy, today it is an important crossroad for business.

Culpeper residents will celebrate and honor the town's heritage and 250 years of history with events and activities throughout the year, including a historic costume ball, picnics and parades.

Madam Speaker, please join me in congratulating the citizens of Culpeper as they celebrate the town's anniversary and wishing them the best for their continued growth and success.

RECOGNIZING PAOLA GRULLON

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. TIBERI. Madam Speaker, it is my pleasure to congratulate Paola Grullon for receiving the Charles J. Ping Award. This outstanding accomplishment is a result of Paola's hard work and dedication to serving her community.

This honor is awarded to undergraduate students who exemplify leadership in their communities and boast a record of outstanding achievements in service. This is the fifth consecutive year that a student from Ohio Wesleyan University has received the Ping Award. This is proof of the University's commitment to conveying the importance of service-learning to their students.

Paola Grullon is a member of Ohio Wesleyan University's Class of 2010. Paola recently completed an internship with Delaware's Woodward Family Resource Center, and organization that provides outreach opportunities for the city's Hispanic community members. As a pre-med major from the Dominican Republic, Ms. Grullon has created a strong support network for Delaware's Hispanic community by helping people with translations for numerous medical and utility services, government benefit services and child care assistance.

In addition to her work with the Woodward Family Resource Center, Ms. Grullon volunteers with Grace Free Clinic and St. Mary's Church. Paola has led fellow students from Ohio Wesleyan on spring break volunteer experiences, inspiring other students to follow her example of leadership and service.

I am pleased to commend Paola Grullon on this wonderful achievement as well as Ohio Wesleyan University for encouraging service-minded students to give back to Central Ohio communities.

COMCAST CARES DAY

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, today I rise to recognize the more than 1,200 employees from Broward and Miami-Dade Counties who will volunteer to benefit Samuel Delevoe Park and Oleta River State Park on Saturday, April 25th for Comcast Cares Day.

Volunteers and their families will join together to landscape facility grounds, paint and enhance two of Florida's parks. This event will mark the eighth annual company-wide day of service.

Madam Speaker, it is my pleasure to commend Comcast and its employees for their service to our community at a time when our nation faces enormous challenges.

Families are losing jobs, health care, and other key services. Our public needs are growing while our resources for meeting them are disappearing.

As a mother of three young children, I believe that service is the lifeblood of this country.

Volunteers can play many roles. They teach in our classrooms; clean up our waterways, roads and parks; care for the elderly; and feed the hungry. All the while, they learn valuable skills that will help them throughout their lives.

I hope that the selfless actions of the Comcast employees and their families will serve as an inspiration for other Americans to enrich their own lives by helping others and giving back to their communities.

A TRIBUTE TO ROOT, INC. FOUNDER KENNETH E. BARNES, SR. IN PRAISE OF HIS U.S. DEPARTMENT OF JUSTICE AWARD FOR HIS DEDICATED ADVOCACY ON BEHALF OF VICTIMS OF CRIME

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. RUSH. Madam Speaker, today I would like to recognize an outstanding American who has worked tirelessly to stem the tide of youth violence that has gripped many communities in our country. Kenneth E. Barnes, Sr., M.S., attended Loyola College in Maryland and, while working towards his doctoral degree, tragedy of the worst kind struck—his son, Kenneth Barnes, Jr., was murdered. Rather than do nothing, Mr. Barnes established the organization Reaching Out to Others Together Inc., or ROOT, Inc.

ROOT, Inc. is a non-profit organization committed to advocacy, education and intervention on behalf of victims of gun violence and their families. ROOT, Inc.'s mission is to motivate and mobilize communities to take a proactive approach in reducing homicides as well as the senseless gun violence and youth violence that plague cities throughout America. Mr. Barnes has conducted workshops and seminars, locally and nationally, as well as testified on numerous occasions before the D.C. City Council. Mr. Barnes has also worked with my office and played an instrumental role in helping me to draft the Communities in Action Neighborhood Defense and Opportunity Bill, or CAN DO bill, which also addresses the issue of gun violence through a community-based comprehensive approach to the problem.

Madam Speaker, each April since 1981, the Office for Victims of Crime within the U.S. Department of Justice has helped lead communities throughout the nation in their observances of National Crime Victims' Rights Week. Rallies, candlelight vigils, and a host of commemorative activities are held each year to promote victims' rights and to honor crime victims and those who advocate on their behalf.

This year, Kenny Barnes has been nominated by the United States Department of Justice Office of Victim Services to receive the National Service Award for his work on behalf of victims of crime and he will receive this prestigious award on April 24, 2009. This is a great honor being bestowed upon a great man and I would like to congratulate Mr. Barnes for his commitment and dedication to an issue that is so dear to my heart and the hearts of millions of others throughout our nation.

ACKNOWLEDGEMENT AND CONGRATULATORY REMARKS FOR BROOKLYN COLLEGE ACADEMY HIGH SCHOOL BOBCATS BASKETBALL TEAM

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. CLARKE. Madam Speaker, I rise to congratulate the Brooklyn College Academy High School Bobcats basketball team on winning the 2009 PSAL Brooklyn West B Division title. On March 27, 2009, co-coaches Alicia Braswell and Paul Wallace inspired their team, which was ranked 26th out of 38 through the bottom half of the bracket to the finals and the win. What makes this win not only inspiring but historic is that it is the first time a female coach has ever led a team to the men's division title in the history of the tournament. Players Keyon Aigle, Christoph Bristol, Denzel Duchenne, Craig Gooden, Lesner Guerrier, Jamaal James, Raheem Mack, Jaren Mansano, Kristian Moreno, Alexandre Pages, Jose Perez, Tarik Phillip, Onyma Utti, and Equipment Manager Cassandra Mark played the Brooklyn way and deserved the admiration of all of us here. Principal Nick Mazzarella also deserves our respect and admiration for selecting a female coach to help guide his school to the title. This progressive and forward-thinking approach to athletic hiring has paid dividends not only for the Bobcats, but is also another step forward in the fight for gender equality in athletics. I am proud and deeply honored to represent Brooklyn College Academy High School and provide it as an example to all of what's possible when playing fields are leveled and all are given an opportunity to excel regardless of gender.

RECOGNIZING THE METROPOLITAN EMERGENCY COMMUNICATION CENTER

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize the grand opening of the Metropolitan Emergency Communication Center (MECC). This new center represents the commitment the participants of six fire departments in Central Ohio have had to serving their communities. This innovative center serves Mifflin, Plain, Jefferson, Truro, and Violet Townships as well as the City of White Hall.

The state-of-the-art communications center opened on April 16, 2009 in Gahanna, Ohio. This multi-jurisdictional emergency dispatch center for Fire, Rescue and EMS serves six fire departments and assists over 120,000 Central Ohioans. In 2008, the MECC handled over 27,000 calls for fire and EMS service. The opening of this new facility for the MECC offers room for training, meetings, additional consoles, upgraded technology, and on-site IT support.

This partnership improves efficiency, enhances capabilities, and shares technology to better serve our community. Emergency responders have access to the resources they need to best do their jobs because of the innovative approach to dispatching the Metropolitan Emergency Communication Center has taken. The MECC allows all six participating fire departments to stay on the cutting edge of technological developments to better execute emergency runs and to serve our Central Ohio community.

I offer my congratulations to the six communities that comprise the Metropolitan Emergency Communication Center and I applaud their hard work and dedication to preserving the safety of Central Ohioans.

SPEAK OUT AGAINST GENOCIDE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. GARRETT of New Jersey. Madam Speaker, April is Genocide Prevention Month. Tuesday, April 21st, marked Holocaust Remembrance Day. Tomorrow, April 24th, is the 94th anniversary of the onset of the Armenian genocide. These times of commemoration are sobering, but I firmly believe that it is important to pause and recall the unnecessary deaths of millions of people which occurred in the last century. By reminding ourselves of past atrocities, we are encouraged to uphold the value of human life today.

During World War I, the Turkish government began an assault on the Armenian people by arresting and killing religious, political, and intellectual leaders in Istanbul. Then, groups of Armenian men, women, and children were rounded up and forced to march through the desert. Along the way, the victims were tortured, raped, and starved.

Before and during World War H, Adolph Hitler attempted to eliminate the Jewish people and others whom he considered a threat. He initiated boycotts of Jewish businesses, prohibited social contact with Jews, and excluded Jews from participation in government, the arts, and education. Then, Hitler began deporting Jews to internment camps, essentially forcing them to complete slave labor. Some were marched to remote areas and murdered. Eventually, the Germans began a campaign of mass extermination by gassing Jews and other ''undesirable'' ethnic, religious, and political groups.

Monday, April 20th, marked another historic event. It happened to be the anniversary of Adolph Hitler's birth. When justifying his persecution of the Polish people, Hitler declared ''Who, after all, speaks today of the annihilation of the Armenians?'' I, for one, am still speaking about the annihilation of Armenians. I am also speaking about the annihilation of Jews. I encourage my colleagues to join me in speaking out against genocide.

COMMEMORATING THE 94TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. BERMAN. Madam Speaker, tomorrow, April 24, marks the 94th anniversary of the beginning of the Armenian Genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Then the government deported the overwhelming majority of Armenians from Ottoman Armenia, ordering that they resettle in what is now Syria. Most deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long

marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed nearly all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian Genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. We have only to recall the killing fields of Cambodia, mass killings in Rwanda, ethnic cleansing in Bosnia and Kosovo, and the unspeakable horrors in Darfur, Sudan to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contributions of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they and their immigrant ancestors have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

INTRODUCTION OF A CONCURRENT RESOLUTION REGARDING THE SHI'ITE PERSONAL STATUS LAW IN AFGHANISTAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mrs. MALONEY. Madam Speaker, today, along with Representatives BALDWIN, and BIGGERT, I am introducing a House Concurrent Resolution which expresses the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental rights of women and should be repealed. Senator BOXER is introducing the same resolution in the Senate.

In March the Afghan parliament approved the Shi'ite Personal Status Law which was signed by President Hamid Karzai. According to reports in the media and by the United Nations, this law would legalize marital rape, strip mothers of custodial rights in the event of a divorce, and prohibit a woman from leaving her home unless her husband gives his approval. President Obama has called this law "abhorrent" and the UN High Commissioner for Human Rights said that the law is "reprehensible and reminiscent of the decrees made by the Taliban regime in Afghanistan in the 1990s."

This resolution urges the Afghan Government and President Karzai to declare these provisions unconstitutional, and to not publish the law on the grounds that it violates the Constitution of Afghanistan and the basic rights of women. Additionally, the resolution encourages the U.S. Government to address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded.

I have long been a champion for the rights of women internationally, but particularly in Afghanistan. Throughout the country's turbulent history, the women of Afghanistan have been a source of strength, stability, and peace. Working with my colleagues, we have ensured that reconstruction aid for Afghanistan includes support for programs that increase women's access to education, economic opportunities, and health care. We have also worked to increase recognition of the vital role women have to play in rebuilding Afghan society in the wake of violent conflict, and I am pleased that the U.S. government has devoted resources specifically to support the work of local women-led nongovernmental organizations, as well as the Afghan Independent Human Rights Commission.

In its current form, the Shi'ite Personal Status Law fundamentally contradicts these efforts. We cannot stand by and allow such an immense setback to the rights of women and girls in Afghanistan, who have been treated as second-class citizens for far too long. For years, the United States has worked with the people and government of Afghanistan to rebuild the rule of law and promote respect for human rights. Creating a new and better future for the women of Afghanistan is a critical part of this mission.

RECOGNIZING THE AMERICAN RED CROSS OF GREATER COLUMBUS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. TIBERI. Madam Speaker, I rise today to recognize the American Red Cross of Greater Columbus. Praised for its dedication to saving and restoring lives, the American Red Cross of Greater Columbus serves over 1.3 million residents in Central Ohio.

Having recently celebrated "Red Cross Month" during March, I am pleased to highlight the successes of the American Red Cross of Greater Columbus. As one of the most trusted charities in Central Ohio, this chapter is at the forefront of helping individuals and families prevent, prepare for, and respond to large and small scale disasters.

Led by Mary Navarro, Michael Carroll and a committed Board of Directors, this group of over 700 volunteers and 55 full-time employees responded to 356 local disasters in 2008. Their service and assistance directly impacted the lives of over 470 families in Central Ohio.

Educating more than 73,000 individuals about how to prepare for emergencies and training more than 46,000 residents in First Aid, CPR, Water Safety, and other life-saving courses the Greater Columbus Chapter of the American Red Cross is providing much more than relief to victims. The benefit of programs like these provides support to the public beyond times of need.

It is my pleasure to recognize the American Red Cross of Central Ohio for their unrelenting and inspiring record of service to the families of Central Ohio. All have produced a safer place for the residents of Central Ohio to call home.

HONORING THE LIFE AND LEGACY OF THE HONORABLE IRVING J. STOLBERG

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Ms. DELAURO. Madam Speaker, it is with the heaviest of hearts that I rise today to pay tribute to the memory of one of Connecticut's most outstanding public leaders and my dear friend, The Honorable Irving J. Stolberg. After a year-long fight, Irv lost his battle with leukemia and Connecticut lost one of its most respected and beloved public officials.

Elected to Connecticut's House of Representatives in 1970, Irv served twenty-two years in the General Assembly—a member of virtually every committee and twice elected to lead as Speaker. It was during his tenure as Speaker that the General Assembly saw its greatest transformation with more members seeing legislating as their primary occupation even though it is considered a part-time position and his oversight of the construction of the Legislative Office Building which, after its opening in 1988, gave all legislators their own offices and provided the additional space for public hearings that our historic Capitol building could not accommodate. The very character of the General Assembly was changed with the members finding a stronger voice and taking a more active role in shaping public policy. He has been called the "father of the modern legislature" and there could not be a more fitting tribute to his legacy.

His passion for service stretched far beyond Connecticut politics. A Professor of Geography and African Studies, Irv taught at both Southern Connecticut State University as well as Quinnipiac University. As an Africanist, he did research in Tanzania, Ethiopia, and Nigeria. Most recently, Irv served as the President of the Connecticut Division of the United Nations Association and was most proud of his production of the widely distributed UNA Calendar of Peace. He was a member of the UNA Board of Directors and in 2006 was elected to represent the United States on the Executive Committee of the World Federation of UNAs. His travels took him to more than 90 countries—twenty-two visits to China alone. He helped to develop training programs at American universities for more than 700 Chinese Provincial Officials, assisted in the democratization of Eastern Europe—particularly in Bulgaria—and had a role in drafting the Brazilian

Constitution. A recognition of his commitment and contributions to international relations, President Clinton appointed Irving to the Commission on the Preservation of American Culture Abroad where he had the lead responsibility for relations with Slovakia, Ukraine, and Moldavia. Irv was indeed a global citizen and has left an indelible mark not only on our state but across the world.

Here in Connecticut, Irv was also instrumental in the establishment of Connecticut Hospice—the first organization of its kind in the nation. Connecticut Hospice is dedicated to using a holistic approach in helping patients and their families attain an optimum quality of life as they cope with irreversible illnesses providing the comfort and care that they need in their last days. It may also be fitting that it was at Connecticut Hospice, surrounded by family and friends, that Irving spent his final days.

Irv dedicated a lifetime to public service and forever changed the face of Connecticut politics. I consider myself fortunate to have been able to call him my friend. Today, as we remember all that Irv contributed to his community and his state, I extend my deepest sympathies to his family: his son Robert; former wife, Alicia; his brothers, Roger and Frank; and his sister, Melody. Irving J. Stolberg set an example for public service to which we should all strive and has left a legacy that will continue to inspire generations to come.

INTRODUCTION OF THE PUBLIC SERVICE ACADEMY ACT OF 2009

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce the Public Service Academy Act of 2009, which will create the first stand alone university dedicated solely to producing highly qualified and well-trained civilian public servants.

The new century has brought immense challenges that require strong and prepared, competent and committed public servants. On the eve of the retirement of the baby-boom generation, our nation presses for a new generation of teachers, firefighters, and federal employees to fill the potential void these retirees will leave. Our civil servants will have to address the need to finance entitlement costs in an age of trillion dollar deficits; the need to educate and train a workforce that can compete and prosper in a global economy; the need to provide quality affordable healthcare; the need to protect and preserve the planet's fragile environment; the need to negotiate and reconcile differences with foreign nations; and the need to deter terrorism and keep our nation safe and secure. All of these challenges will require a professional public workforce, and yet because of shifting demographics our civil service faces a wave of retirement over the next decade that threatens the effective operation of government.

For these reasons, it is critically important that Congress provide young Americans with the best education and training that will allow them to become our nation's future leaders. Young Americans are ready to answer the call. According to the Higher Education Research Institute, approximately 70 percent of the 2007 freshman class expressed a desire to serve others. Applications to programs like Teach for America and City Year along with religious missions involving young Americans have greatly increased. A 2008 poll conducted by Social Sphere Strategies found that 88% of 18–29-year-olds supported the Public Service Academy, with 57% saying that they "likely" would have considered applying to the Academy had it been available when they were applying to college. College presidents, news publications and some of the leading voices in public service—both Democrat and Republican—have endorsed the creation of the Academy.

Now is the time to tap into American's renewed sense of civic obligation and offer an avenue to serve others. Yet, the cost of pursuing public service opportunities after graduation is often prohibitive because college tuition has increased dramatically in the past decade—47 percent at private schools and 63 percent at public schools. As a result of these soaring tuitions, the average college graduate owes about $20,000, an increase of more than 50 percent in the past decade. These potential public servants often overburdened by the debts of college and university loans, are forced to choose more lucrative private sector jobs over public service opportunities.

Modeled after the military service academies, the Public Service Academy will provide a four-year, federally-assisted college education for more than 5,000 students a year in exchange for a five-year commitment to public service in areas such as education, public health, law enforcement, and local, state and the federal government. With its mission critical to the health of our public service, the Academy will strive to recruit the top students and faculty from around the United States, require intensive courses in leadership and public service, and eventually help place students in positions throughout the public sphere. Moreover, by providing students with a federally-funded education, the stress of debt would be eliminated, and their commitment to the public service sector for at least five years could lead to lifelong service.

Madam Speaker, last year, over 120 bipartisan cosponsors in the House of Representatives joined in the effort to create the Public Service Academy. I am encouraged by the early support of over 25 cosponsors in just a few weeks of circulating this year's proposal. The time to create a United States Public Service Academy is now. I look forward to working with my colleagues and the committees of jurisdiction to bring attention to this issue and make the Public Service Academy a reality.

RECOGNIZING DR. C. BRENT DEVORE

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 2009

Mr. TIBERI. Madam Speaker, it is my pleasure to recognize Dr. C. Brent DeVore for his service and tenure at Otterbein College.

Dr. C. Brent DeVore has been a tireless advocate for higher education. Known to his peers as, "the Dean of Higher Education," Dr. DeVore has brought a great deal of leadership to Otterbein College throughout his 24 years of service. His service on the boards of 23 national and local non profit organizations earned him the honor of the President's Call to Service Award for Lifetime Achievement from the Corporation for National and Community Service.

Otterbein has grown to 3,107 students under Dr. DeVore's guidance. He has improved retention rates and increased the endowment from $6 million to $100 million. Not only have student facilities been renovated, but land acquisition has nearly doubled the size of campus under Dr. DeVore's direction.

In addition to his work at Otterbein College, Dr. DeVore has made a lasting impression on the community. He has made service a priority of the college and student life. Last year alone, Otterbein students donated over 32,000 hours of community service to Central Ohio. Nearly 70 percent of the student body has participated in service projects throughout the community. Otterbein's generous service to the community earned Otterbein College the President's Award for General Community Service in February 2008 from the White House.

For his years of service at Otterbein College and consistent hard work toward the betterment of our higher education system, I commend Dr. C. Brent DeVore upon his retirement.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4603–4705

Measures Introduced: Twenty-four bills and four resolutions were introduced, as follows: S. 871–894, S. Res. 111–113, and S. Con. Res. 19.

Pages S4669–70

Measures Reported:

Special Report entitled ''Report on the Resolution (S. Res. 73) Authorizing Expenditures by Committees of the Senate''. (S. Rept. No. 111–14)

Page S4668

Measures Passed:

National Adopt A Library Day: Senate agreed to S. Res. 113, designating April 23, 2009, as ''National Adopt A Library Day''. **Pages S4704–05**

Authorizing the Use of Emancipation Hall in the Capitol Visitor Center: Senate agreed to H. Con. Res. 86, authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth. **Page S4705**

Acceptance of a Statue of Ronald Wilson Reagan: Senate agreed to H. Con. Res. 101, providing for the acceptance of a statue of Ronald Wilson Reagan from the people of California for placement in the United States Capitol. **Page S4705**

Measures Considered:

Fraud Enforcement and Recovery Act—Agreement: Senate continued consideration of S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, taking action on the following amendments proposed thereto:

Page S4604–4641, S4657

Adopted:

Schumer Amendment No. 1006, to provide additional funding to the SEC to use in enforcement proceedings. **Pages S4614–15, S4621**

Rejected:

By 31 yeas to 61 nays (Vote No. 162), Kyl Amendment No. 986, to limit the amount that may be deducted from proceeds due to the United States under the False Claims Act for purposes of compensating private intervenors to the greater of $50,000,000 or 300 percent of the expenses and cost of the intervenor. **Pages S4604, S4609–11, S4617**

Pending:

Reid Amendment No. 984, to increase funding for certain HUD programs to assist individuals to better withstand the current mortgage crisis.

Page S4604

Inhofe Amendment No. 996 (to Amendment No. 984), to amend title 4, United States Code, to declare English as the national language of the Government of the United States. **Page S4604**

Vitter Amendment No. 991, to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Page S4604

Boxer Modified Amendment No. 1000, to authorize monies for the Special Inspector General for the Troubled Asset Relief Program to audit and investigate recipients of non-recourse Federal loans under the Public Private Investment Program and the Term Asset Loan Facility. **Pages S4604, S4616–17, S4631**

Coburn Amendment No. 982, to authorize the use of TARP funds to cover the costs of the bill.

Page S4604

Thune Amendment No. 1002, to require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction. **Pages S4605–07**

DeMint Amendment No. 994, to prohibit the use of Troubled Asset Relief Program funds for the purchase of common stock. **Pages S4607–08**

Coburn Amendment No. 983, to require the Inspector General of the Federal Housing Finance Agency to investigate and report on the activities of Fannie Mae and Freddie Mac that may have contributed to the current mortgage crisis. **Pages S4608–09**

Kohl Amendment No. 990, to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security. **Pages S4611–14**

Ensign Amendment No. 1004, to impose certain requirements on public-private investment fund programs. **Pages S4615–16**

Ensign Amendment No. 1003 (to Amendment No. 1000), to impose certain requirements on public-private investment fund programs. **Pages S4616–17**

Hatch Amendment No. 1007, to prohibit the Department of Labor from expending Federal funds to withdraw a rule pertaining to the filing by labor organizations of an annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959. **Pages S4620–21**

A motion was entered to close further debate on the committee substitute amendment, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, April 23, 2009, a vote on cloture will occur at 5:30 p.m., on Monday, April 27, 2009, and that if cloture is invoked, all post-cloture time be yielded back and any pending germane amendments be disposed of, and the substitute amendment, as amended, be agreed to; provided that Senate vote on passage of the bill at 12:00 p.m., on Tuesday, April 28, 2009, notwithstanding Rule XII, paragraph 4, without further intervening action or debate; provided further, that at 4:30 p.m., on Monday, April 27, 2009, there be 60 minutes of debate prior to the vote on the motion to invoke cloture on the committee substitute amendment, equally divided and controlled between the two Leaders, or their designees. **Page S4657**

House Messages:

Budget Resolution—Motions To Instruct Conferees: Senate began consideration of the amendment of the House of Representatives to S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, disagreed to the amendment of the House, agreed to the request for a conference with the House, agreed to the motion to authorize the Chair to appoint conferees, after taking action on the following motions to instruct conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution to be instructed to insist on the inclusion in the final conference report the following motions proposed thereto: **Pages S4641–57**

Adopted:

By 57 yeas to 37 nays (Vote No. 163), Conrad (for Stabenow) Motion to Instruct Conferees to insist that the final conference report include a Deficit-Neutral Reserve Fund to Invest in Clean Energy and Preserve the Environment (as provided in section 202 (b) of S. Con. Res. 13, as passed by the Senate. **Pages S4653–54**

By 66 yeas to 28 nays (Vote No. 164), Gregg (for Johanns) Motion to Instruct Conferees to insist that if the final conference report includes a Deficit-Neutral Reserve Fund to Invest in Clean Energy and Preserve the Environment and Climate Change Legislation similar to section 202 of S. Con. Res. 13, as passed by the Senate, then that Deficit-Neutral Reserve Fund shall also include the language contained in section 202 (c) of S. Con. Res. 13, as passed by the Senate. **Pages S4652, S4654**

Gregg (for Ensign) Motion to Instruct Conferees to insist that the final conference report include the point of order against legislation that raises taxes directly or indirectly on middle-income taxpayers (single individuals with $200,000 or less in adjusted gross income or married couples filing jointly with $250,000 or less in adjusted gross income) as contained in section 306 of the concurrent resolution, as passed by the Senate. **Pages S4652, S4655**

By 84 yeas to 9 nays (Vote No. 167), Cornyn Motion to Instruct Conferees to insist on the inclusion in the final conference report of the point of order against legislation that raises Federal income taxes on small businesses as contained in section 307 of the concurrent resolution, as passed by the Senate. **Pages S4651, S4655–56**

Alexander Motion to Instruct Conferees to insist that the final conference report include the Senate position maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services, as contained in section 203 of S. Con. Res. 13, as passed by the Senate. **Pages S4646–47, S4656**

Coburn Motion to Instruct Conferees to insist that the final conference report include a reserve fund that promotes legislation that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending, as set forth in Section 224 of S. Con. Res. 13. **Pages S4648, S4656**

By 79 yeas to 14 nays (Vote No. 168), DeMint Motion to Instruct Conferees to insist that the final conference report shall include a point of order against legislation that eliminates the ability of Americans to keep their health plan and eliminates the ability of Americans to choose their doctor, as contained in section 316 of the concurrent resolution, as passed by the Senate, and insist further that an additional condition be added providing such legislation shall not decrease the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed, rationed health care. **Pages S4648–50, S4656**

By 63 yeas to 30 nays (Vote No. 169), Vitter Motion to Instruct Conferees to insist that if the final

conference report includes any reserve funds involving energy and the environment, that such sections shall include the requirements included in section 202(a) of the Senate-passed resolution to require that such legislation would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses.

Pages S4647–48, S4657

Rejected:

By 40 yeas to 54 nays (Vote No. 165), Gregg Motion to Instruct Conferees to insist that the final conference report limit the increase in public debt for the period of 2009 through 2019 to an amount no greater than the amount of public debt accumulated from 1789 to January 20, 2009.

Pages S4650–51, S4654

By 38 yeas to 56 nays (Vote No. 166), Sessions Motion to Instruct Conferees to insist that the final conference report shall freeze non-defense and non-veterans funding for 2 years, and limit the growth of non-defense and non-veterans funding to 1% annually for fiscal years 2012, 2013 and 2014.

Pages S4643, S4655

The Chair was authorized to appoint the following conferees on the part of the Senate: Senators Conrad, Murray, and Gregg. **Page S4657**

Appointments:

Senate National Security Working Group: The Chair, on behalf of the Republican Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), appointed the following Senators as members of the Senate National Security Working Group for the 111th Congress:

Senators McCain and Risch. **Page S4705**

National Museum of the American Latino: The Chair announced, on behalf of the Republican Leader, pursuant to P.L. 110–229, the appointment of the following to be members of the Commission to Study the Potential Creation of a National Museum of the American Latino:

Eduardo Padron of Florida, Sean D. Reyes of Utah, and Ellie Lopez-Bowlan of Nevada. **Page S4705**

Sebelius Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 10:00 a.m., on Tuesday, April 28, 2009, Senate begin consideration of the nomination of Kathleen Sebelius, to be Secretary of Health and Human Services; provided that there be 8 hours of debate with respect to the nomination, with the time equally divided and controlled between the two Leaders, or their designees; that upon the use or yielding back of time, Senate vote on confirmation of the nomination, and that confirmation be subject to a 60-vote affirmative threshold. **Pages S4657–58**

Nomination Confirmed: Senate confirmed the following nomination:

Ashton B. Carter, of Massachusetts, to be Under Secretary of Defense for Acquisition, Technology, and Logistics. **Pages S4658, S4705**

Nominations Received: Senate received the following nominations:

Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration.

Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

Rajiv J. Shah, of Washington, to be Under Secretary of Agriculture for Research, Education, and Economics.

3 Air Force nominations in the rank of general.

7 Navy nominations in the rank of admiral.

10 Marine Corps nominations in the rank of general.

A routine list in the Army. **Page S4705**

Messages from the House: **Page S4668**

Measures Referred: **Page S4668**

Measures Placed on the Calendar: **Page S4603, S4688**

Executive Reports of Committees: **Pages S4668–69**

Additional Cosponsors: **Pages S4670–71**

Statements on Introduced Bills/Resolutions: **Pages S4671–99**

Additional Statements: **Pages S4666–68**

Amendments Submitted: **Pages S4699–S4704**

Notices of Hearings/Meetings: **Page S4704**

Authorities for Committees to Meet: **Page S4704**

Record Votes: Eight record votes were taken today. (Total—169) **Pages S4617, S4653–57**

Adjournment: Senate convened at 9:31 a.m. and adjourned at 10 p.m., until 11 a.m. on Friday, April 24, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4705.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of Commerce, after receiving testimony from Gary Locke, Secretary of Commerce.

APPROPRIATIONS: SECRETARY OF THE SENATE, SENATE SERGEANT AT ARMS, U.S. CAPITOL POLICE

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Office of the Secretary of the Senate, the Office of the Sergeant at Arms, and the Office of the United States Capitol Police, after receiving testimony from Nancy Erickson, Secretary of the Senate; Terrance W. Gainer, Sergeant at Arms and Doorkeeper of the Senate; and Phillip D. Morse, Sr., Chief of Police, United States Capitol Police.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Ronald C. Sims, of Washington, to be Deputy Secretary, who was introduced by Senators Murray and Cantwell, Peter A. Kovar, of Maryland, to be Assistant Secretary for Congressional and Intergovernmental Affairs, who was introduced by Representative Frank, Helen R. Kanovsky, of Maryland, to be General Counsel, David H. Stevens, of Virginia, to be Assistant Secretary for Housing-Federal Housing Commission, and John D. Trasvina, of California, to be Assistant Secretary for Fair Housing and Equal Opportunity, who was introduced by Representative Schiff, all of the Department of Housing and Urban Development, David S. Cohen, of Maryland, to be Assistant Secretary of the Treasury for Terrorist Financing, and Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States, who was introduced by Senator Schumer, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Sherburne B. Abbott, of Texas, to be Associate Director of the Office of Science and Technology Policy, Executive Office of the President, Peter H. Appel, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Dana G. Gresham, of the District of Columbia, to be Assistant Secretary for Government Affairs, Roy W. Kienitz, of Pennsylvania, to be Under Secretary for Policy, Joseph C. Szabo, of Illinois, to be Administrator of the Federal Railroad Administration, and Robert S. Rivkin, of Illinois, to be General Counsel, all of the Department of Transportation, April S. Boyd, of the District of Columbia, to be Assistant Secretary for Legislative and Intergovernmental Affairs, and Cameron F. Kerry, of Massachusetts, to be General Counsel, both of the Department of Commerce, and routine lists in the United States Coast Guard.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Kristina M. Johnson, of Maryland, to be Under Secretary, Steven Elliot Koonin, of California, to be Under Secretary for Science, Ines R. Triay, of New Mexico, to be Assistant Secretary for Environmental Management, who was introduced by Senator Udall (NM), and Scott Blake Harris, of Virginia, to be General Counsel, all of the Department of Energy, and Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior, who was introduced by Senator Udall (NM), after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the nomination of Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

TECHNOLOGY NEUTRALITY IN ENERGY TAX

Committee on Finance: Committee concluded a hearing to examine technology neutrality in energy tax, focusing on issues and options, after receiving testimony from David L. Greene, Oak Ridge National Laboratory, Department of Energy, Knoxville, Tennessee; Gilbert E. Metcalf, Tufts University, Medford, Massachusetts; and John M. Urbanchuk, LECG LLC, Wayne, Pennsylvania.

AFGHAN WAR SOLDIERS' STORIES

Committee on Foreign Relations: Committee concluded a hearing to examine soldiers' stories from the Afghan war, after receiving testimony from Andrew J. Bacevich, Boston University, Boston, Massachusetts; Genevieve Chase, Alexandria, Virginia; Christopher McGurk, New York, New York; Westley Moore,

Washington, D.C.; and Rick Reyes, Los Angeles, California.

STIMULUS FUNDING OVERSIGHT

Committee on Homeland Security and Governmental Affairs: Committee concluded an oversight hearing to examine state and local stimulus funding, after receiving testimony from Gene L. Dodaro, Acting Comptroller General, Government Accountability Office; and Ray Scheppach, National Governors Association, and Carolyn M. Coleman, National League of Cities, both of Washington, D.C.

NOMINATION

Committee on Indian Affairs: Committee concluded a hearing to examine the nomination of Yvette Roubideaux, of Arizona, to be Director of the Indian Health Service, Department of Health and Human Services, receiving testimony from Gerald Hill, Association of American Indian Physicians, Oklahoma City, Oklahoma, after the nominee testified and answered questions in her own behalf.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of R. Gil Kerlikowske, of Washington, to be Director of National Drug Control Policy, Executive Office of the President, and Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 39 public bills, H.R. 2058–2099; and 12 resolutions, H. Con. Res. 105–108; and H. Res. 356–363 were introduced. **Pages H4731–34**

Additional Cosponsors: **Page H4734**

Reports Filed: Reports were filed today as follows:

H.R. 1746, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency (H. Rept. 111–83) and

H. Res. 251, directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG)(H. Rept. 111–84). **Page H4731**

National Water Research and Development Initiative Act of 2009: The House passed H.R. 1145, to implement a National Water Research and Development Initiative, by a yea-and-nay vote of 413 yeas to 10 nays, Roll No. 205. **Pages H4693–H4718**

Agreed to the Nunes motion to recommit the bill to the Committee on Science and Technology with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 392 ayes to 28 noes, Roll No. 204. Subsequently, Representative Gordon (TN) reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H4715–17**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H4698**

Agreed to:

Gordon (TN) amendment (No. 1 printed in H. Rept. 111–82) that requires that the National Water Research Development Plan specified in the bill be revised and resubmitted to Congress every 4 years after its initial submission; authorizes appropriations of $2 million for each of fiscal years 2013 and 2014; (1) requires review of measures related to abating water quality impairment, (2) requires the committee to work with institutions of higher education, (3) requires cooperation with commercial end users, (4) requires relevant information be posted on a public website, and (5) requires research into watershed hydrology; requires that the plan include a focus on the (1) development of the effect of invasive species on water supplies, (2) development of technologies to treat eutrophic water bodies, (3) development of a program to assist state and local regions regarding land conservation, (4) improvement of understanding of chemical impairments to water supply and quality, and (5) identification of whether a need exists for additional water research facilities; requires the Director of the Office of Science and Technology Policy to write to Congress and evaluate the budget

as it relates to water research; expresses the sense of Congress that the interagency committee should collaborate with public institutions of higher education; and requires the EPA to establish a pilot program exploring the use of energy audits of water-related infrastructure to identify energy and water saving opportunities; **Pages H4699–H4703**

Hastings (WA) amendment (No. 3 printed in H. Rept. 111–82) that adds to the water research and development plan an assessment of potential water storage projects that would enhance water supply, water planning, and other beneficial uses; **Page H4704**

Cardoza amendment (No. 4 printed in H. Rept. 111–82) that directs the Secretary of the Interior and the National Academy of Science to study the impact of changes to snow pack, including snow pack in the Sierra Nevadas, on water resources and its relation to water supply, including the Sacramento-San Joaquin Delta; **Pages H4704–05**

Brown-Waite (FL) amendment (No. 5 printed in H. Rept. 111–82) that requires agencies included in the interagency committee to work on improvement of understanding of water-intensive sectors of the economy and industrial needs for water; **Page H4705**

Arcuri amendment (No. 6 printed in H. Rept. 111–82) that requires the plan to include improvement of understanding of competing water supply uses and how different uses interact with and impact each other; **Pages H4705–06**

Kirk amendment (No. 7 printed in H. Rept. 111–82) that adds to the plan a direction that agencies included in the interagency committee work to achieve projection of the long-term ice cover and water level outlook for major water bodies in the United States, including the Great Lakes, the potential impacts of the results of such projections on infrastructure, and resource management options based on such projections; **Pages H4706–07**

Blumenauer amendment (No. 10 printed in H. Rept. 111–82) that creates a wastewater and stormwater reuse and recycling technology demonstration program within the Environmental Protection Agency; **Page H4708**

Moore (WI) amendment (No. 12 printed in H. Rept. 111–82) that requires the interagency committee to assess the role of Federal water research funding in helping to develop the next generation of scientists and engineers at institutions of higher education; **Pages H4711–12**

Kosmas amendment (No. 2 printed in H. Rept. 111–82) that directs agencies under the interagency committee to assess the impact of natural disasters, such as floods, hurricanes, and tornadoes on water resources (by a recorded vote of 424 ayes with none voting ''no'', Roll No. 200); and **Pages H4703–04, H4712–13**

Teague amendment (No. 8 printed in H. Rept. 111–82) that requires that the plan's analysis of the energy required to provide reliable water supplies and the water required for the production of alternative and renewable energy resources (by a recorded vote of 423 ayes to 1 no, Roll No. 201). **Pages H4707, H4713**

Rejected:

Roskam amendment (No. 9 printed in H. Rept. 111–82) that would have required GAO to study whether any of the requirements of the underlying legislation are duplicative of existing programs. Prior to implementation of the bill, the President would, based upon the GAO report, determine whether the programs were duplicative or not. If the President differed in his determination from the GAO conclusions, he must offer a justification for his determination. The effective date would be delayed until the President has made that determination (by a recorded vote of 194 ayes to 236 noes, Roll No. 202) and **Pages H4707, H4713–14**

Shadegg amendment (No. 11 printed in H. Rept. 111–82) that would have required the interagency committee to identify and recommend against duplication of Federal water-related research, development, and technological innovation activities by more than one agency or program. It also would have required the President to ensure that Federal agencies do not request appropriations for activities duplicated by state, local, and tribal governments (by a recorded vote of 160 ayes to 271 noes, Roll No. 203). **Pages H4709–11, H4714–15**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4719**

H. Res. 352, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question without objection.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, April 22nd:

COPS Improvements Act of 2009: H.R. 1139, amended, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, by a ⅔ yea-and-nay vote of 342 yeas to 78 nays, Roll No. 206 and **Page H4718**

Expressing support for designation of March 22, 2009, as ''National Rehabilitation Counselors Appreciation Day'': H. Res. 247, to express support for designation of March 22, 2009, as ''National Rehabilitation Counselors Appreciation Day''. **Page H4719**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, April 27th for morning hour debate.

Page H4720

Senate Message: Message received from the Senate today appears on page H4695.

Senate Referrals: S. Con. Res. 18 was referred to the Committee on Foreign Affairs. Page H4729

Quorum Calls—Votes: Two yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H4712–13, H4713, H4713–14, H4714–15, H4716–17, H4717–18, H4718. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:03 p.m.

Committee Meetings

FEDERAL FOOD SAFETY SYSTEMS AT THE USDA

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing to review Federal food safety systems at the USDA. Testimony was heard from Alfred V. Almanza, Administrator, Food Safety and Inspection Service, USDA; and public witnesses.

COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies held a hearing on the Department of Justice. Testimony was heard from Eric H. Holder, Jr., The Attorney General, Department of Justice.

FINANCIAL SERVICES, GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on the U.S. Supreme Court. Testimony was heard from the following Associate Justices of the Supreme Court: Clarence Thomas; and Stephen G. Beyer.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Member Requests. Testimony was heard from Members of Congress.

INTERIOR, ENVIRONMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies continued appropriations hearing. Testimony was heard from public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on Architect of the Capitol, and CBO. Testimony was heard from Stephen Ayers, Acting Architect of the Capitol; Terri Rouse, CEO, Visitors Services, Capitol Visitors Center; and Douglas Elmendorf, Director, CBO.

MILITARY CONSTRUCTION, VETERANS AFFAIRS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Outside Witnesses, and on Related Agencies. Testimony was heard from Chief Judge William Greene, U.S. Court of Appeals, Veterans Claims; BG John W. Nicholson, USA (ret.), Secretary; American Battle Monuments Commission; Terrence C. Salt, Principal Deputy Assistant Secretary of the Army (Civil Works), Arlington National Cemetery; and Timothy C. Cox, Armed Forces Retirement Home.

The Subcommittee also continued appropriation hearings. Testimony was heard from public witnesses.

STATE, FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee State, Foreign Operations, and Related Programs held a hearing on Fiscal Year 2009 Supplemental Appropriations Request. Testimony was heard from Hillary Rodham Clinton, Secretary of State.

U.S.-PAKISTAN MILITARY PARTNERSHIP—EFFECTIVE COUNTERINSURGENCY

Committee on Armed Services: Held a hearing on Effective Counterinsurgency: The Future of the U.S.-Pakistan Military Partnership. Testimony was heard from LTG David W. Barno, USA, (ret.); Director, Near East South Asia Center for Strategic Studies, National Defense University, Department of Defense; public witnesses.

ARMY AIRCRAFT PROGRAMS

Committee on Armed Services: Subcommittee on Air and Land Forces held a hearing on Army aircraft programs. Testimony was heard from the following officials of the Department of the Army, Department of Defense; BG Walter Davis, USA, Director, Army Aviation; and BG William Crosby, USA, Program Executive Officer, Aviation. .

MEASURING VALUE AND RISK IN SERVICES CONTRACTS

Committee on Armed Services: Defense Acquisition Reform Panel held a hearing on measuring value and risk in services contracts. Testimony was heard from

the following officials of GAO: William M. Solis, Director, Defense Capabilities and Management Team; and John P. Hutton, Director, Acquisition and Sourcing Management Team; and Jeffrey P. Parsons, Executive Director, U.S. Army Contracting Command, Department of Defense; and a public witness.

REDUCTION IN HEALTH CARE COSTS

Committee on Education and Labor: Subcommittee on Health, Employment, Labor and Pensions held a hearing on Ways to Reduce the Cost of Health Insurance for Employers, Employees and Their Families. Testimony was heard from public witnesses.

COMMUNICATIONS NETWORKS AND CONSUMER PRIVACY

Committee on Energy and Commerce: Subcommittee on Communications, Technology and the Internet held a hearing on Communications Networks and Consumer Privacy: Recent Development. Testimony was heard from public witnesses.

AMERICAN CLEAN ENERGY SECURITY ACT

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing on The American Clean Energy Security Act of 2009. Testimony was heard from Howard Gruenspecht, Acting Administrator, Energy Information Agency, Department of Energy; Dian M. Grueneich, Commissioner, Public Utilities Commission, State of California; and public witnesses.

Hearing continues tomorrow.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Committee on Financial Services: Held a hearing on H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act. Testimony was heard from Sandra Braunstein, Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System; and public witnesses.

U.S. ASSISTANCE TO AFRICA

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on U.S. Assistance to Africa: A Call for Foreign Aid Reform. Testimony was heard from Earl Gast, Senior Deputy Assistant Administrator, Bureau for Africa, U.S. Agency for International Development, Department of State; and public witnesses.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Committee on the Judiciary: Ordered reported, as amended, H.R. 1913. Local Law Enforcement Hate Crimes Prevention Act of 2009.

NONNATIVE WILDLIFE INVASION PREVENTION ACT

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on H.R. 669, Nonnative Wildlife Invasion Prevention Act. Testimony was heard from Gary Frazer, Assistant Director, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; Lawrence M. Riley, Division Coordinator, Wildlife Management Division, Department of Game and Fish, State of Arizona; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 1121, Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009; and H.R. 1376, Waco Mammoth National Monument Establishment Act of 2009. Testimony was heard from Representatives Edwards of Texas and Foxx; Stephen P. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following measures: H. Res. 299, Expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009, and throughout the year; H. Res. 340. Expressing sympathy to the victims, families, and friends of the tragic act of violence at the American Civic Association in Binghamton, New York; H. Res. 341, Expressing heartfelt sympathy for the victims and families of the shootings in Geneva and Coffee Counties in Alabama, on March 10, 2009; H. Res. 342, Expressing support for designation of May 2, 2009, as "Vietnamese Refugees Day;" and H.R. 1271, To designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building.".

H–2B GUESTWORKER PROGRAM—IMPROVING DEPARTMENT OF LABOR'S ENFORCEMENT OF RIGHTS OF GUESTWORKS

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled "The H–2B Guestworker Program and Improving the Department of Labor's Enforcement of the Rights of Guestworkers." Testimony was heard from public witnesses.

NOAA'S GEOSTATIONARY WEATHER SYSTEM OVERSIGHT

Committee on Science and Technology: Subcommittee on Energy and Environment continued hearings on Oversight of NOAA's Geostationary Weather Satellite System. Testimony was heard from the following officials of NOAA, Mary Ellen Kicza, Assistant Administrator, Satellite and Information Services; and George Morrow, Director, Flight Projects Directorate, Goddard Space Flight Center; and David Powner, Director, Information Technology Management Issues, GAO.

STIMULATING INNOVATION AT SMALL HIGH-TECH BUSINESSES-ROLE OF THE SBIR AND STTR PROGRAMS

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on the Role of the SBIR and STTR Programs in Stimulating Innovation at Small High-Tech Businesses. Testimony was heard from Sally Rocky, Acting Deputy Director, Extramural Research, NIH, Department of Health and Human Services; and public witnesses.

COMBAT PTSD ACT

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on H.R. 952, COMBAT PTSD Act. Testimony was heard from Bradley G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs; and representatives of veterans organizations.

VA NON-COMPETITIVE CONTRACTS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on VA Non-competitive Contracts. Testimony was heard from the following officials of the SBA: Shawne Carter McGibbon, Acting Chief Counsel, Office of Advocacy; and Joseph Jordan, Associate Administrator, Government Contracting and Business Development; Jan R. Frye, Deputy Assistant Secretary, Acquisition and Logistics, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

AMERICAN RECOVERY AND REINVESTMENT ACT-IMPLEMENTATION AND IMPACT

Committee on Ways and Means: Subcommittee on Income Security and Family Support held a hearing to review the implementation and impact of the unemployment insurance provisions included in the American Recovery and Reinvestment Act of 2009. Testimony was heard from Ray Uhalde, Senior Advisor to the Secretary, Department of Labor; Michael L. Thurmond, Commissioner, Department of Labor, State of Georgia; Joseph Walsh, Deputy Director, Iowa Workforce Development, State of Iowa; and public witnesses.

Joint Meetings

TARP

Joint Economic Committee: Committee concluded a hearing to examine a quarterly report by the Special Inspector General for the Troubled Asset Relief Program (TARP), after receiving testimony from Neil Barofsky, Special Inspector General, Troubled Asset Relief Program, Department of the Treasury.

BUSINESS MEETING

Joint Committee on the Library: Committee adopted its rules of procedure for the 111th Congress.

BUSINESS MEETING

Joint Committee on Printing: Committee adopted its rules of procedure for the 111th Congress.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 24, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Base Posture and Supplemental Request, 9:30 a.m., 2350 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Environment, to continue hearings on the American Clean Energy Security Act of 2009, 10 a.m., 2123 Rayburn.

Next Meeting of the SENATE

11 a.m., Friday, April 24

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, April 27

House Chamber

Program for Monday: To be announced.

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