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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 9, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

GLOBAL WATER AND H.R. 2030, SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2009

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

Mr. BLUMENAUER. Madam Speaker, as one-fifth of the world's population relies on freshwater that is either polluted or significantly overdrawn, the lack of safe water and sanitation is an ongoing threat to global security and remains the world's greatest health problem, accounting for 2 million deaths a year and half of the illness in the developing world. Before I finish speaking, 15 more children will die needlessly from waterborne disease.

To address this slow-motion disaster, I worked with the then Chair and ranking member of the House Foreign Affairs Committee, Henry Hyde and Tom Lantos, and the Senate majority and minority leaders, Bill Frist and HARRY REID, to enact the Paul Simon Water for the Poor Act of 2005. This landmark, bipartisan legislation established investment in safe and affordable water for the world's poorest as a major goal of United States foreign assistance. But, sadly, with the last administration, we were slow to implement, and until last year, slow to fund it. We are more than halfway to the 2015 Millennium Development goal with mixed results, and we must redouble our effort.

A special concern is Sub-Saharan Africa that lags so far behind that we will miss our modest goal to cut the people without safe drinking water and sanitation by one-half by 2015, that Sub-Saharan Africa will miss that target date by 25 years for water and sanitation by 61 years. And these are not just numbers; these are millions of people's lives.

Some progress is being made through innovative partnerships between the United States, NGOs, businesses, and local partners. But the stark truth remains: Nearly 900 million people worldwide still lack access to safe drinking water, and two out of five people on the planet lack basic sanitation services. And this is going to become more of a challenge in the future. Because of climate change and rapid population growth, there will be further stress on water resources. By 2025, 2.8 billion people in more than 48 countries will face devastating water shortages.

To help accelerate the progress, on Earth Day I introduced bipartisan legislation, the Paul Simon Water for the World Act of 2009, along with Representatives PAYNE, ROHRABACHER, JESSE JACKSON JR., ZACH WAMP, WELCH, BOOZMAN, BURTON, GEORGE MILLER, and FORTENBERRY. The purpose of this act is to empower the U.S. Government to respond to the pressing poverty, security, and environmental threats presented by the dire mismanagement and shortage of global freshwater. The goal for the Water for the World Act is for the United States to provide 100 million people of the world's poorest first-time access to safe drinking water and sanitation on a sustainable basis by 2015. To accomplish this goal, the legislation builds on the Water for the Poor framework for investment, expands U.S. foreign assistance capacity, and recognizes sustainable water and sanitation policy as vital to the long-term diplomatic and development efforts of the United States.

I applaud the leadership of Senators DURBIN, CORKER, and MURRAY, who have introduced companion bipartisan legislation in the Senate. This legislation will help the United States focus its efforts and fully implement a smart and efficient global water strategy that meets our commitment to extend safe drinking water and sanitation to over a billion people in need.

I urge every Member of Congress to make water policy and funding a priority, to save the life of a child every 15 seconds who dies needlessly from waterborne disease.

HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, Republicans want to work with the President and our Democrat colleagues here in the Congress to make sure that every American has access to high-quality, affordable health coverage. On an issue like this, we need to act, but we also need to get it right.

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Frankly, the record the Democrats have amassed this year so far shows us why we need to take our time. Think about it. On every major issue addressed by Congress and the White House this year, the middle class has taken a big hit. Middle-class Americans are paying for a trillion dollar ''stimulus'' package that no one read. They're paying for a $400 billion omnibus appropriation bill with 9,000 earmarks in it. They're paying to bail out those who lied on their mortgage applications. They're paying for a government takeover of General Motors with no exit strategy. And they're paying for a budget that didn't include a tax cut that was promised for, yes, you guessed it, the middle class in America. And if Democrats get their way, they'll be paying for a national energy tax on anyone who has the audacity to drive a car or to flip on a light switch.

Over and over again, the people who follow the rules are being left behind by Washington. Are Democrats going to leave the middle class behind on health care as well?

The forthcoming plan from Democratic leaders will make health care more expensive, limit treatments, ration care, and put bureaucrats in charge of medical decisions rather than patients and doctors. That amounts to a government takeover of health care, and it will hurt, rather than help, middle-class families across our country.

The administration likes to say they can expand health care and lower costs at the same time, but I think that's just simply nonsense. You can't add millions of Americans to the government health care rolls and reduce costs unless government takes control of medical decisions, rations care, and limits treatments, all of which will reduce quality and undermine the care that Americans have come to expect.

Republicans believe there's a better way. Led by ROY BLUNT, the Health Care Solutions Group is crafting a plan that will ensure access to affordable, quality health care for every American, regardless of preexisting conditions. This plan will protect Americans from being forced into a new government-run plan that raises taxes, rations care, and eliminates coverage for more than 100 million Americans who receive their health care coverage from their employer. It will ensure that medical decisions are made by patients and their doctors, not by government bureaucrats. We want to let Americans who like their health care coverage keep it and give all Americans the freedom to choose the plan that best meets their needs. We want to improve Americans' lives through effective prevention, wellness, and disease management programs, while developing new treatments and cures for life-threatening diseases.

I hope Democrats here in Congress and the administration will work with us to make sure that we do this right. The American people, and particularly the middle class who have been left behind, deserve our best effort to put these reforms in place that will meet their needs.

HEALTH CARE REFORM

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

Mr. YARMUTH. Madam Speaker, the distinguished minority leader has just expressed the desire of his party to engage us in health care reform, and I'm so gratified and happy to hear him say that. Similarly, the distinguished minority leader of the Senate, who is both my Senator and my constituent, has spent the last few days in the Senate talking about that same desire, to help us move forward in addressing what we all know is an unsustainable and dysfunctional health care delivery system.

The Senator spoke last Friday, and he said, ''Americans want reform that addresses the high cost of care and gives everyone access to quality care. In America in 2009, doing nothing is simply not an option. We must act and we must act decisively. The question is not whether to reform health care; the question is how best to reform health care.''

None of us in either body on either side of the aisle will argue with that statement.

Unfortunately, in the remainder of the distinguished Senate minority leader's statement, there is not the first idea about how to do that. Despite his teasing us that he is going to offer solutions, they're not. In fact, what he does is pretty similar to what the distinguished minority leader of the House just did, which was to echo the themes of a talking point paper provided by Frank Luntz, the Republican message person, which basically said the Republicans cannot afford to allow Democrats to have a victory in health care. They can't allow us to get something done for the American people. And, therefore, they are going to respond by criticizing everything we are doing as a government takeover of health care. In fact, in the distinguished Senate minority leader's statement, some version of government takeover is mentioned 11 times in 1½ half pages. So we know where they're coming from.

But the arguments that are raised are also things that require scrutiny, and as we move forward in this debate, we need to examine all of them.

For instance, the Senator says, ''When most companies want to raise money, they have to show they are viable and their products and services are a worthwhile investment.''

Again, nobody can argue with that. That means adding value.

''Apply this model to health care, and the government would be able to create the same kind of uneven playing field that would, in all likelihood, eventually wipe out competition, thus forcing millions of people off the private health plans they already have and which the vast majority of them very much like.''

You know, when insurance companies are forced to compete, they do very well. Senator MCCONNELL and I have a common constituent, the Humana Corporation, a great corporation. When they're forced to compete, they figure out how to add value. And they're doing that right now. They are doing it with the Medicare Advantage program.

When insurance companies are forced to compete, they compete well. Right now they're not forced to compete. What many of us are proposing is that we create a public competition for them, make them compete with the public plan. And unlike what Senator MCCONNELL says, if they are unable to compete, it won't be because of an unfair advantage; it will be because they are not providing the kind of coverage at the cost that the American people want. If American people want to stay in their private plans under the proposals that we're advancing, they will be able to do that. We're not forcing anyone out. Right now most Americans don't have a choice, and we are trying to provide that choice through a public plan.

In the Senator's statement, he says: ''This is how a government plan would undercut private health care plans, forcing people off the plans they like and replacing those plans with plans they like less.''

They're not going to be in plans they like less. They will choose the plan they like more.

□ 1045

''That is when the worst scenario would take shape, with Americans subjected to bureaucratic hassles, hours spent on hold, waiting for a government service representative to take a call, restrictions on care and, yes, lifesaving treatment and lifesaving surgeries denied or delayed.''

It's a nice scare tactic. Unfortunately, what he is describing is what often happens right now in the private insurance system with doctors spending endless hours trying to argue with bureaucracies about whether certain treatments or certain procedures will be covered. So what we're trying to do is to end that and to provide competition that will end that.

Finally, the Senator says, ''The American people want health care reform, but creating a government bureaucracy that denies, delays and rations health care is not the reform they want.'' I agree with that. I agree with that.

Then he says, ''They don't want the people who brought us the Department of Motor Vehicles making life-and-death decisions for them, their children, their spouses, and their parents.'' Well, that's a cute line, very clever.

Unfortunately, you know, the Federal Government didn't create the Department of Motor Vehicles, but the

Federal Government did create Medicare, Medicare which now serves 40 million Americans, disabled and old, and which does a very, very good job of doing that.

So I look forward to the debate we're going to continue to have with the other side on how best to create health care reform.

INTRODUCING THE RAISE ACT, H.R. 2732

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

Mr. MCCLINTOCK. Madam Speaker, if the gentleman from Kentucky wants to know why Republicans oppose the government takeover of our health care system, I would invite him to consult the many, many refugees from Canada and Britain who have come here to America to get their health care, because they simply can't survive with bureaucrats telling them what treatments they'll get and when they'll get them.

The Republicans are proposing to bring within the reach of every American family a basic health plan that they will own, that they can change if it fails to suit them and that they will hold wherever they work and under whatever circumstances they work; but Madam Speaker, I'm here on different business this morning.

I'm here to talk about the right of workers. Their right to gather and to bargain collectively with an employer is a fundamental right of labor. It often strengthens the position of individual workers as they negotiate with a powerful employer. Yet survey after survey tells us that union members are less satisfied with their jobs than nonunion workers, and many Americans today simply refuse to work in union shops at all.

So why is it that a bargaining process designed to improve workers' satisfaction should produce such dissatisfaction?

Perhaps the answer rests with the simple human desire in each of us to excel in what we do and to be recognized and rewarded for that excellence. Collective bargaining increases the ability of workers to take a stronger position to negotiate with an employer, and this is good, but they're then left to give up any individual rewards for outstanding work.

Union workers end up trapped with a one-size-fits-all contract that denies them the dignity that comes from individual excellence and achievement. No matter how hard that worker toils or no matter how much he produces, he gets paid exactly the same as the coal worker who puts in minimal effort.

Well, why shouldn't workers get extra pay and performance bonuses beyond the union-negotiated wage base? Why does the wage floor set through union contracts also have to be a wage ceiling for those union members who go the extra mile to get ahead?

Union leaders may see value in wiping out individual initiative to build solidarity among rank-and-file members, but those workers would be far better off if they could enjoy both the advantages of collective bargaining and the additional rewards of individual performance raises and bonuses. Many unionized businesses would gladly pay individual workers more if they could. Some have tried, but over the years, the National Labor Relations Board has repeatedly struck them down.

For that reason, I have introduced the Rewarding Achievement and Incentivizing Successful Employees, or RAISE Act, H.R. 2732. It will allow working union members to escape the false choice between collective bargaining and individual reward that our outdated labor laws have forced upon them. Senator VITTER has introduced a similar bill in the Senate.

Under the RAISE Act, union members would retain all of the collective bargaining rights under current law, and employers would be bound to the wage and benefit schedules negotiated under those laws. In addition to the floor established by the union contract, employers could add bonuses for those workers who go the extra mile, combining the benefits of collective bargaining with the rewards of individual achievement.

Years ago, Admiral Grace Hopper observed that, in all of her years in the United States Navy, she had determined that the greatest impediment to human progress is the phrase ''but we've always done it this way.'' That's the only answer we've heard so far in opposition to this simple reform, and in days like these, that's no answer at all.

CONGRATULATING MRS. KIM HENRY, OKLAHOMA'S FIRST LADY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. BOREN) for 1 minute.

Mr. BOREN. Today, Madam Speaker, I rise to share a kind word and to send my congratulations to one of Oklahoma's great women, Kim Henry, Oklahoma's first lady and the wife of our outstanding Governor.

Born in Norman and raised in Shawnee, Mrs. Henry would mature into a confident and independent woman who would eventually find her calling as a public schoolteacher. Throughout her tenure as Oklahoma's first lady, she has been a devoted mother to three beautiful daughters, and has been an active member of numerous charities.

One of those prominent Oklahoma organizations is the influential Sarkeys Foundation. Formed in 1962 by S.J. Sarkeys, the Sarkeys Foundation has contributed over $55 million to various Oklahoma cultural and economic initiatives. Last week, the Sarkeys Foundation asked Mrs. Henry to be its executive director. This is a significant moment in her life and also for the State of Oklahoma.

Congratulations to Oklahoma's first lady, Kim Henry. Your hard work and dedication to the State of Oklahoma doesn't go unnoticed.

''THE STATE OF THE UNION'S FINANCES, A CITIZEN'S GUIDE''

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

Mr. BURTON of Indiana. Madam Speaker, Members of Congress in the House and the Senate get literature sent to them every single day. In fact, we probably get four or five books a week. I don't know how many little leaflets and pamphlets we're asked to read, but we don't have time to read them all. We ask our staff to read some of them, but we don't have a chance to really get into the minutiae of some of these brochures.

Our colleagues in both the House and the Senate got this little booklet called ''The State of the Union's Finances, a Citizen's Guide.'' These are going to be given, I guess, to people all across this country. I hope every one of my colleagues and everybody in America gets a chance to read this little booklet. Now, this was sent to us by our colleagues FRANK WOLF, Republican of Virginia, and JIM COOPER, Democrat of Tennessee. I just want to read to you a little bit about the situation that America faces, because Americans right now, I don't think, are really aware of the fiscal problems we're facing.

As of the fall of 2008, we had $12.2 trillion in explicit liabilities. That's publicly held debt, military and civilian pensions, retiree health benefits, and others things related to that. We had $1.3 trillion in debt for Federal insurance, loan guaranties, leases, and so forth, and we had a $42.9 trillion debt from Medicare hospital insurance, Medicare outpatient services, Medicare prescription drugs, and Social Security. That's a total of $56.4 trillion in debt that we have right now, today. That amounts to $184,000 of debt for every man, woman, and child in this country; it amounts to $435,000 of debt for a full-time worker; for each household, it amounts to $483,000 in debt. That's the national debt today.

George Washington said we should avoid ungenerously throwing upon posterity, our kids, the burden we, ourselves, ought to bear. In 1796, they had a deficit, and George Washington said that we can't allow this to happen because we don't want to leave a burden to our kids and to our grandkids by spending too much money.

I'm telling you right now, colleagues and anybody else who is paying attention, what we're going to leave our kids and our grandkids is something that they will curse us for because they're going to have to pay extremely high taxes, and the inflationary problems that they're going to face are going to be insurmountable.

I can't believe that we're doing this right now. We're talking about a national health care program that's going to add additional trillions of dollars. We're talking about bailouts to the financial institutions and to the auto industry. We're talking about a cap-and-trade program that's going to increase the cost of every family in America between $3,000 and $4,000 to turn on their lights or to buy gasoline at a service station or anything else that produces energy. We're adding about $2 trillion a year to this debt, and it's unsustainable. It is going to affect every man, woman, and child who is living in America today, but what it's going to do to future generations is unbelievable.

We can destroy this Republic if we don't get control of spending. This is a political hyperbole. I'm telling you right now that we can destroy this form of government and this civilization we have, just like Rome did, if we don't get control of spending. It is out of control. It is out of control. We're $56 trillion in debt today, and we're adding $2 trillion a year, plus all of these additional programs we're coming up with. In the next 5 years, they say we're going to spend an additional $5 trillion. We don't have it, so we're putting this burden on our kids and on our grandkids.

It's wrong. We have to do something about it. We have to do it now. We have to start getting our spending in order. My Republican and Democrat colleagues understand that. Mr. WOLF is a Republican who sent this out, and Mr. COOPER is a Democrat. They understand it. We all ought to understand it.

ENERGY

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

Mr. KLEIN of Florida. Madam Speaker, it is an honor to be here today to talk in this House about energy. This is a moment in time when, I think, most Americans understand this great opportunity we have to really turn things around for our future in this country. It's about three principal elements that aren't just tied to the high cost of gasoline. It's about national security; it's about a better environment; and probably, as one of the most important things for this moment, it's about jobs. It's about a new economy.

We'll just talk about national security. I think all of us understand very clearly, every American, no matter where one is from, the fact that importing oil is the basis for a lot of the dependency that we have. Sixty percent or so of the oil that we take in the United States comes from outside the United States. We depend, unfortunately, on many countries that are, at best, not our friends and that are, at worst, our mortal enemies, who fund terrorism and threats against the United States and against our allies around the world. The sooner that we can take oil out of the centerpiece of our natural resource dependency, the better. That's not to say we don't have oil in the United States and that, yes, we're going to drill more and all that kind of thing. What I'm talking about is the fact that much of our oil comes from places around the world, from the Middle East, from Venezuela and from other places that are not stable places for us to depend on this.

Number 2 is our economy. We know that we have a great opportunity in terms of this next generation of jobs to be created relating to alternative energy and to the various kinds of alternative energies that are out there right now that are being developed by our scientists, by our engineers, and by our businesspeople.

There is one thing that, I think, is just incredible and that I'll just give by way of an example because we know about solar and wind and a lot of other things. I'm from Florida, and I was speaking to one of our utility companies the other day, and they're talking about building the largest solar plant in the world in Florida. Over the years, we've heard, Oh, well, there isn't enough sun or maybe other things. Well, now there is a general recognition that anywhere in the United States there are great opportunities for solar. The technology is moving along, and we need to continue to incent that continued higher level of development of battery storage for solar and things like that.

One of the things he said to me is, in building this plant, they have to import the mirrors—these are the pieces of equipment to hold the solar and to capture the power—from Germany. Hundreds of millions of dollars of this product have to come in from Germany because we don't produce it here in the United States.

Why? Why don't we produce it? Why isn't that a job opportunity that is based right here?

I think that one of the things that's going on right now in the investment recovery act that we've put together and other things that, I think, all of us share, Democrats and Republicans and as Americans, is the idea that, if we're going to talk about energy, we have to incentivize business and industry and the engineers in our universities to develop the science, to develop the entrepreneurship, to give the tax incentives for investment for that type of energy in the United States, and to build the equipment here in the United States.

There is no reason. It costs a lot of money to ship fragile mirrors over from Germany. We can build it here. We can build it better. We can probably export it and can compete with the rest of the world.

□ 1100

I think that's a pretty exciting opportunity, and there are so many other areas. In my district off the coast of Florida, most of you have heard of the gulf stream. That's that perpetual current, 24/7, 365 days a year, that runs up and down up to north along the east coast. Well, right now, one of our local universities, Florida Atlantic University, is developing technology where they can put turbines in the Atlantic Ocean and capture that energy.

I don't know if this is going to work long-term, but that's the kind of American ingenuity that we're looking for, and we as a government and private sector, our scientists, our entrepreneurs, we need to work together to capture that and build on that.

And of course, there's the environment. We all understand that, and there is something going on in the world on climate. People can have different opinions. I think most scientists agree there's something going on, and whatever we can do in the United States and around the world to provide leadership to reduce the impact of CO_2 and other things, it's good for all of us.

I live in a coastal area, 75 miles on the Atlantic Ocean, some of the most beautiful areas in the world. We obviously are very sensitive to the hurricane activity, to the rise of the Atlantic Ocean, things like that, but I think we all understand there's an environmental issue at the same time.

So what are we doing here in Washington? We're working very collectively, and there are a lot of business and industry actively supporting some of the various ideas that are coming forward to work on this in a very productive way to make sure that the United States is leading the world in these areas of alternative energy.

And we're debating a bill right now and I know our colleagues are asking for comments from back home. We obviously want to do it in a way that allows for appropriate levels of transition for our industries who are dependent on old fuel sources to move to new fuel sources. We need to work together to make sure that the system eases in a way that is economically competitive. That's what we need to do. At the same time, we ought to be encouraging as much as we can getting these products into play.

So I'm very excited about the fact that we can build a new energy future, and I look forward to working with all of our Members to do that.

WE NEED A NATIONAL ENERGY THAT DOESN'T PICK WINNERS AND LOSERS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO) for 5 minutes.

Mrs. CAPITO. Madam Speaker, I'm here today to talk about the same issue that my colleague from Florida just talked about, and that's energy. He alluded to the energy bill that's been moving through Congress over the last several months, but he neglected to say that in that bill are some real costs for real people. And I think these are the important issues in front of our Nation today.

Energy, we found when the price of gasoline went up last summer over $4 a gallon, we were pressed, I think appropriately, to try to find an energy future, a plan for our energy future, and we never really answered that question. Well, this morning in Charleston, West Virginia, where I'm from, the price of gasoline went up to $2.75 and has been going up almost daily. So we need a national energy plan that doesn't pick winners and losers, that takes into account real costs for real people.

Right now, the bill that's passed out of the Energy and Commerce Committee is a national energy tax on every single American. We call it cap-and-tax. The supporters call it cap-and-trade. But what it is, in reality, is it has serious problems for States such as mine in West Virginia. Ninety-eight percent of the energy generation in our State is generated through coal. Well, naturally, we're the second largest coal-producing State in this Nation.

We've powered America for generations by giving of our natural resources across this country, and I'm proud to say we have a proud heritage, not only of turning the lights on in America but also of the coal mining jobs and the coal mining communities and families throughout my State.

But this will picks winners and losers because the heartland, of which I consider West Virginia—and we just heard the gentleman from Florida talk a lot about solar—but the heartland, which has had to rely on fossil fuels for energy generation and to keep our manufacturing jobs, we're going to be the losers here. We're going to be the ones who are going to pay the heavy price.

What kind of price are we going to pay? Number one, job loss. It's estimated that in my State alone over 10,000 jobs will be lost in our manufacturing sector because of this bill. And you ask, why is that? Well, because our industrial input will be lower because of the high cost of meeting the demands, because of the lack of a transitional period in this bill. We'll also lose probably many, many, 10s of thousands of jobs in our coal mining industry and associated industries alone.

Also, for the individuals, how is this going to impact the individual who is paying now the $2.75 in West Virginia? In some areas of the country, that probably sounds pretty good, but in ours, it's going up. We've had the luxury of lower energy prices, and we are pleased about that. But it's escaping us, and in this bill, we will no longer have that.

If you look at the West Virginia electricity, prices under this bill will go up over 100. Think about that: 100 percent of your electricity bill, somewhere in the estimate of $2- to $3,000 a year.

And who's the loser there? Small businesses are the loser. They're going to lose jobs because they're going to have the higher cost of turning on their electricity, running their business. And what's that going to result in? Job loss. That's going to result in lack of capital to invest in a small business. And then the higher cost of transportation would also hurt not only individuals but small businesses as well.

But it's also going to hurt those people who can barely afford to keep the lights on as it is, and those are our lower income folks. By the year 2020, it is estimated that with this bill, with this cap-and-tax bill, with this national energy tax, that the lower income folks across this Nation, that 25 percent of their income will go to paying for their energy costs.

Now, let's think about this. We've just gone through a housing crisis, where people are losing their homes and people are having trouble, people are losing jobs. Now, we're going to say to you, a quarter of your income is going to go to one of the basic needs that you have, and that's the basic need for energy.

Another loser are our State budgets. Think what an impact a national energy tax is going to have on every hospital, on every public school, on every university. Think of the cost of running the school buses that we've seen as the rise up in energy costs.

So I don't think that this is the kind of bill that is going to solve the problem. It sets up winners and losers, and it has real costs to real people. It does have in there a great portion of carbon capture and sequestration where we will use coal, and we will use the technology and innovation, but we need to keep moving in this direction so we can be realistic about how we're going to meet our energy needs and how we're going to transition to the next best source.

Green jobs and green future, that's what we all want. I think that it's a laudable goal, and it's one that we will reach, but we've got to do it where we're not picking winners and losers, where we realize that there are real costs to real people.

THE CURRENT ECONOMIC RECESSION

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

Mr. CONNOLLY of Virginia. Madam Speaker, as a Congressman from Virginia, also a coal-producing State, I wish to rise to address the current economic recession. We need to spur investment and create new jobs, and we need to act now. An essential part of that effort is the American Clean Energy and Security Act.

This legislation, unlike some of the statistics we've been hearing lately, recently approved by the House Energy and Commerce Committee, would reduce greenhouse gas pollution and create lots of clean energy jobs, including in the coal sector, and make polluters pay for the greenhouse gas pollution they're emitting right now.

Last week, the United States Climate Action Partnership, known as USCAP, hosted a congressional briefing to discuss the business reasons for passing legislation to reduce global warming pollution. The USCAP is a coalition of many American businesses who support the legislation, including especially in the energy sector. They include Alcoa, BP, ConocoPhillips, Dow, Duke Energy, DuPont, Exelon, General Electric, General Motors, Johnson & Johnson, NRG Energy, Shell, and Siemens. Environmental groups are also members.

Many of these companies have built billion dollar companies through the extraction, processing, or sale of carbon-intensive fossil fuels. For example, most of BP, Shell and ConocoPhillips' business is in oil exploration and production. Duke Energy produces 75 percent of its electricity from coal. Manufacturers such as GE, Alcoa, and Dow consume a great deal of electricity and would be negatively affected by higher energy prices. They support this bill.

These businesses worked for 2 years with environmentalists and Members of Congress to develop a blueprint for legislative action that laid out a plan to reduce greenhouse gas pollution, create jobs, and spur investment in renewable energy. This blueprint for legislative action formed a foundation for the American Clean Energy and Security Act, passed by the House Energy and Commerce Committee, on a bipartisan vote I might add.

At its briefing, USCAP members emphasized the importance of the American Clean Energy and Security Act in spurring innovation and economic growth. Representatives of Dow, NRG Energy, and Shell said that without passage of this legislation to reduce greenhouse gas emissions, there simply will not be sufficient market incentive to invest in carbon capture and storage, something necessary, especially for the coal industry, Madam Speaker.

Carbon capture and storage is a technology that holds tremendous promise; it is essential to more sustainable coal-generated electricity production. The minority party claims that the American Clean Energy and Security Act will hurt coal, as we just heard, but the business community, including companies that rely principally on coal for electrical generation, support this bill.

The minority party claims that the American Clean Energy and Security Act will impair our ability to deploy American energy resources. Yet USCAP members, ConocoPhillips and Shell, for example, noted at the briefing that without this bill, they simply will not be able to develop the next generation of biofuels.

Right now, we get most of our oil from overseas, Madam Speaker, from countries like Saudi Arabia. We must end our dependence on foreign oil. By spurring development of biofuels, the American Clean Energy and Security Act would help reach that objective while creating economic opportunities here at home.

I think the business community said it best. At USCAP's recent briefing, a

member representative said, ''One of the reasons that many members of USCAP are enthusiastic is because we see that it is essential for our businesses to move to a low carbon economy.''

Madam Speaker, let's unleash new investments in America. Let's produce more of our energy here at home. Let's wean ourselves off foreign oil dependency. Let us create new, clean energy jobs in America. We cannot delay economic recovery, and we cannot risk further destabilization of our climate.

REPUBLICANS WANT ENERGY INDEPENDENCE FOR AMERICANS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, my colleague from Indiana made some very, very eloquent and compelling remarks about the status of our economy, and my colleague from West Virginia gave valuable information on energy and called attention to some important issues.

My distinguished colleague from Florida, whom I like and admire very much, says the energy bill will create jobs, but he's wrong. It will kill jobs. He never answered his own question: Why don't we produce those mirrors in the United States? Because our taxes are high and regulations drive jobs overseas.

America, if the Democrats pass this cap-and-tax bill, get ready to pay more for electricity, a lot more. This cap-and-tax scheme, better known as a national energy tax, if it becomes law, will cost $846 billion. That's according to the Congressional Budget Office's latest estimate. The CBO is a nonpartisan organization.

Who's going to bear the brunt of this new national energy tax? Anyone who turns the lights on, but it's also going to be especially harmful for many of my constituents and all others who work in manufacturing.

As companies adjust to this new energy tax, many will be forced to ship jobs and the accompanying greenhouse emissions overseas where energy costs will be much lower. Many employers will face the tough choice of outsourcing or going out of business altogether. This destructive energy policy will kill millions of American jobs and permanently send them overseas, and I and many others cannot support this.

I want to quote from a report that came out from the Ways and Means Ranking Member DAVE CAMP, who has based his comments on this CBO report that's come out. He says that, ''The facts are plain and clear: Democrats in Congress are breaking the President's pledge not to raise taxes on working families. The President has repeatedly stated married couples earning less than $250,000 a year would not face higher taxes, but this legislation imposes an energy tax on every American and provides no help to families making more than $42,000 or individuals making as little as $23,000. Increasing Americans' fuel and utility bills in this recession is not only bad policy, but it completely ignores the hardships millions of Americans are already facing. This is dangerous legislation in desperate need of closer review.''

Republicans want energy independence for Americans, and we can have it but not under this cap-and-tax bill.

□ 1115

Madam Chairman, I would like to point out one other issue that is before the Congress recently, and that is money for the IMF, the International Monetary Fund, in the supplemental bill. What the Democrats want to do is cut $5 billion from our troops in order to fund the IMF. And because any IMF member country may apply for these loans, Iran, Venezuela, Zimbabwe, and Burma are all eligible. Therefore, state sponsors of terrorism can receive American taxpayer money under the Democrats' proposal.

The New York Times reported on May 27 that Hezbollah is in talks with the IMF about continuing loans to Lebanon should they win the election. Therefore, a terrorist organization could receive American taxpayer dollars under the Democrats' proposal.

To loan the IMF $108 billion, the U.S. will have to borrow the money from other countries, like China. A loan of this size to the IMF will put America further into debt, a cost that will be paid by our grandchildren and children, a point so well-pointed out by my colleague from Indiana. Also, according to the Center for Economic and Policy Research, American taxpayers will actually lose money by loaning it to the IMF. While countries like China, Russia, Brazil, and India have announced they will not participate in loans, the Democrats are asking Americans to support this.

Finally, the American taxpayers are sick of bailouts in their own country. How can Democrats rationalize a global bailout?

AUTOMOBILE DEALER ECONOMIC RIGHTS RESTORATION ACT OF 2009

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. MAFFEI) for 5 minutes.

Mr. MAFFEI. Madam Speaker, I rise to ask Chrysler and General Motors to continue to honor their commitments to auto dealers in this country. Chrysler and GM should not deprive economic rights to profitable dealerships across this country.

Yesterday, I joined with Representative FRANK KRATOVIL of Maryland and introduced the Automobile Dealer Economic Rights Restoration Act of 2009. The act claims to restore the economic rights of GM and Chrysler dealers as they existed prior to each company's bankruptcy. We want to preserve GM and Chrysler car dealers' rights to recourse under State law and, at the request of an automobile dealer, require GM and Chrysler to reinstate franchise agreements in effect prior to those companies' bankruptcies. These are bankruptcies negotiated with Federal officials, and taxpayer dollars are helping to maintain both companies. Therefore, these bankruptcies should not be used to change the rules that dealers have been operating under.

I first wrote a bipartisan letter with Representative CHRIS LEE of New York and more than 65 of our colleagues to the auto task force in May asking them to work with the companies to reconsider the forced closings. Since then, thousands of dealers have been informed by GM and Chrysler, through a seemingly arbitrary system, that their relationships were ending essentially immediately, leaving some dealers with millions of dollars invested in car stock with no options for consolidation and little leverage for liquidation.

In my home district in upstate New York, there is a dealership, Lewis Goodman Chrysler, which has been the cornerstone of one of our communities for 50 years. Mr. Goodman opened his dealership in 1959 in Syracuse. Two years ago, at the age of 82, Mr. Goodman passed away, but his dying wish was to make sure the dealership reached the half century mark. His widow promised to keep their dealership running at least through its 50th anniversary, which was just last week. Lewis Goodman Chrysler received a letter on May 15 informing them that Chrysler was severing their relationship. The letter gave no indication as to why this particular dealership was targeted, just that the relationship was ending.

I visited Mrs. Goodman last week to celebrate the 50th anniversary. This is a dealership that is profitable, partly because of selling preowned cars. It employs dozens of people and has been loyal to them for years. It is exactly the kind of small family business that we in this House claim to want to help, not close.

We all recognize that the economy is not favorable to the auto industry right now and especially not in certain sections of the country where the population can no longer support an extensive dealer network. We have already seen layoffs from parts manufacturers in my district, plant closings, and a Chapter 11 among one of their suppliers. In this context, across central New York 11 dealerships have closed on their own since 2007, and we expect to see other dealerships consolidate and close this year. But we do not, in the middle of a recession, need to take a hatchet to local, family-owned businesses that have supported our communities for decades when market forces are already at work. These dealerships employ hundreds of people across my district. They sponsor our local little league teams, our pancake breakfasts, and they buy ads in our local newspapers and local TV newscasts. They

have been the cornerstone of our community for generations.

I have also signed a letter with Congressman CHRIS VAN HOLLEN, Majority Leader HOYER, and over 100 of our fellow Members, and we sent it to President Obama talking about our concerns, the total lack of transparency and how this system is shutting down profitable dealerships. And we want to know, from both sides of the aisle, whether we can get more transparency and an indication of how this, indeed, saves money.

The auto companies, who are buoyed by taxpayer dollars, should be honest with the dealerships and with the American people about how these decisions are being made, and the dealerships should be negotiated with on how to consolidate dealerships in a way that will help to find a soft landing for the workers and communities, not just in my district, but across the country.

STATUS QUO IS NOT ACCEPTABLE

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

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

Mr. STEARNS. Good morning, Madam Speaker. I rise today to ask a simple question that is on every American's mind; what has been done by this administration and this Congress to fix the troubled economic system we have today?

While this administration continues to pour trillions of dollars into a flawed financial system, continues to have Washington bureaucrats take control over failed businesses, and continues to appoint czar after czar to exercise government control over our free market system, the question still remains, Madam Speaker, what has this administration done to fix this broken system, and is it working?

Government control is not the answer, as our European neighbors have figured out recently and spoken through their elections to change their left-leaning programs and political regimes.

This economic crisis was created by a flawed system, a system that is in need of structural reform. However, the administration's answer to this glaring problem is to continue to throw more money, taxpayers' money, at the problem, which essentially increases this country's unsustainable debt and increases Federal bureaucratic control over all of our private institutions.

This country must stop the taxpayer-paid-for corporate welfare from being handed out and simply return this economy to what has worked for over 200 years, a system that rewards people who take prudent risks and punishes those who take irresponsible risks.

We must return to being a frugal Nation, one where the Federal Government balances its budget, encourages savings, and reins in the $12 trillion worth of debt. This Nation can no longer afford one more loan from China as our credit rating teeters on the brink of failure.

This structural reform begins with the executives that are tasked with running these institutions, banks, and corporations. What this economic crisis has taught us is that these CEOs care more about their stock options, even at the expense of hiding fraudulent assets and taking bogus risks to inflate their P&L statements.

Government-guaranteed bailouts and guaranteed bonuses allow these individuals to escape their poor decisions and sidestep the economic hardship that their risky choices have created for the average American family.

I believe this starts by giving investors and shareholders more transparency into what occurs in corporate boardrooms. Shareholders and investors need greater access to information to allow their confidence in company governance determine where their investment capital is best allocated. In addition, investors, regulators, and the American people need greater transparency into the daily operation of Wall Street. It is nearly impossible for one to find information or records of a corporation's credit default swaps—who owns them, who backs them, who has issued these complex financial tools? Vital information like this will help to prevent corporations from concealing this information in their books, what they owe and how much debt they really are in? The same can be said with regard to the subprime mortgage securities, what are they worth now?

Furthermore, Madam Speaker, there is no such thing as ''too big to fail.'' These institutions must realize that every time they make an irresponsible decision or a risky bet, the Federal Treasury will not come to their financial rescue. Financial bailouts are a slippery slope and set a dangerous precedent. When the Federal Government begins to arbitrarily pick winners and losers, fairness, equality and the free market are tossed out the window, as evidenced by Bear Stearns' government bailout and Lehman Brothers allowed failure.

This administration, the Federal Reserve, and the Federal Treasury must release their TARP records and disclose in full how the bailout money has been spent, who the money has gone to, and the reason why some received help and others were allowed to fail. This money belongs to the taxpayers; we have a right to know.

For these and other reasons, I am calling on this Congress and the administration to have a series of comprehensive hearings to determine what exactly happened, who was at fault, what is the best way to restructure this flawed system, and how are the taxpayers going to get their money back from these bailouts?

Status quo is not acceptable, and neither is bailout after bailout, leading to Federal bureaucratic control of our institutions and our banks. It is time we find answers to these problems rather than continue to throw good money after bad.

RECESS

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

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETERS) at noon.

PRAYER

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

Eternal God, yet ever-present to Your believing people, give us the wisdom to use the time You give us wisely.

May we divide our time according to priorities, always in fair and appropriate ways.

May we share our time with those who bring out the best in us or need our attention the most.

And Lord, may we waste time only while reflecting on Your many blessings or with those we love.

For everything and everyone is such a gift. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GRIFFITH 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 109. Concurrent resolution honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 256. An act to enhance the ability to combat methamphetamine.

FUNDING WARS AND MOVING JOBS OVERSEAS

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

Mr. KUCINICH. It is good our administration is reaching out to the Muslim world. It is bad to spend another $100 billion to keep wars going which will kill innocent Muslims in Iraq, Afghanistan, and Pakistan.

It is good we try to create an incentive for people to buy efficient cars. It is bad that vouchers will not be expressly for the purpose of purchase of cars made in America. It is even worse that we tie such an incentive to a war-funding bill: cash for clunkers and bunkers in the same bill; cash for more war in Iraq, Afghanistan, and Pakistan; cash to help China sell its cars to Americans.

Meanwhile, back in the U.S. of A., factories and auto dealers are closing. People are losing their businesses, their jobs, their homes, their health care, their investments, their retirement security.

Who are these people who keep coming up with these innovative ideas to keep wars going and to move jobs out of America? Who are these people?

PROVIDING AFFORDABLE, ACCESSIBLE, QUALITY HEALTH CARE

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

Mr. BLUNT. Mr. Speaker, Republicans are eager for this discussion, this debate on health care to move forward. We are eager to talk about health care in committee, on the floor, in hearings, at news conferences, wherever people want to talk about a health care system that ensures more quality, widespread coverage, and accessibility.

In fact, we have a plan that will be based on five principles, and today I want to talk about one of those principles, which is just simply to make quality health care coverage affordable and accessible for every American, regardless of preexisting health conditions. That is a statement that almost every Member of this House I believe would agree with, and our debate is just simply how we get there.

We need to be committed to get there. We need to ensure that everybody has not just access to health care because of certain Federal regulations. Everyone can get into a health care environment if there is a crisis, but we want to be sure they have coverage that gets them into health care through their entire life and through all the needs of their health care.

Affordable, accessible, quality health care is something we are eager to debate. We have the plans that will get there, and we hope that a competitive marketplace allows more choices.

SUPPORT THE SAFER GRANT PROGRAM

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of a bill I have introduced to help our brave firefighters continue to protect us in these tough times. The SAFER Grant Program helps our fire departments hire the staff they need by funding some of the salaries of new firefighters.

In a district like mine, where we are fighting five wildfires as we speak, this program is crucial to ensuring our firefighters are well-staffed. With tight budgets, the cost-sharing requirement in SAFER has become too tough for our fire departments to meet. Congress waived that requirement in the Recovery Act, but did not include grants from fiscal year 2008, which are still being distributed.

My bill would extend the cost-sharing waiver to fiscal year 2008, allowing our fire departments the flexibility they need to keep us safe, especially during our fire season.

DEMOCRAT PAYGO: YOU PAY, THEY GO ON SPENDING

(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, later today President Barack Obama will push Democrat lawmakers to follow pay-as-you-go budget rules. PAYGO rules, as they are known, in theory would require new Federal spending or tax cuts be offset by spending cuts or even tax increases elsewhere. Now, this may sound reasonable to some Americans, but the devil is always in the details, and the American people have reason to be skeptical about newfound calls for fiscal responsibility from this majority.

Under Democrat control, the Federal budget deficit is projected to approach nearly $2 trillion. In the last several years, non-defense spending has increased by 85 percent. The President and the Democrat's budget just passed will double the national debt in 5 years and triple it in 10. And now calls for new budget rules?

With Democrat plans for more borrowing, more spending, more bailouts, and more debt, the Democrat definition of PAYGO is all too clear to the American people: you pay, and they go on spending.

BRINGING ABDUCTED AMERICAN CHILDREN HOME

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I recently learned of a situation concerning a constituent of mine, Randy Collins, whose ex-wife abducted their son and went to Japan. The last time Randy Collins saw his son, Keisuke Christian Collins, was on June 15, 2008.

According to the United States State Department's Deputy Assistant Secretary for Overseas Citizens Services, the United States has received notices of 73 cases of parental abductions involving 104 children just for the country of Japan.

Unfortunately, many people are not aware of the severity of this situation and how it affects so many American lives. Once taken to Japan, American parents are unable to see their children because parental visitation rights are not recognized, they are not protected by Japan, and abduction by one parent is not considered a crime.

As an ally of the United States, I urge the Government of Japan to sign the 1980 Hague Convention on Civil Aspects of International Child Abduction and respect the rights of our American parents.

YES, MR. PRESIDENT, WE ARE OUT OF MONEY

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

Mr. FLEMING. Mr. Speaker, in a recent interview with C–SPAN, the President made the very telling statement, ''We are out of money.''

Yes, Mr. President, as of April 27, this country ran out of money. And yet that has not stopped the liberals in this Congress from passing record-setting spending bills. These bills were sold to the American public as necessary to stimulate the economy.

Unemployment insurance claims reached a record high for the 17th consecutive week and unemployment has reached 9.4 percent, which he promised would not happen upon signing this infamous stimulus bill. The $1 trillion spending that was supposed to stem the economic recession was nothing more than the fulfillment of a very liberal political agenda.

Reckless spending, a total disregard for fiscal accountability, and rocketing us into another inflation-debt spiral is not the solution. Now, even Socialist and Communist countries across the world are rebuking us for excessive spending and government takeover of the economy.

Bigger government is never the answer to America's biggest challenges. American individualism, innovation, and ingenuity will, even after 200 years, remain the only way to economic prosperity.

THE ROAD TO RECOVERY

(Mr. CARNAHAN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, it has been barely over 100 days since the Recovery Act was passed by this Congress and signed into law by President Obama. Since the recession began, Americans have understandingly been worried about our Nation's future and their own economic future.

Because of the Recovery Act, we have created and saved over 150,000 jobs, cut taxes for 95 percent of Americans, and made funds available for over 4,000 transportation projects across the country. We have made progress in a short time, but there is still a lot more to do on the road to recovery. I commend President Obama on his efforts to speed up those efforts to get Americans back to work even faster.

The Department of Transportation is quickly putting $27.5 billion to work creating jobs in my home State of Missouri and across the country to rebuild and repair highways, roads, and bridges. By the end of 2010, the funds will have created or saved an additional 150,000 jobs.

Investments in our national transportation system are critical to our long-term economic success, and part of getting there will be putting people back to work rebuilding America on the road to recovery.

CAP-AND-TRADE DESERVES TO FAIL

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

Mr. CASSIDY. Mr. Speaker, cap-and-trade threatens to be a well-intended disaster. Under the ruse of reducing carbon emissions to clean the environment, cap-and-trade will hobble the economy. By some estimates, it reduces GDP by $9.6 trillion over two decades, eliminates 1.1 million jobs per year, and increases the Federal debt by 26 percent. Electricity rates jump 90 percent, gas prices 74 percent, and natural gas prices 55 percent.

Cap-and-trade is designed to disguise what it truly is, in the words of Mr. DINGELL, ''a great big tax.'' It imposes higher taxes on producers, so producers pass higher prices to consumers. The authors are targeting the producers so that the producers increase the prices on consumers. If the authors targeted consumers rather than the producers, it would connect them too much, and therefore, they must distance themselves from the families who bear the costs.

The authors know the effects. They are hiding from them. It is underhanded, it is subterfuge, it deserves to fail.

HONORING THE MEMORY OF STAFF SERGEANT JEFFREY ALAN HALL

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

Mr. GRIFFITH. Mr. Speaker, I rise today to honor the memory of Staff Sergeant Jeffrey Alan Hall. On June 1, 2009, Jeffrey was killed in action in Afghanistan. As north Alabama mourns this sudden, devastating loss, I would like to recognize Staff Sergeant Hall and his entire family's sacrifice.

Jeffrey was an 8-year veteran of the United States Army, earning many well-deserved awards and decorations, including two Army Commendation Medals, the National Defense Service Medal, a NATO Medal, and a Global War on Terrorism Expeditionary Medal.

Staff Sergeant Hall is an inspiring example of someone we can all look up to and inspire to be like. He put the safety of all Americans before his own, and the people of this Nation will be forever grateful. He motivated and inspired those who were around him, and he will be greatly missed by all who knew him, as well as those who never had the honor and privilege of meeting him.

Our country has lost a great soldier and an even better son. All of us in north Alabama are deeply saddened by the loss of Jeffrey. On behalf of the entire community in the Tennessee Valley and across Alabama and the Nation, I rise today to join Huntsville Mayor Tommy Battle, the United States Army, and the family of Jeffrey Hall in honoring his service, memory, and life.

□ 1215

HEALTH CARE REFORM

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

Mr. GINGREY of Georgia. Mr. Speaker, the government-run health care plan that my Democratic colleagues are pushing will lead to health care rationing and, ultimately, months of wait time for patients seeking treatment.

Today, I want to read a testimonial from a Canadian citizen who has experienced firsthand the ill effects of their government-run health care.

''When I came to the major hospital in downtown Toronto with appendicitis, I had to wait overnight until a doctor saw me, but they did not have a CAT scan machine available, so they sent me home. I had to return to the hospital the next day, and at that time they rated me 'less urgent.' When I asked them why, they told me I received the less urgent rating 'because I have not died yet.' Again, it took many hours before I was able to see the doctor. Then I had to wait hours for an operating room before I was told that only those who would otherwise certainly die would receive surgery. However, the vet care in Canada is private, so there is nothing like this when it comes to taking care of my dog. The doctor is always available for a dog, but not for a human.''

Mr. Speaker, health reform must not preclude man nor his best friend from access to quality health care.

H.R. 1550, THE CONSUMER ASSISTANCE TO RECYCLE AND SAVE (CARS) ACT OF 2009

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

Mr. PETERS. Mr. Speaker, today the House will consider the CARS Act of 2009. This legislation is critical, not only to spur growth in America's auto industry, but to save and create jobs throughout the economy.

History shows that one of the quickest ways to end a recession is to sell more automobiles. New car sales constitute a major percentage of the Nation's consumer spending, and increasing vehicle sales also stimulates demand for raw goods, from which automobiles are manufactured. Production of glass, steel, plastics, and other primary materials will be increased as more new cars are sold, creating jobs throughout the economy.

Similar programs have shown proven results abroad. In Germany, sales were boosted roughly 40 percent. Many other nations have acted to strengthen their economies with policies designed to sell more automobiles, and the U.S. should not be left behind.

We must pass the CARS Act today to create a recovery, not just for our auto industry, but for the entire economy.

U.S. JOURNALISTS ARE POLITICAL PRISONERS IN NORTH KOREA

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

Mr. POE of Texas. Mr. Speaker, two American journalists, Laura Ling and Euna Lee, are reporters for Current TV. They were in China near the North Korean border making a film about the horrible sex trafficking between North Korea and China. The North Koreans claim they crossed the border illegally, so the Communist court sentenced them to 12 years at hard labor. That's some border enforcement policy.

The conditions in these prison camps are harsh. Some reports say a quarter of the inmates die of starvation every year. The prisoners do backbreaking work in factories, coal mines and rice paddies. They're also used in experiments involving biological weapons. I guess the Communists didn't get the memo on human rights.

Now we hear that the journalists may have actually been kidnapped and forcibly taken to North Korea. Anyway, they are being used as political prisoners to try to force this administration to give more concessions and American money to North Korea.

North Korea is starving. The Communist regime is bankrupt. But they want to be able to sell nuclear technology to terrorist nations, so they're holding these journalists ransom until they get their way.

Mr. Speaker, the journalists should go free, and the North Korean outlaws should take their place in that prison.

And that's just the way it is.

RECOGNIZING THE NAVAJO CODE TALKERS

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

Mr. TEAGUE. Mr. Speaker, over the Memorial Day recess, our Nation lost two individuals that I consider to be national treasures. Two marines that were known as ''Navajo Code Talkers'' passed away: John Brown, Jr., of Crystal, New Mexico, and his compatriot, Thomas Claw. Both were 87.

During World War II, the Marines recruited members of the Navajo Nation for the specific purpose of devising a code that was based on the Navajo language. The Japanese were never able to break the code, and the Code Talkers were credited with helping save lives and contributing to the military success in the Pacific theater.

The Code Talkers' contributions were invaluable, and we should always be grateful for their service. They did so much, and their contribution can be summarized best by what John Brown said when he was presented with the Congressional Gold Medal: ''We have seen much in our lives. We have seen war and peace, and we know the value of the freedom and democracy that this great Nation embodies. But our experience also reminds us how fragile these things can be and how vigilant we must be in protecting them.''

FISCAL RESTRAINT

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

Mr. CHAFFETZ. Mr. Speaker, I hold in my hand the voting card of the United States Congress. Now, this is the ultimate credit card. There's no limit and there's no penalties. And it's wrong.

Every time I hear a solution from the Democrats, it's about spending more. We have got to stop running this country on a credit card. The problems that we face in this Nation, the challenges that we face are not solved by charging things on the credit card.

The American Dream is not about overspending and being in debt. It's about hard work and perseverance and liberty. Every time we add dollars to this card, we take away that liberty.

I urge my colleagues, come up with solutions that don't include an increase in spending. Cap-and-trade is one of the largest tax increases in the history of the United States of America.

Please, let's stop running this government on a credit card. Institute fiscal restraint, and remember that it's the people's money. It's not the Congress' money.

HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, our current health care system is unsustainable. Working people go every day without care or struggle to pay increasingly higher premiums and deductibles. In my home State of Maryland, 76.7 percent of the uninsured are from working families.

Now, if a single-payer plan is not adopted by this Congress, which I support strongly, then we must have a robust public plan option like Medicare to be enacted to reduce costs for small businesses and individuals, provide true competition, and give patients the choice they deserve. A public plan option has to be available to all without exclusions. It must retain patient choice and implement reforms that promote quality care, prevention, primary care, and chronic health care management. And importantly, a public plan option must address health care disparities in underrepresented communities.

Mr. Speaker, this Congress and President will be judged by our ability to construct a health care system that covers all Americans, lowers costs for everyone, and provides real and competitive choice for health care. The time for reform is now, and we can't delay.

THE CRISIS IN HEALTH CARE

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

Mr. ROE of Tennessee. Mr. Speaker, it's time we address the crisis in health care. We can ensure every American can get the care they need, protect individuals from costs that can bankrupt them, and make health insurance portable so they can move or change jobs without losing health insurance coverage. We can also stop insurance companies from avoiding sick patients by reforming the system to pay when people become healthier.

Enacting a public plan will not bring about this type of change. If you think you won't be affected by a public plan, consider this: a recent analysis by the respected independent firm The Lewin Group estimated that 70 percent of individuals who have health care coverage through their employer would lose those benefits in favor of a public option. This plan could very easily be a Medicaid-like plan. In fact, Senator KENNEDY is proposing expanding Medicaid to families making up to $110,000 a year in legislation he dropped yesterday.

When supporters of a public plan say they want a public plan to compete with private plans, the facts show that what they're really saying is they want a Washington bureaucrat to take over health care decisionmaking. Buyer beware.

H. RES. 505, CONDEMNING THE MURDER OF DR. GEORGE R. TILLER

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

Ms. HIRONO. Mr. Speaker, later today the House will consider H. Res. 505, a bill that condemns the tragic murder of Dr. George Tiller, and offers our condolences to his wife, four children and 10 grandchildren.

He was known as a doctor of last resort and a friend to women when they were in desperate need of support and care. His murder in his church in Wichita, where he served as an usher and where his wife sang in the choir, was a violent, lawless and senseless act.

At his memorial service this past Saturday, Dr. Tiller was remembered for his generosity of spirit and his sense of humor. Let us also remember him for his courage.

Mahalo nui loa (thank you very much).

IMPRISONMENT OF AMERICAN JOURNALISTS IN NORTH KOREA

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

Mr. ROYCE. Mr. Speaker, news came yesterday that Laura Ling and Euna Lee, two American journalists held in North Korea, and held there since March, have been found guilty of illegally entering North Korea. They've been sentenced to 12 years of hard labor. These court proceedings were a cruel joke, nothing more than a kangaroo court. I know of no justice system in North Korea. The two should be immediately released.

As if there were any doubts, the North Korean regime has shown its true colors, a hostile regime bent on destroying the lives of its own citizens and others.

Let's be clear. These two wouldn't have been near North Korea were it not for the barbaric cruelty of its regime. Ling and Lee were convicted of so-called ''grave crimes.'' It is the North Korean regime that commits real grave crimes against millions of North Koreans every day.

President Obama, himself, must make it clear that this action cannot stand. Now is the time for urgent action.

OUR HEALTH CARE SYSTEM

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

Mr. HIMES. Mr. Speaker, it has become amply clear to all Americans, North, South, Republican, Democrat, rich, poor, that our health care system is not just a moral embarrassment to the greatest country on Earth, but a severe economic liability.

Our auto companies and our corporations stagger under cost increases. Our small businesses choose between covering their employees or taking a step towards insolvency. And of course, health care costs are the leading cause of bankruptcy for American families.

We cannot fix this economy without reforming our health care system. We cannot be fiscally responsible without addressing the stunning economic liabilities that we have associated with Medicare and other promises we have made.

The reforms that we are offering will offer a real choice of plans to small businesses in America. It will provide tax credits to small businesses, and it will end the practice of insurance companies denying coverage to Americans who need it. Most importantly, it will emphasize prevention, wellness, and patient-centered care.

The bottom line, reforming health care to contain rising costs is the most effective action we can take to return our Nation's budget to balance and make our workers the most competitive in the world.

PATIENT-CENTERED SOLUTIONS

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

Mr. PRICE of Georgia. Mr. Speaker, today I draw attention to a vision for a new era of American health care, a clear path to provide access to affordable, quality care for all Americans.

There's no doubt that our health care system is failing some of America's patients. Now, some in this body believe that the solution is giving greater control over health care decisions to Washington, a government takeover of personal health insurance.

Now, as a physician, I know that government interference only harms patient access to health care. Real positive reform will only be achieved by empowering patients, not government and not bureaucrats. Positive reform starts with giving ownership of health coverage back to the patient, not the government. Allowing individuals full control over their coverage will make insurers truly accountable to patients, leading to greater choice, innovation, and responsiveness.

Secondly, we must provide the proper financial incentives so that there's no reason to be uninsured. With tax reform, not government mandates, we can achieve universal access to care for all Americans.

Mr. Speaker, Republicans have a positive, patient-centered prescription for America that doesn't result in a government takeover.

□ 1230

HONORING THE LIFE OF AMBASSADOR JACK HENNING

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

Ms. SPEIER. Mr. Speaker, we lost a lion of the labor movement and a true son of San Francisco with the passing of Ambassador Jack Henning. Jack spent the vast majority of his 93 years fighting for men and women in the fields, factories, and loading docks of America. The only thing he loved more than telling labor stories to anyone who would hear them was telling them to those who didn't.

For 26 years, Jack was the driving force behind the California Labor Federation, but he served our country in many ways. He was the director of the California Department of Industrial Relations under Governor Pat Brown, Under Secretary of Labor for President Kennedy, and U.S. Ambassador to New Zealand for President Lyndon Johnson.

Mr. Speaker, my thoughts are with Jack's family and the millions of Americans—most of whom never knew him—who earn a liveable wage, work under safer conditions, and are able to take their child to a doctor because of the tireless passion of Ambassador Jack Henning.

A REAL WAY TO PEACE

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

Mr. STEARNS. Mr. Speaker, as President Obama begins to wade into the Israel-Palestinian conflict, he must remember who our friends are. Israel is America's most reliable and only democratic ally in the Middle East. Yet in his speech last week in Cairo and in statements by his administration, President Obama seems only to want to pressure Israel, while not requiring similar concessions from the Palestinians and other Arab states.

Starting with the British Partition Plan in 1937—when they were offered the western part of Palestine—then again to the U.N. Partition Plan in 1947, to the Camp David talks in 2000, and most recently in December of 2008, the Palestinians have rejected every plan to divide the land into independent states. Each time their answer was ''no.''

No outside party, President Obama included, can arbitrarily impose a peace agreement, nor can peace be achieved by setting conditions on just one party, Israel, which has been willing to take the necessary and difficult steps towards peace and consider compromise.

THE RECOVERY BILL

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

Mr. ARCURI. Mr. Speaker, it is undeniable that we have seen many positive signs in our economy since January. The unemployment rate, while still far too high, is improving and money is starting to flow through the economy and into our cities and municipalities to improve our infrastructure and ensure the safety of every American.

The recovery bill has been at the core of this progress and has saved and created jobs and made much-needed investments in my local district. For example, in my hometown of Utica, New York, the recovery bill provided the City of Utica with over $2 million for lead abatement in homes across the city. This lead abatement program will put people to work and improve the health and quality of life for countless families. Without this recovery bill funding, the City of Utica would have had to have continued to delay this vital program because it is likely that they did not have the funding necessary to proceed with these plans on its own.

I will continue to fight for the recovery bill funding for critical projects in my district, and I know that we will see even more progress in all of our communities as we all continue to work together to lead America out of this economic crisis.

ENERGY

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

Mr. ELLISON. Mr. Speaker, I rise today to talk about the importance of building a clean energy economy for America. Americans are fed up with the same tax breaks for oil companies that post record profits while working families are stuck paying exorbitant prices at the pump. Americans want a new energy economy, a green economy, to take us into the future, to take us into a carbon-neutral economy, to take us into jobs, to take us into a future in which we are not dependent upon the automobile for every transportational decision.

The time has come to transform our economy for decades to come. The time has come to create American jobs with new, clean, American-made energy. The clean energy jobs plan is the next step in creating millions of American jobs in clean energy, efficiency, and modernizing a smart electric grid. We can reduce our dependence on costly oil, curb pollution, and create jobs. We can do this. Yes, we can.

FIX THE HEALTH CARE SYSTEM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to call out the siren and the clarion call for fixing America's health care system. We urgently need to fix it, and we realize that if you've got it, you like it, you can keep it.

We need to get a system that will allow those that are underinsured and without insurance to be able to be

cared for in this Nation. We need to reduce the serious health disparities. We need to also ensure that there is a public option, that there is universal access to health care. Make it a good Medicare plan that helps the young, the old, and the working Americans.

In addition, we need to be fair to how we pay for it. We need to realize that physician-owned hospitals are not the enemy. In fact, they help to, in essence, bring down health disparities. Many physician-owned hospitals or investor-owned hospitals with doctors involved are in the urban and rural areas where no other hospitals would go. Let's fix this system in a fair manner that addresses the question of making sure the 47 million-plus who are underinsured and those without insurance can have a good public option, can as well have a fair system of good doctors and have good hospitals and make it work for working Americans and others who are in need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

CONDEMNING THE MURDER OF DR. GEORGE TILLER

Mr. NADLER of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 505) condemning the murder of Dr. George Tiller, who was shot to death at his church on May 31, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 505

Whereas Dr. George Tiller was murdered in Wichita, Kansas, on May 31, 2009;

Whereas Dr. Tiller is mourned by his family, friends, congregation, community, and colleagues;

Whereas Dr. Tiller, 67, was killed in his place of worship, a place intended for peace and refuge that in a moment became a place for violence and murder;

Whereas places of worship should be sanctuaries, but have increasingly borne witness to reprehensible acts of violence, with 38 people in the United States killed in their place of worship in the past 10 years and 30 people wounded in those same incidents;

Whereas these acts of violence include the murder of an Illinois pastor at the pulpit in March 2009, the murder of an Ohio minister in November 2008, the murder of an usher and a guest during a children's play in a Tennessee church in July 2008, the murder of four family members in a church in Louisiana in May 2006, and the shooting of a worshipper outside a synagogue in Florida in October 2005; and

Whereas violence is deplorable, and never an acceptable avenue for expressing opposing viewpoints: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its condolences to Dr. Tiller's family; and

(2) commits to the American principle that tolerance must always be superior to intolerance, and that violence is never an appropriate response to a difference in beliefs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. NADLER of New York. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 505, which condemns the murder of Dr. George Tiller, who was shot to death at his church on May 31. The resolution also offers the condolences of the House of Representatives to Dr. Tiller's family. I know that Dr. Tiller and his family are in the thoughts and prayers of every Member of the House today.

I want to commend our colleague, the distinguished chairperson of the Rules Committee, my fellow New Yorker, Ms. SLAUGHTER, for introducing this resolution.

It is imperative that the House of Representatives speak with a united voice in condemning this crime. It is a sad reminder that medical personnel are still at risk from armed extremists who are willing to resort to deadly violence in order to advance their causes even when they cloak their cause in the language of life. There can never be room in a free society for the use of deadly violence to advance a cause. It is against everything this country stands for. I have no doubt there isn't a single Member of this House who would disagree.

This resolution renews our commitment to the American principle that tolerance must always be superior to intolerance and that violence is never an appropriate response to differences and belief.

As deplorable as this murder was, it was all the more reprehensible because the victim was targeted as he was leaving church. In the past 10 years, 38 people have been murdered in their place of worship and 30 more have been wounded.

Dr. Tiller was a controversial figure. He was the target of threats and even a prior shooting because of his dedication to providing needed, if unpopular, services. He was murdered solely because of the work he did. The continued violence directed at abortion providers, including doctors and the people who staff their clinics, is well-known. Bombings, shootings, vandalism, and harassment all serve to warn women and their health care providers that they may pay a terrible price if they choose to avail themselves of their rights under the Constitution.

This was not the first time a health care provider was similarly targeted. I am sure every Member of this House and every decent American, however they may feel or whatever they may believe on the question of abortion, will insist that this and every other question must be decided by our legal, constitutional, and democratic processes and not by murderous violence. I am sure we all condemn those people or groups who espouse or excuse domestic terrorism.

But while violence has long been directed at the clinics and the people who work there, this time the killer chose, in addition, to invade the sanctity of the Sabbath. Murderous intolerance is never justified; even so, the idea of bringing death and mayhem to a house of worship strikes all people as particularly reprehensible. These acts include the murder of an Illinois pastor in the pulpit in March of this year; the murder of an Ohio minister in November of last year; the murder of an usher and a guest during a children's play in a Tennessee church in July of last year; the murder of four family members in a church in Louisiana in May 2006; and the shooting of a worshipper outside a synagogue in Florida in October 2005; not to mention the attempted bombings of two synagogues in Riverdale in the Bronx just a few weeks ago. Whether these acts of violence target one individual or an entire community of faith, we must all join together and speak out against them.

I urge all of my colleagues to stand up to those who would bring their reign of terror into a house of worship and those who would seek to change American law by violence and unconstitutional means to express their opprobrium of this conduct by supporting this resolution condemning the murder of George Tiller and extending the condolences of this House to the members of Dr. Tiller's family.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. COBLE. I rise in support of the House Resolution 505, Mr. Speaker. I yield myself such time as I may consume.

I support House Resolution 505 which deplores the murder of Dr. George Tiller who was shot to death at his church, as has already been mentioned, on May 31. I join with the National Right to Life Committee, the Nation's largest pro-life group, in condemning the killing of Dr. Tiller. As that organization correctly said, Anyone who works to increase respect for human life must oppose any unlawful use of violence that is directly contrary to that goal.

Because I believe everyone who is the victim of unlawful violence should be

treated equally under the law, I voted against the so-called hate crimes bill when it was brought up on the House floor earlier this year. The resolution we are now debating and another we will debate today recognize what should be obvious to all, which is that anyone can be the victim of hate-inspired crimes and that the perpetrators of those crimes should be equally condemned and punished.

I urge, Mr. Speaker, all of my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), the chairperson of the Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, today I want to speak about the senseless killing of a good man as he was volunteering as an usher among family and friends in his place of worship. Dr. George Tiller got shot to death, as most of us know, at his church in Wichita, Kansas, on May 31. A single gunshot fired by a man who apparently has a long history of animosity to a woman's right to choose ended the life of a man who had dedicated his life to helping others and was a stark reminder to all of us of the raw emotion surrounding this issue.

In the days since the arrest of the shooter, we have now heard reports that even more violence may be planned against doctors who believe in choice. And while this kind of violence is deplorable, it seems to me that this act is particularly villainous because it took place in a house of worship.

□ 1245

This church, a place where people come together to seek peace, safety, and protection, was in an instant transformed into a place of shocking, senseless violence.

Our places of worship are meant to be peaceful refuges for those who seek serenity in times of turmoil and safety in times of hostility. The sanctity of these places is honored at all times and without regard to denomination. There should be no exception to this rule that we are taught early and that provides us with a structure for our interaction with other faiths and beliefs. Only the most evil can bring violence into these sacred buildings. To defile houses of worship with bloodshed is nothing less than villainous, and we should not tolerate such actions in a civilized society.

For millennia, into the Middle Ages, our churches, synagogues, mosques, and others have been the center of communities, places of scholarship, proponents of peace and love among humankind. There is more to a place of worship than its physical presence; there is a sense of community and accord and safety where worshippers can share their faith. But when you look at our recent history, what we have seen is a disturbing rise in violence at churches that we have taken no note of in the House of Representatives. As mentioned, 68 persons have been shot, dead, wounded or assaulted in violence in religious institutions here in the United States. This is more than deplorable.

Deepening the tragedy is the fact that, until now, there has been no expression of outrage decrying violence in a place of worship. It shakes the foundations of our communities, our principles, and our Nation. It is not a Christian issue or a Jewish issue or an Islamic issue or any one faith. It is a test of what we as a society are willing to tolerate and a reminder that some people in this Nation do not respect the sanctity of a house of worship.

The brutal killing of Dr. Tiller was the latest church killing. In March of 2009, Rev. Fred Winters was killed while at the pulpit by gunfire at the First Baptist Church in Illinois. It was only after the gun malfunctioned that members of the congregation subdued the shooter to prevent further fatalities.

Rev. Donald Fairbanks, Sr., was fatally shot at the Ninth Street Baptist Church of Covington, Kentucky, in November of 2008. He was visiting from his Cincinnati, Ohio, church to attend a funeral for a woman with relatives in his congregation. Grief turned to fear as the gunman opened fire in the church.

In July 2008, an usher and a guest were shot and killed during the opening act of a children's play in Knoxville, Tennessee. This time, the gunman walked into the sanctuary carrying a guitar case with a 12-gauge shotgun. He is said to have fired over 40 shots, killing two and injuring seven.

In May 2006, five family members were killed by a gunman who opened fire during a church service at The Ministry of Jesus Christ Church in Baton Rouge, Louisiana. A whole family was wiped out, and the shooter's wife was abducted from the church and killed nearby.

One of the most upsetting church killings in recent memory occurred in 1999 when a lone gunman massacred seven worshippers and wounded seven others at a youth celebration—150 teenagers strong—that was taking place in the sanctuary of the Wedgewood Baptist Church in Fort Worth, Texas. The assault was one of the worst ever, and I know there was a tremendous sense of loss after that awful act.

Why doesn't America care about this? Why have we said absolutely nothing about it? Why are we now allowing concealed weapons to be carried in Federal parks where, frankly, I hope most people will not be able to go in any notion that they might come out of there alive.

Dr. Tiller's family held a memorial service for him over the weekend after his burial on Friday, and he was remembered by all four of his children for his care and devotion as both a physician and father. It is a senseless tragedy, and so I offer this resolution and hope that all Members of this House will say ''no more.''

Mr. NADLER of New York. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from New York has 12 additional minutes.

Mr. NADLER of New York. I now yield 2 minutes to the distinguished gentlelady from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, our society has too often, recently, devolved into violence to address controversy.

The murder of a doctor, who was beloved by his family, trusted by his patients, and respected by his community, is never an acceptable form of expression. While virtually all established groups have condemned this act, some individuals are still threatening violence against the health care providers they disagree with. The message to those people needs to be unequivocal and it needs to be unanimous: We will not condone violence in any form, and those who perpetrate it will be prosecuted to the fullest extent of the law.

Mr. Speaker, we must have a civil discourse in this society, and this is something we all have to strive for together. I know that we on our side of the aisle and my colleagues on the other side of the aisle all believe this. We need to put it into action.

I will say that Dr. George Tiller is survived by his wife, Jeanne, their four children and their 10 grandchildren. I think the saddest thing about all this and the thing that personalizes it the most is that Jeanne called Dr. Tiller ''Buddy.'' And the reason she called him Buddy was because he was her best friend.

Mr. Speaker, the mark of a civilized society must be civil discourse. We cannot lose one more of someone's best friend because of this lack of civility.

Mr. NADLER of New York. Mr. Speaker, I now yield 1½ minutes to the distinguished gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman and the author of this legislation, the distinguished gentlelady from New York (Ms. SLAUGHTER), chairman of the Rules Committee. And I rise to simply say to this House and to America, enough is enough.

I am delighted that we have heard the majority of pro-life organizations, who are Americans as well, denounce this horrific act. My deepest sympathy to Dr. Tiller's wife and children and grandchildren, but I think it is not enough to offer our sympathy; it is a requirement that we denounce this with every fiber of our body.

In addition, I think it is important, as we go forward, that right-to-life organizations learn to respect the First Amendment, and certainly the sanctity of a house of worship. It is important to note that Dr. Tiller is not and was not a criminal, did not perform criminal acts, but responded to women who

willingly came into his office with the counsel of their family and a religious leader and made a decision addressing the question of their health and the concerns of their family. Many of those women who came to Dr. Tiller wanted to have children, were praying for children, and were able to have children and give birth to a healthy child thereafter.

I am concerned that the alleged perpetrator now incarcerated and held in jail is continuing to make threats against those who are trying to both abide by the law but serve the needs of more than 51 percent of America. Yes, we know there is opposition to abortion. None of us stand here as abortion proponents. What we stand here as is simply individuals who believe in choice, prayerfully believe in choice. Therefore, I am asking for full support for this initiative to denounce the killing of Dr. Tiller, but I am also saying enough is enough.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the distinguished gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of House Resolution 505 honoring the life of Dr. George Tiller and condemning his brutal murder at church. I thank Representative SLAUGHTER for this resolution.

Dr. Tiller was a husband and a father. He studied at the University of Kansas School of Medicine and served his country as a United States Navy flight surgeon intern. Despite attacks and threats against him, he continued to serve as a tireless advocate for women's health and women's rights. On May 31, he was brutally gunned down in broad daylight in his place of worship by an extremist who took the law into his own hands. Enough is enough. It is time for us to condemn this act of violence and state forcefully that we will not condone murder, threats, or intimidation in the future.

In addition to my condolences to Dr. Tiller's family, I extend my gratitude to them for his life, his courage, his unyielding support for women, their health, and freedom to exercise their constitutional rights.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the distinguished gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I rise in strong support of House Resolution 505, with deepest sympathy for the family and loved ones of Dr. George Tiller and in strongest condemnation of his murder.

Murder in any setting is horrific. It is unconscionable but to commit a heinous crime of violence inside a place of worship that teaches a message of tolerance and nonviolence is especially reprehensible. Dr. Tiller was guiding worshippers to their seats and his wife was singing in the choir when he was gunned down. This is so precisely the opposite of where humanity should be in 2009.

Violence, especially murder, should never be a recourse for differences in beliefs. So I ask my colleagues to join me in condemning acts of violence and intolerance. And I ask that we resolve to honor the memory of Dr. George Tiller, a physician and a man of God, by working harder than ever to promote tolerance and to promote nonviolence. I urge all of my colleagues to stand unanimously and vote in favor of this resolution.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I rise today in strong support of the resolution before the House sponsored by my very good friend, Representative LOUISE SLAUGHTER, condemning the senseless killing of Dr. George Tiller.

Dr. Tiller, as we have heard, was gunned down while serving as an usher during church services last week. We are blessed in this country to have the freedom of speech, freedom of assembly, and freedom to protest. Our country has a rich history of nonviolent protests from the women's rights movement to the civil rights movement to the gay rights movement. Dr. Martin Luther King, Jr., preached nonviolence, and his great movement heeded this call in the face of unspeakable acts of violence from their opposition.

This shooting is, in the words of the New York State Catholic Conference, a terrible perversion of what it means to be pro-life. While we may have different views of this issue, no side should resort to atrocious acts of violence such as this.

Since 1977, there have been more than 5,800 reported acts of violence against providers like Dr. Tiller. Since 1993, eight people have been murdered, and there have been 17 attempted murders since 1991. Clinics like Dr. Tiller's over a 20-year span have been bombed 41 times and faced 175 arsons and 96 attempted bombings and arsons.

I understand that this is a passionate issue for both sides, but we cannot allow this to continue.

Mr. NADLER of New York. Mr. Speaker, I now yield 2 minutes to the distinguished gentlelady from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership.

Rochester, New York, has historically given this Nation some of our greatest women leaders: Elizabeth Cady Stanton, Susan B. Anthony, and LOUISE SLAUGHTER. With this bill that she authored, she is one of the strongest links in leading women in this country and protecting our rights. We thank you, LOUISE, for your continued leadership.

The horror that played out inside a Wichita church, the murder of Dr. Tiller, is a wound to the conscience of this Nation. He had long been a target of violence and hate because he provided legal abortions, he provided medical care to women in need. Any time a doctor has to put his life on the line to provide medical care it has a chilling effect on Americans' ability to get the medical care that they need.

The consequences of Dr. Tiller's murder are a tragedy not only to his family, not only for women in Kansas, but for women everywhere, especially in areas of our country where there are relatively few medical providers. Dr. Tiller is the eighth abortion provider to be murdered since 1977, and he was one of just seven doctors in the entire State of Kansas.

Where will women go for the medical help that they need? We have seen throughout history that hate is not just ugly, it can be deadly. I hope that leaders on both sides of this debate will look at the savage killing of Dr. Tiller and call to account those who would use hate, intolerance, and fear to divide us.

My heart goes out to Dr. Tiller's family and friends, and my prayers are with them.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the distinguished gentlelady from New York (Ms. SLAUGHTER).

□ 1300

Ms. SLAUGHTER. I thank my colleague Mr. NADLER for yielding.

I want to close my portion here by reminding people what a terrible thing that has happened in this country to a man who was simply doing what he was allowed to do, what he was trained to do.

I think perhaps I should state for the record, too, that third trimester abortions are less than 1 percent, and even Roe v. Wade says that after the first trimester the State has an interest and that it takes two doctors, as well as it does for the third trimester. These are oftentimes babies that have been desperately wanted and planned, but in order to save the health of the mother or to prevent her from carrying a toxic fetus that has already expired, it is sometimes necessary to do this. It is not a whim. It is not something that women do. I think, if anything, what insults my intelligence and my feeling as a woman and a grandmother is the notion that women will just wake up one morning and say, Well, I've had enough. That just does not happen. Women are, by nature, nurturers, and we are just not like that, and it's a major insult to us.

But as we remember this killing and affirm the need for peace in our places of worship, let's remind ourselves of the need for tolerance and kindness. I offer this resolution and offer the most sincere condolences to the family.

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

Mr. NADLER of New York. I yield an additional 30 seconds to the gentlewoman.

Ms. SLAUGHTER. The resolution affirms that the House of Representatives commits to the American principle that tolerance must always be superior to intolerance.

I urge Members to join me in supporting this to renounce nefarious violence in our places of worship where Americans seek sanctuary. Violence is deplorable and never an acceptable avenue for expressing opposing viewpoints.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Speaker, the pro-life movement is absolutely nonviolent and is totally committed to protecting unborn children and their mothers through peaceful, nonviolent means. I have been in the pro-life movement for 37 years, and those peaceful, nonviolent means include legal and constitutional reform as well as tangibly assisting women with crisis pregnancies.

Dr. Tiller's murderer must be brought to swift justice commensurate with the heinous crime that he has committed.

Murder is murder. Murder is never justified and can never be condoned by any society committed to fundamental human rights, justice, and the rule of just law.

Let me, as well, like my other colleagues on the floor today, extend my profound condolences to the Tiller family.

Mr. NADLER of New York. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. CLAY). Without objection, the gentleman from California (Mr. ISSA) controls the balance of the time of the gentleman from North Carolina (Mr. COBLE).

There was no objection.

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

PARLIAMENTARY INQUIRY

Mr. NADLER of New York. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. NADLER of New York. Does that mean the gentleman has declined his right to a closing?

The SPEAKER pro tempore. The gentleman has yielded back his time.

Mr. ISSA. I'm declining on this bill. I will pick up on the next one. Thank you.

Mr. NADLER of New York. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this resolution condemns the murder of Dr. Tiller. It condemns the murder of people who are murdered in church and places of worship. It condemns the practice, and it has become a practice, of seeking to change the laws of this country, of seeking to intimidate women from availing themselves of their rights, of their constitutional right to an abortion, of intimidating doctors from availing themselves of their constitutional right to perform medical procedures that are legal and that they believe are moral by threats of murder and mayhem.

I was glad to hear Mr. SMITH say that the pro-life movement is nonviolent, and I'm sure that most of it is. But, unfortunately, it is clear that there are some people, a small minority, who believe themselves part of the pro-life movement who are not nonviolent. And these people have engaged in such conduct and have murdered several providers of abortion simply for doing what they believe to be the right thing, what I believe to be the right thing, and, more importantly, what the law allows them to do, and to intimidate other people from doing this.

This resolution, which I trust every Member of this House will vote for, says that we do not believe in trying to change the law by violence. We do not believe in domestic terrorism, defining ''terrorism'' as an attempt to change the law through murder and violence and mayhem. We believe in constitutional processes. And if every single one of us does not believe in that, then we have no moral superiority over the terrorists that we condemn around the world.

So I trust everyone will vote for this resolution to express our horror of what was done in this instance, to express our belief that social change, if necessary, will be brought about by peaceful democratic debate and by votes, not by bullets, and that this country stands for the evolution of law by debate and by consideration and by democratic means. I urge everyone to vote for this resolution.

Ms. LEE of California. Mr. Speaker, I rise in strong support of H. Res. 505.

Like the vast majority of people throughout our nation, I was appalled by the unconscionable act of violence that took the life of Dr. Tiller at his place of worship.

I offer my deepest and most sincere condolences to the family and many friends of Dr. Tiller. My thoughts and prayers are with them as they struggle with this tremendous loss.

Dr. Tiller was a medical pioneer who, for two decades, worked to provide the highest quality of care to his patients.

Despite encountering constant harassment and threats Dr. Tiller remained committed to providing abortion services and other reproductive care to women and their families.

Often times, Dr. Tiller provided these services to women during the most challenging and heart-wrenching of circumstances.

The shooting death of Dr. Tiller is an affront to all physicians who provide abortion and reproductive care to women; it's also an affront to a woman's right to choose.

Moreover his death was an affront to our nation's rich religious and democratic traditions.

No matter which side you may stand on in regards to protecting a woman's right to choose, we can and should all agree that violence has no place in our political discourse.

I thank my colleague Ms. SLAUGHTER for authoring this resolution, and I urge all my colleagues to vote in favor of its passage.

Mr. QUIGLEY. Mr. Speaker, I rise today in support of H. Res. 505, condemning the murder of Dr. George Tiller.

Dr. George Tiller was murdered in Wichita, Kansas, on May 31, 2009. Dr. Tiller was 67 years old, a father, a husband and a friend, and was killed in his place of worship, a place intended for peace and refuge that in a moment became a place for violence and murder.

As stated in H. Res. 505, in the past 10 years, 38 people in the United States have been killed in their place of worship with 30 more sustaining wounds in those same incidents. This violence is deplorable, and never an acceptable avenue for expressing opposing viewpoints.

I join the author of this bill, Congresswoman CAROLYN MALONEY, in offering my condolences to Dr. Tiller's family, and commit to the American principle that tolerance must always be superior to intolerance, and that violence is never an appropriate response to a difference in beliefs.

It's nearly impossible to find comfort after such a senseless and horrific act, and I extend my deepest condolences to the Tiller family and all those families whose lives he touched. Like many others, Dr. Tiller persevered through decades of threats and attacks, and I condemn anyone who takes action or makes statements to incite violence as an acceptable response.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 505, which condemns the tragic murder of Dr. George R. Tiller of Wichita, Kansas. I would like to thank the author of the bill, Congresswoman LOUISE SLAUGHTER and Judiciary Chairman JOHN CONYERS for their expeditious work in bringing this bill to the floor.

We mourn the loss of Dr. Tiller, a husband, father of four, and grandfather of ten. We also mourn the loss of a man who was a friend to women and young girls around the world, who he saw through their most desperate hours of need.

Dr. Tiller, born and raised in Wichita, was the son of a physician. In medical school, Dr. Tiller planned to become a dermatologist. After his father, mother, sister, and brother-in-law died in a 1970 plane crash, he returned to Kansas to close his father's family practice. His father's patients pleaded with him to return and take over the practice. Eventually, his clinic evolved from general family practice to focusing on reproductive services.

Acts of terror and intimidation were an all too common occurrence at his clinic. In 1986, Dr. Tiller's clinic, the Women's Health Care Services, was bombed. In 1991, it was blockaded for six weeks. In 1993, Dr. Tiller was shot in both arms while trying to enter the clinic. In May 2009, vandals cut wires to security cameras and made holes in the clinic roof.

Dr. Tiller was murdered on Sunday, May 31, 2009. He was shot in his place of worship, the Reformation Lutheran Church. Dr. Tiller served as an usher and his wife, Jeanne, sang in the choir.

I would like to insert into the RECORD an article by Judith Warner that was published in her New York Times blog. One of Dr. Tiller's cases mentioned by Ms. Warner, that involving a 9 year-old girl who had been raped by her father, is particularly haunting.

This child was 18 weeks pregnant and her small body just would not be able to physically bear the burden of labor and delivery. There

was no doctor or hospital in her rural, Southern town that would provide her with an abortion. She was referred to Dr. Tiller, the doctor of last resort. Dr. Tiller took her case for free. He kept her under his personal care for three days. The young girl and her sister stated that even in this difficult and heart-wrenching situation, he could not have been more wonderful in his care.

On Saturday, memorial services were held for Dr. Tiller. His family and friends remembered him for his generosity and his sense of humor. Let us also remember him for his courage.

Mahalo nui loa (thank you very much).

[From the New York Times, June 4, 2009]

DR. TILLER'S IMPORTANT JOB

(By Judith Warner)

The 9-year-old girl had been raped by her father. She was 18 weeks pregnant. Carrying the baby to term, going through labor and delivery, would have ripped her small body apart.

There was no doctor in her rural Southern town to provide her with an abortion. No area hospital would even consider taking her case.

Susan Hill, the president of the National Women's Health Foundation, which operates reproductive health clinics in areas where abortion services are scarce or nonexistent, called Dr. George Tiller, the Wichita, Kan., ob-gyn who last Sunday was shot to death by an abortion foe in the entry foyer of his church.

She begged.

''I only asked him for a favor when it was a really desperate story, not a semi-desperate story,'' she told me this week. Tiller was known to abortion providers—and opponents—as the ''doctor of last resort''—the one who took the patients no one else would touch.

''He took her for free,'' she said. ''He kept her three days. He checked her himself every few hours. She and her sister came back to me and said he couldn't have been more wonderful. That's just the way he was.''

Other patients of Dr. Tiller's shared their stories this week on a special ''Kansas Stories'' page hosted by the Web site ''A Heartbreaking Choice.''

One New York mother wrote of having been referred by an obstetrician to Tiller after learning, in her 27th week of pregnancy, that her soon-to-be son was ''so very sick'' that, once born, he'd have nothing more than ''a brief life of respirators, dialysis, surgeries and pain.'' In-state doctors refused to perform an abortion.

''The day I drove up to the clinic in Wichita, Kansas, to undergo the procedure that would end the life of my precious son, I also walked into the nightmare of abortion politics. In this world, reality rarely gets through the rhetoric,'' wrote another mother, from Texas, of the shouts, graphic posters and protesters' video camera that greeted her when she came to see Tiller.

Our understanding of what late abortion is like has been almost entirely shaped in public discourse by the opponents of abortion rights. In recent years, discussions of the issue have been filled with the gory details of so-called partial-birth abortion; the grim miseries that drive some women and girls to end their pregnancies after the first trimester have somehow been elided.

''Late abortion is not a failure of contraception. It's for medical reasons,'' Eleanor Smeal, the president of the Feminist Majority Foundation, who has worked to defend abortion providers like Tiller against harassment and violence since the mid-1980s, told me this week. ''We've made pregnancy a fairy tale where there are no fetal complications, there's no cancer, no terrible abuse of girls, no cases where to make a girl go all the way through a pregnancy is to destroy her. These are the realities of the story. That's what Dr. Tiller worked with—the realities.''

There was a great deal of emotion in the air this week as the reality of Tiller's death set in. Much of it was mournful, some was celebratory, some was cynical and self-serving.

There were the requisite expressions of disapproval and disavowal by politicians from both sides of the abortion divide. And yet it seemed to me that even from pro-choice politicians, the response was muted. In death, as in life, no one wanted to embrace this man who had specialized in helping women who learned late in their pregnancies that their fetuses had gross abnormalities.

It seemed that no one wanted to be too closely associated with the muck and mire of what Tiller had to do in carrying out the risky and emotionally traumatic second- and third-trimester abortions that other doctors and hospitals refused to do. In news reports, there was a tendency to frame the ''abortion doctor's'' murder almost as a kind of combat death: a natural occupational hazard.

Yet Tiller—who went to work in a bulletproof vest, lived in a gated community and drove a bulletproof car—was a doctor, not a soldier. And it is precisely this kind of thinking—this viewing of his life and work through the lens of our most gruesome cultural warfare, this slippage and mixing up of medicine and politics—that left him largely unprotected at the time of his death.

Someone resembling Scott Roeder, the man charged in Dr. Tiller's murder, was seen on Saturday trying to pour glue into the lock on the back door of a Kansas City clinic. Before that, abortion providers around the country had been telling local law enforcement and the United States Justice Department that harassment at their clinics was on the rise, and they were scared. The Feminist Majority Foundation had been hearing all spring that the atmosphere outside clinics was heating up in the wake of the new pro-choice president's election. ''We all lived through Clinton, the shootings in '93 and '94. We were concerned some of the extremists said they had to take the fight 'back to the streets,'" Smeal said.

There are legal protections in place that ought to keep abortion providers like Tiller safe. The Freedom of Access to Clinic Entrances (FACE) Act, passed by Congress after the 1993 murder of Dr. David Gunn outside his Pensacola, Fla., women's health clinic and the attempted murder of Tiller that same year, prohibits property damage, acts or threats of force, and interference with and intimidation of anyone entering a reproductive health care facility.

When the federal law is backed by complementary state laws, and when local law enforcement officers apply those laws assiduously, serious violence greatly declines. When the law's not applied strenuously, when vandalism goes uninvestigated, when protesters are allowed to photograph or videotape patients arriving at women's health clinics, when death threats aren't followed up, more serious acts of physical violence follow. In fact, when intimidation occurs at a clinic, the reported rate of violence triples, the Feminist Majority Federation's 2008 National Clinic Violence Survey found.

''We really do need to arrest people who are trespassing. Arrest people who are gluing locks. Committing more minor violations of the law so criminal activity doesn't escalate, so these criminals don't feel emboldened,'' said Vicki Saporta, the president of the National Abortion Federation. ''In places where the laws are enforced, you don't see violence escalate. Protesters generally go someplace where there's a more hospitable climate,'' she told me. But, she added, in a lot of communities, law enforcement views clinic violence as a political problem. ''They don't view it for what it is: criminal activity outside of a commercial establishment,'' she said. ''Law enforcement can't treat this as a political issue. It's a criminal issue.''

We as a nation cannot continue to provide a hospitable environment for the likes of Roeder because the thought of what happens to fetuses in late abortions turns our stomachs. We have to accept that sometimes terrible things happen to young girls. We have to face the fact that sometimes desired pregnancies go tragically wrong. We have to weigh our repugnance for late abortion against the consequences for women and girls of being denied life-saving medical treatment.

Only a tiny handful of doctors in this country will, like Dr. Tiller, provide abortion services for girls or women who are advanced in their pregnancies. These doctors aren't well known to patients or even to other doctors, but they're closely monitored by anti-abortion groups, who know where they work, where they live and where they worship. Roeder may have been a lone gunman, but in the largest possible sense, he did not act alone. The location of Tiller's gated community was prominently featured on an easily-accessed Web site, along with a map of the streets surrounding his house. It was really only a matter of time before someone was unbalanced enough to take the bait.

Most Americans, I'm sure, do not believe that a 9-year-old should be forced to bear a child, or that a woman should have no choice but to risk her life to carry a pregnancy to term.

By averting our eyes from the ugliness and tragedy that accompany some pregnancies, we have allowed anti-abortion activists to define the dilemma of late abortion. We have allowed them to isolate and vilify doctors like Tiller.

We can no longer be complicit—through our muted disapproval or our complacency—in domestic terror.

Mr. HONDA. Mr. Speaker, as millions of Americans are now aware, Dr. George Tiller was assassinated in his church on Sunday, May 31st, 2009 because of his political beliefs and profession. Dr. Tiller provided legal abortions, and his dedication to his profession, to the health and well-being of the women he cared for, cost him his life. I join President Obama, members of Congress, and millions of Americans in professing horror, shock, and sadness over this blatant act of terror. I hope that all Americans—regardless of their personal stances on the issue of abortion—will join in opposing those who would seek to control the actions of women and doctors through the use of violent intimidation.

Abortion doctors and women's clinics across this country which provide a range of women's health services including abortion face threats and violent acts every day. I sincerely hope that in the wake of this terrible event, the Department of Justice and law enforcement agencies across this country take future threats directed toward women's health providers seriously. Justice and the rule of law demand nothing less.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Res. 505, condemning the murder of Dr. George Tiller.

On May 31, 2009, Dr. Tiller was gunned down while handing out church flyers to the congregation of the Reformation Lutheran

Church in Wichita, Kansas. Dr. Tiller was murdered because he had provided comprehensive legal reproductive healthcare to women and their families.

For 20 years, Dr. Tiller lived under a constant threat of violence. His clinic was bombed in 1986 and he was shot in both arms in 1993. He received constant death threats. Despite feeling the need to wear body armor and travel with a guard dog, he continued to provide reproductive services to women, often in the most difficult and heartbreaking circumstances. Dr. Tiller once said that he provided these services because "Women and families are intellectually, emotionally, spiritually, and ethically competent to struggle with complex health issues—including abortion," he said, "and come to decisions that are appropriate for themselves." I could not agree more. Women must have the right to make their own reproductive choices.

Regardless of one's personal feelings about abortion, we all must stand vigilant against such abhorrent and vile acts of violence. To murder someone because of disagreement with his belief system is morally, ethically, and legally wrong. It is especially disturbing that this murder took place in a church. Assaulting, intimidating, and harassing doctors and clinic employees should not be tolerated.

Dr. Tiller's death is only one act of violence against those that perform abortion services. Pro-life extremists have engaged in more than 5,800 reported acts of violence against abortion providers since 1977, including bombings, arsons, death threats, kidnappings, and assaults, as well as more than 143,000 reported acts of disruption, including bomb threats and harassing calls. Eight abortion providers have been murdered in the United States, and another 17 have been the victims of attempted murder. It is past time that we condemn the violence and intimidation against clinics that provide legal services to women in need.

I hope and pray that the friends and family members of Dr. Tiller find solace and comfort as we deal together with this historic and heartbreaking episode.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Res. 505, which condemns the tragic murder of Dr. George Tiller. The murder of Dr. Tiller is a form of domestic terrorism that we cannot tolerate in our country.

I firmly agree with President Obama that we can maintain our beliefs while agreeing to disagree. Dr. Tiller's medical practice in Kansas was operating legally, and we must abide by the rule of law.

Mr. Speaker, I have personal knowledge of the work of Dr. Tiller. In 2000, my Subcommittee Staff Director, Jason Steinbaum, and his wife, Miriam, were expecting a child. This was their first baby, and they were very excited about becoming new parents.

Through visit after visit to their doctor, they learned the pregnancy was proceeding well and all seemed normal. The sonograms were all as they should have been, until calamity struck. At 28 weeks the doctors discovered a horrible brain deformity. They said the baby would die in utero or shortly after birth.

I recall that Jason and Miriam went from doctor to doctor and hospital to hospital to try to find a way to save their baby boy, but all told them that there was no chance that he would live. At that point, after consulting with their clergy, their doctors, and their families, they decided to terminate the pregnancy to put an end to this tragedy in their lives.

At 28 weeks, however, extremely few physicians in the country would provide the medical care they needed. Dr. Tiller was recommended to them as the best physician to help them.

I recall that I could not believe they had to fly to Wichita, Kansas to get the medical care they required. As a member of Congress from New York, I have become accustomed to receiving the best health care in New York City and could not imagine that they would have to travel half way across the country because no such clinic existed nearby. Nevertheless, when they determined that there was no other place to which they could turn, Jason, Miriam, and their mothers flew to Kansas to Women's Health Care Services of Wichita and Dr. Tiller.

Jason has told me that the care they received at Dr. Tiller's clinic was extraordinary and that the people at the clinic treated them as well as they could imagine. The procedure was safe and humane, and at the end, they held their baby boy for a moment and said goodbye. Today, the baby is buried not far from their home in north Virginia.

So, as the House votes on this solemn resolution, I ask that my colleagues reflect for a moment on the fact that Dr. Tiller helped someone right here in our congressional community and that his murderer took someone who was there for one of us in a time of need. This is a terribly sad day, and I urge my colleagues to support H. Res. 505.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and agree to the resolution, H. Res. 505.

The question was taken.

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

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

The yeas and nays were ordered.

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

WITNESS SECURITY AND PROTECTION GRANT PROGRAM ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1741) to require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain protection and witness assistance programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1741

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 "Witness Security and Protection Grant Program Act of 2009".

SEC. 2. ESTABLISHMENT OF WITNESS PROTECTION GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General shall make competitive grants to eligible State, tribal, and local governments to establish or maintain programs that provide protection or assistance to witnesses in court proceedings involving homicide, or involving a serious violent felony or serious drug offense as defined in section 3559(c)(2) of title 18, United States Code. The Attorney General shall ensure that, to the extent reasonable and practical, such grants are made to achieve an equitable geographical distribution of such programs throughout the United States.

(b) STATE DEFINED.—For purposes of this Act, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 3. USE OF GRANTS.

A grant made under section 2 may be used only to pay all or part of the cost of the program for which such grant is made.

SEC. 4. PRIORITY.

In making grants under section 2, the Attorney General shall give priority to applications submitted under section 5 involving programs in States with an average of not less than 100 murders per year during the most recent 5-year period, as calculated using the latest available crime statistics from the Federal Bureau of Investigation.

SEC. 5. APPLICATION.

To be eligible for a grant under section 2, a State, tribal, or local government shall submit to the Office of Justice Programs an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

SEC. 6. TECHNICAL ASSISTANCE.

From amounts made available to carry out this Act, the Attorney General, upon request of a recipient of a grant under section 2, shall provide technical assistance to such recipient to the extent the Attorney General determines such technical assistance is needed to establish or maintain a program described in such section.

SEC. 7. BEST PRACTICES.

(a) REPORT.—Each recipient of a grant under section 2 shall submit to the Attorney General a report, in such form and manner and containing such information as specified by the Attorney General, that evaluates each program established or maintained pursuant to such grant, including policies and procedures under the program.

(b) DEVELOPMENT OF BEST PRACTICES.—Based on the reports submitted under subsection (a), the Attorney General shall develop best practice models to assist States and other relevant entities in addressing—

(1) witness safety;

(2) short-term and permanent witness relocation;

(3) financial and housing assistance; and

(4) any other services related to witness protection or assistance that are determined by the Attorney General to be necessary.

(c) DISSEMINATION TO STATES.—Not later than 1 year after the development of best practice models under subsection (b), the Attorney General shall disseminate to States and other relevant entities such models.

(d) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practice models developed and disseminated in accordance with this Act to evaluate, improve, and develop witness protection or witness assistance as appropriate.

(e) CLARIFICATION.—Nothing in this Act requires the dissemination of any information if the Attorney General determines such information is law enforcement sensitive and should only be disclosed within the law enforcement community or that such information poses a threat to national security.

SEC. 8. REPORT TO CONGRESS.

Not later than December 31, 2015, the Attorney General shall submit a report to Congress on the

programs funded by grants awarded under section 2, including on matters specified under section 7(b).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $30,000,000 for each of the fiscal years 2010 through 2014.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Witness Security and Protection Act of 2009 authorizes the Attorney General to award grants to States and local prosecutors for establishing and improving short-term witness protection programs for witnesses that are involved in a State or local trial involving a homicide, a serious violent felony, or a serious drug offense.

Witness intimidation reduces the likelihood that citizens will be willing to perform their civic duty in the criminal justice system, often depriving police and prosecutors of critical evidence. More broadly, it also undermines public confidence that the criminal justice system can adequately protect its citizens.

And there is no better example that demonstrates the need for this legislation than the tragedy that befell the Dawson family in the autumn of 2002 in Baltimore, Maryland.

Angela Dawson had repeatedly contacted the police about drug dealing in her neighborhood. In retaliation, Darrell Brooks, a neighborhood dealer, firebombed the Dawson home not once but twice before killing Angela; her husband, Carnell; and all five of their children.

This heinous violence perpetrated against the Dawson family was the impetus for this legislation, and I commend Congressman CUMMINGS for his tireless pursuit of this legislation over multiple Congresses. I strongly urge my colleagues to support this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 1741, the Witness Security and Protection Grant Program Act of 2009. Witness testimony is a critical component of our criminal justice system. Even with sophisticated DNA and other forensic evidence, there is no substitute for an eyewitness testimony.

However, engaging the cooperation of witnesses is frequently a daunting obstacle in many criminal prosecutions. Many witnesses fail to come forward or refuse to testify out of fear of retribution by the defendants or pressure by the community.

It is no surprise that violent criminals will unleash their brutality on witnesses whose testimony could result in years or decades in prison. It is also no surprise that violent gangs and drug organizations are the source of much of this brutality. The Justice Department's National Gang Center reports that ''gang members so frequently engage in witness intimidation that it is considered part of normal gang behavioral dynamics.'' State and local law enforcement officials and prosecutors are in a constant struggle to counteract witness intimidation and to convince witnesses to cooperate. It's vital that we assist in this.

At the Federal level, the U.S. Marshals Service is charged with witness protection and has operated the Witness Security Program since 1970. Under the program, more than 7,500 witnesses and over 9,500 family members have been protected, relocated, or given new identities. Most States and local governments cannot offer that level of protection. Many cannot afford to offer even basic protection services, for instance, during a trial in which the proceedings in a small town might be all too evident to gangs in the area.

H.R. 1741, the Witness Security and Protection Grant Program Act, directs the Attorney General to award grants to State and local governments to establish and maintain witness protection programs.

Mr. Speaker, it is very clear that this not only is a well-worthwhile program whose time has come, but, in fact, it could be a real cost-saving to the taxpayers from the Federal level. Federal prosecution tends to be more expensive. In the case of gang, drug, and other activities, there is almost always a dual nexus: one in which the State or local courts can try the gang members, one in which the Federal Government can find Federal statutes to try under. Unfortunately, without an effective witness protection program, localities may often choose to move a case to Federal court where witness protection is available rather than providing that protection themselves.

So, Mr. Speaker, I rise with my colleagues on the other side of the aisle to support strongly that we find those opportunities in which local government can provide this service rather than removing to Federal court. This is a cost-saving, commonsense initiative, and I support it.

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

□ 1315

Mr. JOHNSON of Georgia. Mr. Speaker, with respect to my great colleague from the great State of Maryland, Congressman CUMMINGS, I will yield so much time as he may consume.

Mr. CUMMINGS. I want to thank the gentleman from Georgia (Mr. JOHNSON) for yielding, and I want to certainly thank Chairman CONYERS, Chairman SCOTT, Mr. ISSA, the entire Judiciary Committee, and the House leadership for recognizing the importance of this legislation by bringing it to the floor today.

Mr. Speaker, while our soldiers fight in Iraq and Afghanistan, many citizens across our Nation are facing terrorism right here at home, right here in their own neighborhoods. People are being murdered in broad daylight, and their killers are walking free because we do not protect witnesses to crimes from threats against their safety if they cooperate with the police, if they testify in court, or even if they are listed as witnesses to testify in court.

This epidemic of witness intimidation is a menace to our civil society, and it is a plague on our entire justice system. In fact, it was the deaths of Angela and Carnell Dawson and their five children, ages 9 to 14, that first motivated me to address this issue. I can remember very vividly sitting at a funeral with one adult casket and with the caskets of five children. Then, a day later, the husband died, and we went to his funeral.

The entire Dawson family was killed in October 2002 when a gang member firebombed their home in the middle of the night in retaliation for Mrs. Dawson's repeated complaints to the police about the recurring drug trafficking in her east Baltimore neighborhood.

I might add, Mr. Speaker, that Mrs. Dawson literally lived within about a 5-minute drive from my house.

Angela Dawson and her family were not affiliated in any way with drugs or gangs. Rather, Mrs. Dawson was just a civic-minded parent, trying to clean up her neighborhood, and trying to make it a safe place for her children and for other families.

While several State and local entities have established witness assistance programs, many of these programs have fallen victim to the tough economic times and have had to be discontinued. Conversely, the U.S. Marshals Service uses $65 million to operate its Federal Witness Security Program, and it has an excellent track record. In all of its years in existence, they have never been known to have lost a witness, and at the same time, the prosecutors in those cases have had an 89 percent success rate.

It is because of this inequity that I call upon my colleagues to give law enforcement the ability to protect the sanctity of our justice system and pass H.R. 1741, the Witness Security and Protection Grant Program Act.

H.R. 1741 would help local law enforcement officers strengthen witness assistance and protection units, sending a very loud and clear message to

criminals that our citizens and we in the Congress of the United States of America will not be deterred by fear tactics like intimidation.

Speaking of intimidation, throughout the City of Baltimore, we have a group that put out two trailers entitled ''Stop Snitching.'' In one of those trailers I, along with the State's attorney, were threatened because we were standing up for this legislation and because we were standing up for witnesses. I made it very clear to them that I have no fear because, if you can have a situation where a person can literally be standing on a corner and 20 people know the perpetrator and the perpetrator comes up and blows somebody's brains out and nobody testifies, what happens then is that we have given the criminal more power; we have taken power away from regular citizens. The next thing you know, the criminal feels that there are no consequences to his or her actions.

You cannot have a criminal justice system that is effective and efficient unless you have the cooperation of witnesses. It is up to this Congress to make it very, very clear that we will not, under any circumstances, stand for witnesses to be intimidated, harmed, threatened, killed or in any way deterred from carrying out their duties to assist police and law enforcement.

The bill would provide $150 million in competitive grants over 5 years to enable State and local governments to establish witness assistance programs with priority given to cities or to locales that have had an average of at least 100 homicides per year during the most recent 5-year period. H.R. 1741 would also allow these programs to receive technical assistance from the United States Marshals Service.

By improving the protection for State and local witnesses, we come one step closer to alleviating the fears and the threats of prospective witnesses and to safeguarding our communities from violence.

Again, I want to thank Mr. CONYERS. I want to thank Mr. JOHNSON, Mr. SCOTT, and the ranking member for their support. I urge my colleagues to pass this legislation.

Mr. ISSA. Mr. Speaker, it is now my pleasure to yield 3 minutes to the distinguished attorney from the City of New Orleans, the junior Member from Louisiana, Mr. CAO.

Mr. CAO. I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of H.R. 1741, the Witness Security and Protection Grant Program Act.

Crime is the number one concern of my constituents in New Orleans and in Jefferson Parishes in Louisiana. Crime is my top concern, too. My district includes the City of New Orleans, which, as of June 1, has already seen 80 murders. Further, according to the FBI's annual report on crime released last week, New Orleans leads the Nation in murders. This says nothing about the incidence of other types of crime, from sexual offenses to robberies.

I hold in my hand a photo of Sergeant Manuel Curry. He was a popular and much-loved member of the New Orleans Police Department. At 62 years of service, he was one of America's longest-serving police officers. Tragically, for the NOPD and for New Orleans, he passed away last week, and our thoughts and prayers are with his wife, with his family, and with his NOPD colleagues.

Here is an article from today's newspaper. It reports that, within hours of Sergeant Curry's death, three people broke into his home and stole guns, money, jewelry, and medication. While at the funeral home, arranging her husband's burial, his wife was notified of the burglary.

Our thoughts and prayers also go to the family of this couple, Orlander Cassimere, Sr., and his wife of 55 years. Elder Cassimere was scheduled to have preached the Mother's Day sermon this year at the church in New Orleans' Lower Ninth Ward, where he was pastor; but on that day, relatives found him and his wife fatally shot in their home. It is thought that their murders are connected to a relative's plan to testify in a kidnapping and attempted murder case.

Reading these articles makes me angry and sick because of the actions of these individuals who disgraced the memories of Sergeant Curry and of the Cassimeres. They disgrace all of the people of New Orleans and of Jefferson Parishes. If these stories don't paint a picture of out-of-control crime, I don't know what will.

I continue to meet with law enforcement and with prosecution officials in my district, and I am presently working with them to leverage Federal resources. They must have all of the resources they can get.

The Witness Security and Protection Grant Program will go a long way towards addressing the issue of crime in my district because, without adequate protection and assurances, these witnesses will stop coming forward, and crime will remain out of control.

Mr. Speaker, I thank my colleagues for this effort with this important bill, and I look forward to working with them on other important legislation.

Mr. JOHNSON of Georgia. Mr. Speaker, I will yield 3 minutes to my fellow Judiciary Committee member, Congressman PEDRO PIERLUISI.

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of H.R. 1741, and I want to commend Congressman CUMMINGS for his terrific work on this bill.

H.R. 1741 will provide funding to States and to territories so they can create or can improve their witness protection programs. Priority for funding would be given to those jurisdictions with the highest rates of violent crime.

Violent crime continues to plague many of our communities. Many of those crimes were likely observed by one or more bystanders. Whether these witnesses choose to come forward or choose to remain in the shadows, many of those crimes will depend, in large part, on whether they feel safe cooperating with law enforcement. It is, therefore, critical to the effective functioning of our criminal justice system that government at all levels has the means to provide for witness security.

As Attorney General of Puerto Rico, I have worked with many witnesses who have received threats that they or their loved ones would be harmed if they testified against a defendant. Not unreasonably, some of these witnesses ultimately chose to remain silent. Others elected to plunge ahead despite the risks, motivated by a sense of civic duty. The key point is this:

Choosing between providing information that may deliver a criminal to justice and protecting one's own safety is a choice that no witness should be forced to make.

Since 1970, the Federal government has operated its own successful witness protection program. In light of a 2006 report by the Department of Justice that found that witness intimidation was pervasive and increasing, the need to support similar programs at the State and territorial levels is beyond question. Therefore, I respectfully urge my colleagues in this Chamber to support H.R. 1741.

Mr. ISSA. Mr. Speaker, at this time, it is my pleasure to yield 5 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I want to commend my colleague from Georgia for bringing forth and for handling this commonsense bill on the floor of the House. I want to thank my colleague from California for yielding me time.

This is an important issue. There are many issues that are remarkably important to the American people, and I want to talk about one of them. It is the national energy tax.

As you know, Mr. Speaker, there is a proposal that is moving through the House committees right now that will have a remarkable effect on the American people. If history holds true, there will be very little time on the floor of this House to debate this issue. As the Speaker has said, she wants to get it done by July 4.

So I would suggest that it is important for all of our colleagues to be paying attention to the national energy tax and to the consequences of it. I would suggest that the American people ought to be paying attention as well. Let me point out a couple of the issues on this national energy tax.

By an outside group, by an objective group, the estimates are that it will destroy millions of jobs—1.1 million jobs on average each year. It will raise electricity rates 90 percent after adjusting for inflation. It will increase gasoline prices by 74 percent. It will increase residential natural gas prices by 55 percent. It will raise the average family's

annual energy bill by $1,500. That's right, Mr. Speaker, by $1,500. It will increase inflation-adjusted Federal debt by 26 percent. So let's review.

This national energy tax, supported by the Speaker, is going to decrease jobs, and she is trying to get it through this House by the end of this month. It will decrease jobs; it will increase electricity rates; it will increase gas prices; it will increase natural gas prices; it will increase the family energy bill; and it will increase the Federal debt.

Now, the American people think this is a terrible idea, and they are very frustrated with the fact that the commonsense solutions that have been put on the table are not being given an opportunity to come to the floor.

What are those commonsense solutions?

Well, Mr. Speaker, as you know and as the American people know, there are good bills out there. One of them is one that I have cosponsored, H.R. 2300, coming out of the Republican Study Committee and the Western Caucus. It is called the American Energy Innovation Act.

□ 1330

What it does is provide for increasing production, responsible production of American resources. It provides for increasing conservation so that we decrease the demand side of the energy curve; and it provides for expansion of innovation, incentives for innovation so that we unleash the genius of the American people to solve the challenges that we have in the area of energy. It doesn't tax the American people. It doesn't decrease jobs. It doesn't increase electricity prices, as the Democrat plan would do. It doesn't increase gas prices, as the Democrats would do. It doesn't increase natural gas prices, as the Democrat plan would do. It doesn't increase the family energy bill, and it doesn't increase the Federal debt. No, Mr. Speaker, it solves the problems in the way that the American people want them solved.

The American Energy Innovation Act would increase production in a responsible and environmentally sensitive and sound way. It would increase innovation so that we develop a new energy for this 21st century, and it would increase conservation, decrease that demand side so that we don't continue to support countries overseas that, frankly, aren't necessarily our friend.

I appreciate the opportunity to commend my friend from Georgia for his bill. I appreciate my friend from California for offering this opportunity to speak to my colleagues and to ask the Speaker if she wouldn't allow for full and open debate of appropriate energy bills that American people can support, not ones that increase their taxes and decrease jobs all across this land.

Mr. JOHNSON of Georgia. Mr. Speaker, nothing can be more important than the liberties that we enjoy under our Constitution. This bill that we are considering could not be any more important.

Therefore, in that regard, I wish to yield 5 minutes to my good friend from New Jersey, Congressman PASCRELL.

Mr. PASCRELL. Mr. Speaker, this is truly bizarre. We're talking about life-and-death issues—and I know technically you can speak about anything. But we're talking about life-and-death issues. We have seen witnesses disappear, go underground so that law enforcement cannot protect us. Yet the gentleman, my good friend from Georgia, gets up and talks about something which has absolutely nothing to do with what we're talking about. But I guess that's par for the course.

So I thank the ranking member. I thank the chairman. I thank Mr. CUMMINGS for getting this legislation. And Mr. CUMMINGS has done us all a great favor. Nothing is going to help law enforcement more than our trying to help with the protection of the witnesses out there who view these crimes.

Criminal street gangs have been a major concern all across this country and in New Jersey; and truly, law enforcement cannot do its job without this legislation. Mr. Speaker, I don't believe that there is a more significant thing that we can do in reversing the losing battle that we face at this point and attacking street crime and ending modern-day organized crime on the streets. You need viable witnesses who are not left to chance and risk and will not be frightened or intimidated.

In a 2007 survey conducted in New Jersey by the State police, respondents in 4 out of every 10 New Jersey municipalities—that's 43 percent—reported the presence of street gangs in their jurisdiction during the previous 12 months, not only in cities but in suburban communities. As a former mayor, I know how tough it is for our cities and communities to deal with gang problems all across the United States of America. Gang members are involved in violent and drug-related crimes and recruit young folks in our public schools. Catching and punishing the perpetrators of these crimes is oftentimes difficult, if not impossible. Gangs are so pervasive in many communities that the threat of violent reprisal against members of a community or gang members who want to leave severely hinders law enforcement investigations.

H.R. 1741 would provide a crucial missing link that prevents many of these crimes from being solved in the first place. This legislation will allow the Justice Department to begin offering grants to local communities to implement local witness protection programs. What have we come to? When we talk about witness protection programs, we think we're talking about something 20 years ago, 40 years ago. We're talking about now. We're talking about in our own neighborhoods. We're talking about in our own families. That's what we're talking about. Ensuring witness safety, short- and long-term relocation, and financial and housing assistance are essential to the effective investigation and prosecution of gang-related crimes, Mr. Speaker. The Federal Government must reach out to assist local police departments in keeping our communities and our schools safe. This bill will provide a critical service to many needy communities. I thank those folks who brought it to the floor, particularly Mr. CUMMINGS, my good friend from Maryland. I'm glad we could stay, most of us, on the topic at hand.

Mr. ISSA. Mr. Speaker, we believe that the precious time on the floor needs to be well spent, and we certainly support that we are well spending it. This is an important piece of legislation. It's important because, in fact, we in the Federal Government need to team with cities and localities around the country to ensure that we not distort where prosecutions are made. I fully support this legislation because, with all due respect to my colleague, it will relieve the cities and the counties from often choosing a Federal venue rather than a local venue if we help with protecting their witnesses, something that the Federal Government and the U.S. Marshals have proven to do very well. So I do support the bill. It's a bipartisan bill.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would ask how many minutes are left.

The SPEAKER pro tempore. There are 6 minutes remaining for the gentleman from Georgia. The gentleman from California has 9 minutes remaining.

Mr. JOHNSON of Georgia. Thank you, Mr. Speaker.

I now yield 4 minutes to the gentlelady from Houston, Texas, and also a fellow member of the Judiciary Committee, Ms. JACKSON-LEE.

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

Ms. JACKSON-LEE of Texas. I thank the distinguished member of the Judiciary Committee and chairperson of the subcommittee for yielding.

I rise in support of H.R. 1741, which is long in coming and long overdue. Tragically, we are seeing the increased utilization of gun violence and certainly the increased impact on our teenagers. Whether it is guns used in gang activity or guns used to slaughter innocent persons in various stop-and-go shops or others, we are seeing that kind of senseless violence. Over the last couple of days, I saw in my own community two hardworking shopkeepers murdered and slaughtered in their own shop early in the morning; and the kind of killing it was may have generated witnesses who need to be protected. We have watched the slaughter of children in the Chicago school district, which has gotten to be an epidemic condition. They have been using guns. There have been young people leaving churches who have been shot and killed. So we understand the value

of this legislation. I remember hearing before the Judiciary Committee where the individuals who wanted this kind of protection told us of the fear in which they live.

H.R. 1741, sponsored by my good friend, Representative ELIJAH CUMMINGS, is an important legislative initiative; and I would ask my colleagues to, likewise, support it. It joins right together with H. Res. 454 that will be on this House floor in a few minutes that deals with the 25th anniversary of the National Center For Missing and Exploited Children and has a lot to do with the protection of our Nation's children, those who have been kidnapped and murdered, and those who have been exploited. Again, it ties back to this whole question of protecting witnesses who provide the necessary testimony to convict those of these heinous crimes.

This may not be the underlying necessity for H. Res. 515; but I rise to also add my support for the legislation that condemns the slaughter and murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula. That was a terrorist act of which we condemn. It may be that the alleged perpetrator is in prison, but we don't know whether there is a widespread conspiracy. We hear so. Again, H.R. 1741 would allow us to protect these witnesses. The act of killing our military personnel on U.S. soil was an act of terror, and I abhor it. I denounce it. It is a resounding disgrace in this country; and therefore, H. Res. 515 should, in fact, be able to pass. All of these tie to the idea of protecting witnesses in criminal activities because we realize how frightening a prospect it is.

I also add my support to H.R. 2675, the extension of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004. I am also a member of the Subcommittee on Antitrust and view this as an important legislative initiative.

Allow me to close by suggesting that as we saw in my remarks earlier today on the floor in H. Res. 505, condemning the death of Dr. George Tiller, we have conditions here that warrant this legislation, H.R. 1741. It is terrible that violent acts are perpetrated here in America, that violent acts come about through the use of firearms and other manners and, therefore, there will be witnesses that will be necessary to bring these people to justice. I cannot imagine allowing these heinous crimes to be perpetrated without being able to prosecute because a witness is frightened for themselves and their family. The legislation that we are now speaking to provides that protection, and I ask my colleagues to support the legislation.

Mr. ISSA. Mr. Speaker, at this time I would yield back the balance of my time and support the passage of this important legislation.

Mr. JOHNSON of Georgia. The great Constitution of the United States of America starts off with a preamble, and that preamble goes as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

So this bill deals with domestic tranquility; and as you know, Mr. Speaker, the most powerful beast imagined can always be brought down by just a little parasite inside of that particular beast. We too can be subjected to internal parasites, and we can die from that. The question is, are we willing to die to ensure that domestic tranquility is achieved? If we truly care about ourselves, our own safety and the safety of our dear families, neighbors and anyone else, should we not be willing to die to protect our liberties by calling it like it is, street crime? You see something happen—regardless of whether or not you consider that snitching or not, and I would say that it's not. But do you have the courage to be able to do what will really protect your folks? That's the question.

□ 1345

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 1741, as amended.

The question was taken.

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

Mr. JOHNSON of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004 EXTENSION ACT

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2675) to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2675

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 ''Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act''.

SEC. 2. DELAY OF SUNSET.

Section 211(a) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is amended by striking ''5 years'' and inserting ''6 years''.

SEC. 3. EFFECTIVE DATE OF AMENDMENT.

The amendment made by section 2 shall take effect immediately before June 22, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation extends by 1 year expiring provisions of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004, otherwise known as ACPERA. ACPERA not only increases maximum criminal penalties under the Sherman Act for hardcore antitrust violations but also created whistleblower incentives to spur antitrust cartel detection.

Portions of the 2004 act are set to expire in 2 weeks on June 22. This 1-year extension preserves the penalties and incentives currently in place, while affording Congress time to explore possible improvements to the 2004 act.

I am pleased to have as cosponsors of this bill the chairman of the Judiciary Committee, JOHN CONYERS, as well as full committee Ranking Member LAMAR SMITH and Courts Subcommittee Ranking Member HOWARD COBLE.

Cartel violations are some of the worst crimes perpetrated on the American consumer; yet they are too often crimes we cannot see, as all of this criminal activity takes place in secret meetings behind closed doors. In the previous bill, we were talking about crime in the streets, and now we are talking about crime in the suites.

Price-fixing cartels can go undetected for years, possibly forever. With hundreds of millions or even billions of dollars worth of unlawful profits at stake, these criminal cartels are very effective at finding ways to keep their actions secret. But 5 years ago, Congress gave the Justice Department's Antitrust Division a new weapon to attack this secrecy head-on. ACPERA promotes the detection and prosecution of illegal cartel behavior by giving participants in a price-fixing cartel powerful incentives to report the cartel to the Justice Department and cooperate in the prosecution of the cartel.

Before ACPERA, the Justice Department could offer leniency to a coconspirator who exposed a cartel and helped bring it to justice. But the cooperating party remained fully liable to paying treble damages to the cartel's victims and potentially exposed to having to pay the entire amount.

ACPERA addressed this shortcoming in the criminal leniency program by also limiting the cooperating party's exposure to liability with respect to civil litigation. ACPERA empowers the Justice Department to limit civil liability of a cooperating party to single damages, not treble. The remaining co-conspirators, however, remain jointly and severally liable for all damages. In this way, Mr. Speaker, the act strikes a carefully crafted balance, encouraging the cartel members to turn on each other while ensuring full compensation to the victims.

The positive impact of this law cannot be overstated. In the first half of this year, ACPERA has aided the antitrust division in securing jail sentences in 85 percent of its individual prosecutions and over $900 million in criminal fines.

As chairman of the Judiciary Committee's Subcommittee on Courts and Competition Policy, I want to ensure that the Justice Department has all the tools it needs to continue its excellent work, which is to protect consumers against price-fixing cartels.

Again, I thank the bipartisan coalition of Members who have joined me as cosponsors in this very important legislation. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

Mr. Speaker, at this time I would like to inquire if the gentleman has any further speakers after I conclude?

Mr. JOHNSON of Georgia. We have no more speakers, and I would be prepared to conclude.

Mr. ISSA. Excellent. I will be brief.

This is noncontroversial. In fact, the Antitrust Criminal Enhancement Reform Act of 2009 is about a program that is working. It is a program that not only do I hope we will unanimously pass and send to the Senate, but that the Senate will act quickly so that after the 2 weeks remaining, this statute will not expire, and we will use this year wisely to review and reauthorize in a longer term basis this act.

ACPERA has in fact worked. It is something that both the majority and minority have agreed on, and I urge its passage.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back my time on this matter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 2675.

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

A motion to reconsider was laid on the table.

WEBCASTER SETTLEMENT ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2344) to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2344

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 ''Webcaster Settlement Act of 2009''.

SEC. 2. AUTHORIZATION OF AGREEMENTS.

Section 114(f)(5) of title 17, United States Code, is amended—

(1) in subparagraph (D), by striking ''2008'' and inserting ''2008, the Webcaster Settlement Act of 2009,'';

(2) in subparagraph (E)(iii), by striking ''to make eligible nonsubscription transmissions and ephemeral recordings''; and

(3) in subparagraph (F), by striking ''February 15, 2009'' and inserting ''at 11:59 p.m. Eastern time on the 30th day after the date of the enactment of the Webcaster Settlement Act of 2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this bill.

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

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, the Webcaster Settlement Act of 2009 allows the recording industry and the providers of Internet radio, also known as Webcasters, to negotiate reasonable royalty rates for the streaming of sound recordings on the Internet.

While a relatively new technology, the audience for Internet radio is growing rapidly. Fifty to 70 million Americans listen to Internet radio each month, in part because of the diverse programming available to cater to many different musical tastes.

In 1995, Congress passed a digital performance right for sound recordings. In 1998, the Digital Millennium Copyright Act expanded the right to Internet radio services by granting them the privilege of using copyrighted music at an industry-negotiated rate, or in the event the industry could not negotiate a rate, at a government-mandated rate determined by the Copyright Royalty Board, or CRB.

At the request of Webcasters, in 2004 Congress enacted the Copyright Royalty and Distribution Reform Act, which authorized a CRB proceeding to set fair statutory rates for Internet radio. Accordingly, in 2007, the CRB announced new statutory royalty rates for sound recordings to be paid by Webcasters.

The CRB's decision, which sets rates on a minimum fee, per-song, per-listener formula, would require Webcasters to pay significantly higher royalties than they previously paid under a percentage-of-revenue model.

Because of concerns that the higher rates are likely to threaten the future of Internet radio, Congress enacted the Webcaster Settlement Act of 2008. Signed into law last October, it allowed for the implementation of royalty fee agreements reached on or before February 15, 2009, between the recording industry and Webcasters that would serve as an alternative to the payment scheme set forth in the CRB decision.

While some Webcasters were able to reach consensus with the recording industry, others have not yet reached an agreement. Enactment of the Webcasters Settlement Act of 2009 will give more parties an opportunity to reach a consensus by allowing them to negotiate alternative rates. This opportunity to reach consensus will protect the viability of technology enjoyed by millions of Americans every day.

This legislation has the full support of the relevant parties. I commend the Internet radio and recording industries for the substantial progress that has been made in negotiations in recent months, and I encourage them to resolve all outstanding issues promptly so that we may see a thriving Internet radio industry in the near future.

I commend my colleague, Jay Inslee of Washington, for his leadership on this legislation, as well as Intellectual Property Subcommittee Chairman Howard Berman for facilitating discussions between the parties.

I would like to also commend Judiciary ranking member, Mr. LAMAR SMITH, for his leadership in making this a truly bipartisan effort, and I urge my colleagues to support this important legislation.

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

Mr. ISSA. Mr. Speaker, it is my pleasure to yield such time as he may consume for our response to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I appreciate the gentleman from California yielding.

H.R. 2344, the Webcaster Settlement Act of 2009, grants limited statutory authority to SoundExchange, the government-designated entity that is responsible for disbursing Webcasting royalties to copyright owners.

The bill gives SoundExchange the legal authority to effect an agreement that has already been negotiated with certain ''pureplay'' Webcasters for the performance of sound recordings over the Internet.

□ 1400

Under the terms, the bill will provide a window of 30 days for other Webcasters to agree to be bound by this new agreement.

For those Webcasters who choose to take advantage, they will be able to substitute the rate and rate calculation methods provided in the agreement for those previously announced by the copyright royalty judges, CRJs, on April 30, 2007.

These new terms will run through the end of 2015, which means that this group of Webcasters and sound recording artists who are due royalties under the Webcasting licensing will benefit from the extended period of certainty in their economic relationship.

Mr. Speaker, I have a strong preference for voluntarily negotiating settlements, which allow each side to compromise, claim a measure of victory, and go home.

This is particularly true when the alternative is for parties to engage in lengthy and expensive adversarial legal and lobbying efforts such as those that have followed the CRJs' determination in the Webcasters proceedings in 2007.

When they issued their 117-page final order, the CRJs established the statutory rates and the terms for the performance of compulsorily licensed Internet streamed music for a 5-year period that is due to expire December 31, 2010.

The law provides this process because we have an obligation to ensure that copyright owners whose works are made available in a government-mandated license are fairly compensated by the private parties who seek to benefit from such use.

Indeed, the Judiciary Committee and the Congress established the CRJ process, in no small part, in response to Webcasters' concerns that the previous Copyright Arbitration Royalty Panel, or CARP, process effectively prohibited many small entities from participating.

Nevertheless, despite their advocacy for this process, some Webcasters have suggested from time to time that the CRJs acted unfairly in reaching their decision. But the record reveals that the decision came at the end of an 18-month proceeding that included 48 days of testimony, 192 exhibits, 475 pleadings, motions and orders, and a transcript that exceeded 13,000 pages.

Notwithstanding these facts, the Congress enacted the Webcasting Settlement Act of 2008 late last year to provide an additional period of time for parties to negotiate private agreements. That period expired February 15, 2009.

Several entities, including the National Association of Broadcasters, are to be commended for reaching an accord during this window, but it appears a number of others were either unable or unwilling to come to terms during the generous period of time that Congress provided.

Mr. Speaker, I urge my colleagues to support H.R. 2344, but in so doing, I note that it seems a bit like the tail wagging the dog for Congress to legislate and create exceptions to the due process and notice requirements in the existing statutory process each time one party or another calculates they could get a better deal by disregarding the deadline the law provides.

Mr. JOHNSON of Georgia. Mr. Speaker, at this time, I would yield to my colleague from the great State of Washington, the Honorable JAY INSLEE, as much time as he may consume.

Mr. INSLEE. Mr. Speaker, I'm pleased to commend the Webcaster Settlement Act of 2009 to my colleagues.

I just want to make two or three points. First, this phenomenon of online radio is just a tremendous service for our constituents; 42 million Americans are enjoying this on at least a semiregular basis. It is growing rapidly. It is a very, very beloved service. And when it goes missing, as it did recently in my City of Seattle, a little station called OCO was sort of providing underground music to my local community and had to shut down as a result of the CRB decision, and it is much missed. We hope to get this and many other things back up when we get this settlement going.

Second, I think there is widespread agreement that the average 47 percent of revenues that the CRB decision would require simply is not sustainable for the industry. And I want to commend all parties to the discussions to try to find an appropriate way to move forward.

The third point I want to make is that keeping online radio going and healthy is not just about entertainment; it's about news, it's about public information, it's about emergency preparedness. We've got to do everything we can to give our constituents multiple sources of information. By allowing this bill to go through—and, hopefully, the parties will reach a final settlement—we're going to allow a democracy to blossom.

So I want to thank Chairman CONYERS and Ranking Member SMITH for their cooperation in facilitating this and commend this bill to my colleagues.

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

Mr. Speaker, I strongly support this legislation and urge its passage, and I do so for a reason that I believe does tie fairly into another piece of legislation. This is a piece of bipartisan legislation with Chairman CONYERS. Another piece tries to deal with a greater inequity than even this one.

While Internet broadcasters or podcasters or Webcasters pay as much as half of their revenues, half of their gross revenues if they play performances of music, and NAB was cited as being a participant, let me make something very clear, Mr. Speaker. The National Association of Broadcasters has chosen to have an absolute ''burn the bridge'' attitude toward terrestrial broadcasters paying even a cent.

I join with Chairman CONYERS, Mr. BERMAN, myself, and many others, in urging that this pattern of lowering to what we believe is a more fair rate or helping lower to what we believe is a more fair rate, in fact, flies in the face of terrestrial broadcasters continuing to say that the only fair amount to pay in the way of royalties to the music producers, the actual performers, is zero.

The public today, Mr. Speaker, when they hear this, if they hear this, will be shocked to find out that when they listen to terrestrial radio, nothing is paid to the artist.

Well, if they listen to Internet radio, actually more than half in some cases of the gross revenues of these Internet broadcasters is paid to the performers.

As Mr. INSLEE said, I do believe that perhaps it is too much; that there is, in fact, a point at which, when you tax something too much, even if it's taxed to pay the performance, you may get too little of it. To that extent, we need to find an amount that balances fairly compensation for the creative artist who brought us this fine music and those who would seek to make it available to the public.

I hope that this piece of legislation will help for those doing business on the Internet and that H.R. 2344 will be quickly adopted and that it will lead to more affordable rates for the Internet.

But I cannot, in good conscience, fail to mention that these companies trying to start and promote a new industry and a service in many places in which terrestrial broadcasts may be poor or not available at all find themselves hampered while they pay half of their revenues out in royalties, competing against terrestrial broadcasters who insist on continuing to pay not a penny.

So, Mr. Speaker, I will look for this legislation to become law. I look for the other legislation behind it to be brought to the floor, fairly considered, and voted on in order to bring performance fairness.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would join my colleague on the other side of the aisle in support of H.R. 848, which is the bill that you just mentioned, and the reason why is because it's just an issue of fairness. It's fairness to the artist as well as fairness to the platforms upon which we hear these sound recordings, Internet radio being one.

Cable, satellite, they have to pay performance royalties, which is really performers' royalties. They must pay that. But the broadcast industry, AM/FM radio, basically, is protected, if you will, or exempted from having to pay. This is anticompetitive, and it also results in great tragedy where these radio stations are able to play music repetitively that we all enjoy listening to, and then the artist who performs the music doesn't get a dime. And so many of them are forced to work what I call the ''Chitlin Circuit'' and, you

know, can't even purchase their prescription medication for diabetes, whatever infirmity that they may have. And then some even die indigent and there's no coverage for burial expenses.

And so it's really an issue of fairness. And unfortunately, the broadcast industry has done a despicable thing, and that is to play the race card. And they do it with the deceptive and false statement that H.R. 848 is an attempt to drive black broadcasters, black radio stations off, out of existence, and nothing could be further from the truth.

May I inquire though, Mr. Speaker, as to whether or not there are anymore speakers?

Mr. ISSA. Mr. Speaker, I have no further speakers at this time and would close quickly when the gentleman is ready.

Mr. JOHNSON of Georgia. Mr. Speaker, I will yield back.

Mr. ISSA. Mr. Speaker, I thank the gentleman from Georgia. I, again, reiterate my appreciation for his appropriate and wonderful statements on H.R. 848, a bill that would simply eliminate Congress' prohibition on the Copyright Royalty Board from reaching a fair and equitable royalty for performers.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUMMINGS). The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 2344.

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

A motion to reconsider was laid on the table.

CONDEMNING THE MURDER OF PRIVATE WILLIAM LONG

Mr. NADLER of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 515) condemning the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas, on June 1, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 515

Whereas, on June 1, 2009, Private William Long, 23, was murdered outside the Army Navy Career Center in Little Rock, Arkansas;

Whereas, on June 1, 2009, Private Quinton Ezeagwula, 18, was wounded by gunfire outside the Army Navy Career Center in Little Rock, Arkansas;

Whereas there are more than 1,400,000 active component and more than 1,200,000 reserve component members of the Armed Forces protecting America;

Whereas there are more than 8,000 Army and Army Reserve recruiters and more than 7,000 Navy recruiters serving at more than 1,500 military recruiting stations and centers in United States, Guam, Puerto Rico, and Europe;

Whereas the men and women of the Armed Forces risk their lives every day to preserve America's freedom and to defend the liberty, security, and prosperity enjoyed by the American people;

Whereas service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members;

Whereas members of the Armed Forces are the targets of violence not only abroad but in the United States as well; and

Whereas such violence is despicable and must not be tolerated: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its condolences to the family of Private William Long;

(2) hopes for a full recovery for Private Quinton Ezeagwula;

(3) urges swift prosecution to the fullest extent of the law of the perpetrator of this senseless shooting; and

(4) urges the American people to join Congress in condemning acts of violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Arizona (Mr. FRANKS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, House Resolution 515 rightly condemns the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas, on June 1, 2009.

This dastardly attack on two young Americans who were simply standing outside the Armed Forces Recruiting Center where they worked should shock the conscience of all Americans.

Private Long, who was 23, was murdered. Private Ezeagwula, who is 18, was wounded. They had answered their call to service and were willing to lay down their lives for their country, but the deadly attack came here at home, not on a field of battle halfway across the world.

There are more than 1.4 million Active members of the Armed Forces protecting America, and more than 1.2 million Reserve members. There are more than 8,000 Army and Army Reserve recruiters, and more than 7,000 Navy recruiters, serving at more than 1,500 military recruiting stations and centers in the United States, Puerto Rico, Guam, and Europe. Each one of these men and women are courageous patriots who deserve our support, and this deadly attack is nothing short of dastardly.

This resolution offers the condolences of this House to the family of Private Long, expresses our hopes for a full recovery for Private Ezeagwula, and urges that the perpetrator or perpetrators of this senseless shooting be brought to justice.

□ 1415

I want to commend our colleague, the gentleman from Arizona (Mr. FRANKS), for introducing this resolution. It is an appropriate statement of what I note to be the views of every Member of this House. At a time like this, it is important for all of us to stand together to support our men and women in uniform and to speak with one voice against violence directed against them.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 1 of 2009, only about a week ago, Private William Long, only 23 years old, was shot and killed as he worked at the Army Navy Career Center, which is a military recruitment center, in Little Rock, Arkansas. Private Quinton I. Ezeagwula, age 18, was also shot in the attack that day. Thankfully, Private Ezeagwula survived; although our latest information is that he remains still in critical condition.

Mr. Speaker, most persons who are listening today are hearing about Private Long's death for the first time. It's likely that most Americans haven't heard of his killing because Private Long's murder forces the issue that the mainstream media does not want to confront or report on, and that is Islamic terrorism within and coming from within the United States.

The man accused of shooting Private Long and Private Ezeagwula was formally known as Carlos Bledsoe. Bledsoe converted to Islam and changed his name to Abdulhakim Mujahid Muhammad. He later traveled to Yemen where he was there studying under an Islamic scholar. Yes, Mr. Speaker, we have millions of law-abiding Muslims in this country. Acts of terror committed by some members of a religion should never be used to condemn all members of that religion. At the same time, however, we cannot be blind to the jihadist ideology of some Muslims of this country who believe that they have a religious duty to murder the innocent.

The mindset of radical Islamic terrorism which today seems to find fertile ground in the soil of jihad claims that the cause of justice is advanced by killing the innocent and by killing those who seek to protect the innocent. This is the fundamental reality. And when the American media and we, as a people, refuse to call evil by its name, it imperils us all and it dishonors all of those, like these two soldiers who have sacrificed and bled to protect the innocent from that evil.

Mr. Speaker, the American soldier does not fight because he hates what's in front of him. He fights because he loves what is behind him. Private Long's so-called crime was his commitment to defending the innocent against those who would cause them and all of us harm. That commitment is the price required oftentimes to maintain our freedom. That commitment was carried deeply in the heart of Private William Long. He displayed it bravely by wearing the uniform of the United States armed services and dying in it for all of us. That commitment will forever be the legacy of his life on this Earth.

Mr. Speaker, today there are approximately 1.2 million Reserve component members of the Armed Forces protecting America; more than 8,000 Army and Army Reserve recruiters; and more than 7,000 Navy recruiters serving at more than 1,500 military recruiting stations and centers in the United States, Guam, Puerto Rico, and Europe. This attack could have ended the lives of any one of those noble men and women. Each of them risks his or her life every single day to preserve America's freedom and to defend the right of every American to live free, to be free, and pursue their dreams.

So today, Mr. Speaker, I've introduced House Resolution 515 to offer our deepest condolences to the family of Private William Long on behalf of the United States House of Representatives, to offer our hope of a full and complete recovery for Private Quinton Ezeagwula, and to urge the prosecution of the preparator of this senseless shooting to the fullest extent of the law, and finally, to urge the American people to join together in condemning such horrific acts of violence upon the noble men and women of our Armed Forces.

We pray especially that the hearts of all of those that Private Long knew and loved would find comfort and peace in the knowledge that in dying, because he wore the uniform of the United States military, their loved one laid down his life for the sake of human freedom and on behalf of those who could not defend that freedom for themselves. No legacy could be more noble, Mr. Speaker.

I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. People in America, Mr. Speaker, mourn the loss of any of our troops in combat or not, here or abroad. Andy Long, private, United States Army, was killed in Little Rock, Arkansas in my district 1 week before he was to leave to be with his unit headed to Korea. We mourn his loss today. So, also, do we hope and pray for the rapid recovery of Private Ezeagwula who was wounded.

I attended the funeral yesterday of Andy Long in Conway, Arkansas, and met both families. The Long family is a military family: his great-grandfather served; his grandfather served; his father is a retired marine warrant officer; his mother served and is a veteran—and, in fact, she was in the parking lot waiting to give him a ride home when the shooting began. His brother Triston is in the military today and will be headed to Iraq this summer.

A family tradition for this family is that the father prepares a letter to give to the son when he deploys. Yesterday, Andy's father, Retired Marine CWO4 Daris Long, read the following letter to his son. He had these ideas in mind to give to his son and put them down in writing, and the letter was placed in the casket yesterday at the funeral. And this was the letter that Daris Long wrote to his son:

''Dear Andy, let me start by telling you how proud your mother and I are of you in your choice to serve this country. The profession of arms is not an easy job. It is not 9–5. You won't often get a choice in what you want, when you want to do something, or even voice some of your opinions.

''You took an oath, 'I, William Andrew Long, do solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.' That means a lot. In my mind, it means that whatever your personal feelings are, you may have to put them aside because you don't get to decide who you are going to protect, you protect the rights of all. Oliver Hazard Perry, a War of 1812 Naval hero, once toasted the country with this, 'My country, right or wrong, but first my country.' That statement was often quoted out of context by my generation in the end years of the Vietnam War by protestors. In light of your oath, its true meaning is revealed. Always remember, your loyalties are to the principles upon which this country was established. Your duty is to the country, not some cause, not some character, not to some party.''

Mr. Long continues: '' 'That I will obey the orders of the President of the United States, the officers and noncommissioned officers appointed over me, acting in accordance with regulations and the Uniform Code of Military Justice. So help me, God.' You are to obey the rightful orders given you. I am sure you were given classes on the laws of warfare, what is right and what is wrong. This part of the oath charges you to do the right thing. This part absolutely absolves you from obeying illegal orders. It reminds you that the old 'I was just following orders' routine doesn't excuse you from misconduct that results from following an illegal order. It does not mean you can refuse to follow orders you may disagree with but only those that are clearly illegal. You have to have a moral compass and rigidly follow it.

''You are now on your way to Korea. What we had talked about, filling your off-duty time with constructive pursuits, may have to go on hold with what is going on over there now.''

Mr. Long continues: ''You need to find someone in your unit who is good at what he does professionally and personally and get into his hip pocket. Learn what he knows. Your leaders are going to be pressed to have everything and everybody ready in case things go south. You may not have time to get your newly acquired skills down to an art. You need to support your leaders and fellow soldiers by being a good follower. Remember, as an infantryman, your life support system is the guy next to you. You need to trust him. He needs to know he can trust you. When you are in the thick of things your focus will narrow to your immediate brothers in arms, other things will fade the mere distractions. You need to have your head on a swivel, be aware of your surroundings. Follow your orders quickly and completely. Please, for your own sanity and to ease the burden of your immediate leaders, don't get bogged down with all the whining and back seat driving you may hear from 'sea lawyers' in your unit—every outfit has them—they are known, some have more, some have less.''

Mr. Long continues: ''I was once where you are, at the bottom of the food chain. However, after having been promoted up the ladder to Chief Warrant Officer 4, I can tell you that at each level of command, at fire team, squad, platoon, company, and so on, the people in charge are always being pounded on to take care of their people. Your welfare is key to the success of the accomplishment of the mission. There will be times that you will have to be reminded of this and you may think I am full of it, but it is fact.''

Mr. Long continues: ''This quote has been used many times and I think it was attributed to some anonymous author who wrote on a c-ration box somewhere in the field in Vietnam: 'For those who have fought for it, freedom has a flavor the protected will never know.' I am personally proud of your progression from boy to man. It's been hard, but the end result is my hero. You and your brother serving are a joy to me. You both are foregoing a lot by doing what you are doing especially now when your country is in peril. You both are heroes by having the moral courage to stand up when the country needs you most, when others are not willing to give up their creature comforts. These are times I wish I were still doing what you are. However, the profession of arms is a young man's game. The last recruits I trained are now coming up on 29 years, 3 months in service if any of them are still in.''

Mr. Long continues: ''My heart is with you. My mind is still ticking through the pre-deployment checklists, what the priorities are, where I am going. I know you are in the Army and I'm sure you are tired of hearing how the Marines do it. Marines march to the sound of the guns. You need to do the same. Don't let others do your job,

your duty. I haven't told your mom in words, but all those times I left on a moment's notice and came back long after others were home, I volunteered. I wasn't going to be left behind to let others do my job or what I considered a job I could do better. I'm telling you this because your job is to stand watch on the wall, separating us, from those who would do us harm. Your day only ends when you've done your duty.''

And Mr. Long finishes: ''So you have a lot of long days ahead of you. I've told this to Triston, and now it is your turn. I hope you take this letter as it is meant—from a father who loves you, trying to give you some hard-learned life experience. Even though we have had our ups and downs, I have always loved you. You are in both my thoughts and prayers. You are my son. You are my hero. I love you. Semper Fidelis, Dad.''

Mr. Long put this letter in the casket, and then he reminded me today that he intends to write a similar letter to his son Triston when he deploys to Iraq this summer.

I want to make a brief comment about the resolution.

I was not involved with the writing of this resolution. I think I would have phrased part of it differently. It says, Resolved, that the House of Representatives, number 3, urges swift prosecution to the fullest extent of the law the perpetrator of this senseless shooting.

My own view is that we do not know all of the facts surrounding this shooting. If it turns out that, in fact, the perpetrator, whoever did this, was trained, supported by some overseas group affiliated with al Qaeda or any of the other terrorist groups, the hell with swift prosecution. We need to take him out.

Mr. FRANKS of Arizona. Mr. Speaker, just a personal thought on my part.

Sometimes a country oftentimes asks itself the question of what really is the source and fundamental essence of our security. And oftentimes, we think that that is the length and breadth of our military might, and I would only remind us all that thousands of years ago, China built the Great Wall to protect China. This was a wall that would have challenged some of our modern day tanks and they thought that they were completely secure, but in that time China was invaded three different times because the enemy simply bribed the guard who opened the gate and let them in.

□ 1430

I would submit today that the greatest and most important factor for the freedom of a people is the commitment in the heart of its people, and especially those who put on the uniform, to be committed enough to stand in the way of the aggressor and their homeland. And that is exactly what Private Long and Private Ezeagwula tried to do.

There is a verse that says, Greater love hath no man than this; that a man lay down his life for his friends. It is the most noble of all acts that we can accomplish on this Earth. Sometimes I think we forget how much some people give for the freedom that we have. Privates Long and Ezeagwula are good examples.

Mr. Speaker, I think sometimes we also forget the price that families pay. You know, it is easy for us to focus upon only the fallen, but those who remain and the grief that is laid upon their broken shoulders is often sometimes something we cannot identify with.

I was in the Press Club here a few days ago, and I saw a diamond-shaped picture of a cold, icy, windy day out at Arlington National Cemetery. A woman stood alone with her back to the viewer standing at a tombstone. There was no one else in the cemetery and the wind was blowing and her clothes were out to the side. It was the loneliest thing I had ever seen. And the title was simply, ''The Widow.'' Now, I understand that Private Long was not yet married, but I am sure there was someone out there that loved him, and I know that his parents loved him. And the family has faced a loss that none of us can even imagine. So as we salute Private Long, I also think it is in order to salute his family, who have paid such a high price so we can stand here in this Chamber and talk about freedom.

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

Mr. NADLER of New York. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from New York has 10½ minutes.

Mr. NADLER of New York. Well, I won't take that, but I yield myself the balance of my time.

Mr. Speaker, we ask every member of our armed services—2.6 million men and women in the Active and Reserve forces—to be willing to lay down their lives for our country in defense of our freedom, if need be, and they are willing to do that. And every time, whether in Iraq or Afghanistan or anywhere else around the globe, a member of our armed services is killed in action there is a grieved family, a lover, a wife, a husband, a mother, a father, a son, a daughter for all of these who are grieved and whose loss can never be made up. And we sometimes, except on Memorial Day, forget about that. And this happens all the time, too often, and we don't think about it too much. We ought to think about it because our freedoms are dependent on it; our way of life is dependent on it. And none of us would be here enjoying our freedoms if it weren't for the willingness of our sons and daughters to do what they have to do to keep us safe and free.

This resolution does not address all of that; it simply addresses two members of our armed services, one of whom was killed and one of whom was severely wounded. But the difference is that they weren't in a combat zone; they were murdered and wounded here at home, supposedly in a safe place. And it illustrates that even here at home not everyone is safe.

So this resolution mourns the death of Private Long and the wounding of Private Ezeagwula, and it extends our condolences to the family of Private Long and our wishes for the best recovery to Private Ezeagwula. It is little enough that we can do, but it is really all we can do at this point. It says we are grateful. It reminds us of the sacrifices that are made.

I appreciate Mr. FRANKS' introduction of this resolution. I urge everyone to support it. And as with the resolution I spoke of earlier today, I cannot believe anyone will not support it. So I urge its adoption.

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

Mr. Speaker, I withdraw the motion.

CONDEMNING THE MURDER OF PRIVATE WILLIAM LONG

Mr. NADLER of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 515) condemning the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas on June 1, 2009, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 515

Whereas on June 1, 2009, Private William Long, 23, was murdered outside the Army Navy Career Center in Little Rock, Arkansas;

Whereas on June 1, 2009, Private Quinton Ezeagwula, 18, was wounded by gunfire outside the Army Navy Career Center in Little Rock, Arkansas;

Whereas there are more than 1,400,000 active component and more than 1,200,000 reserve component members of the Armed Forces protecting America;

Whereas there are more than 8,000 Army and Army Reserve recruiters and more than 7,000 Navy recruiters serving at more than 1,500 military recruiting stations and centers in United States, Guam, Puerto Rico, and Europe;

Whereas the men and women of the Armed Forces risk their lives every day to preserve America's freedom and to defend the liberty, security, and prosperity enjoyed by the American people;

Whereas service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members;

Whereas members of the Armed Forces are the targets of violence not only abroad but in the United States as well; and

Whereas such violence is despicable and must not be tolerated: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its condolences to the family of Private William Long;

(2) hopes for a full recovery for Private Quinton Ezeagwula; and

(3) urges that the perpetrator or perpetrators of this senseless shooting be brought to justice.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) and the gentleman from Arizona (Mr. FRANKS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. NADLER of New York. Mr. Speaker, I ask the gentleman from Arizona if he is prepared to yield back at this time.

Mr. FRANKS of Arizona. I am.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and agree to the resolution, H. Res. 515, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 503) recognizing National Physical Education and Sport Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 503

Whereas, May 1 through May 7, 2009, is observed as National Physical Education and Sport Week;

Whereas childhood obesity has reached epidemic proportions in the United States;

Whereas the Department of Health and Human Services estimates that, by 2010, 20 percent of children in the United States will be obese;

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity;

Whereas regular physical activity is necessary to support normal and healthy growth in children;

Whereas overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas type 2 diabetes can no longer be referred to as ''late in life'' or ''adult onset'' diabetes because it occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas children spend many of their waking hours at school and therefore need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas teaching children about physical education and sports not only ensures that they are physically active during the school day, but also educates them on how to be physically active and its importance;

Whereas according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education at all;

Whereas according to the survey, 13.7% of elementary schools, 15.2% of middle schools, and 3.0% of high schools provided physical education at least three days per week, or the equivalent thereof, for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which they live, and therefore this Nation shares a collective responsibility in reversing the childhood obesity trend; and

Whereas Congress strongly supports efforts to increase physical activity and participation of youth in sports: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes National Physical Education and Sport Week and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(2) calls on school districts to implement local wellness policies as defined by the Child Nutrition and WIC Reauthorization Act of 2004 that include ambitious goals for physical education, physical activity, and other activities addressing the childhood obesity epidemic and promoting child wellness; and

(3) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 503 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 503, which supports efforts to increase physical activity and participation of youth in sports.

Physical education is necessary in the face of our Nation's growing childhood obesity crisis. The Department of Health and Human Services estimates that by 2010, 20 percent of children in the United States will be obese. Without physical education and youth sports, this epidemic would surely be worse than its current situation.

Childhood obesity places a significant burden on our health care system. Overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, a key predictor of chronic disease and disability. The rise in childhood obesity has also been accompanied in the rise of prevalence of type 2 diabetes among children and adolescents.

Teaching children about physical education and sports provides not only physical activity during the typically sedentary school day but also instills in children the importance of physical activity as a way to stay healthy. It is important that we recognize and encourage physical education in our Nation's schools as a necessary component of a holistic education.

Mr. Speaker, I urge my colleagues to recognize the value of physical education and youth sports. A 2006 survey by the Department of Health and Human Services found that only 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school. Twenty-two percent of schools do not require students to take any physical education. This exists despite research that shows a positive correlation between physical activity and academic performance. In addition, physical activity provides our children with self-esteem and improves their emotional health.

We recognize that our Nation shares a collective responsibility in reversing the trend of childhood obesity. National Physical Education and Sports Week reaffirms the central role that these activities play in encouraging healthy practices for children.

The future of our children's health is an issue that deserves our Nation's utmost attention. Mr. Speaker, I thank my good friend and colleague, Congressman ALTMIRE, for introducing this resolution, and I urge our colleagues to support it.

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

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

Mr. Speaker, I rise today in support of House Resolution 503 to recognize National Physical Education and Sports Week, which took place this year from May 1 through May 7.

The health and wellness of America's children is undoubtedly a subject of great concern at this time in history. Over 33 percent of America's elementary school children are overweight or obese, and over 13 percent of America's high school children are obese.

Overweight and obese children are developing diseases and vascular conditions that were once thought of as conditions affecting only the middle-aged.

Obese children have been shown to be at an increased risk of coronary heart disease, diabetes, respiratory problems, and numerous other debilitating diseases. In addition, they often suffer from low self-esteem and feelings of isolation and other psychological side effects.

Physical activity is an important aspect of health in preventing obesity and obesity-related illnesses in both children and adults. Regular physical activity substantially reduces the risk of a number of preventable diseases, such as coronary heart disease, the Nation's leading cause of death, and decreases the risk for stroke, colon cancer, diabetes, and high blood pressure. It also helps to control weight, contributes to healthy bones, muscles, and joints, reduces falls for older adults, and is associated with fewer hospitalizations.

Physical activity need not be strenuous to be beneficial, but in the age of innumerable video games, computer activities, and television channels, it often takes a back seat in the lives of America's youth.

Physical education and sports encourage children to participate in physical activity on a regular basis in a group setting that can foster teamwork, competition, and a sense of accomplishment. In addition, a correlation has been seen between children that participate in sports and higher academic achievement in the classroom.

Participation of children in organized sports has grown in recent decades. However, the percentage of children participating in daily physical education programs has declined in recent times; although the importance of physical activity has become increasingly apparent.

The Centers for Disease Control and Prevention recommends that children engage in 60 minutes of physical activity 5 or more days a week. Only 35 percent of children regularly meet this recommendation, however. Physical education programs and sports create an opportunity for children to build lifelong healthy habits in a fun and engaging environment. As such, they should be supported and encouraged.

I ask my colleagues to support this resolution.

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

Mr. TONKO. Mr. Speaker, I am pleased to recognize an outstanding colleague, the gentleman from Pennsylvania (Mr. ALTMIRE), for 2 minutes.

Mr. ALTMIRE. Mr. Speaker, I rise today in support of my resolution to celebrate National Physical Education and Sports Week. This resolution simply recognizes the role that physical activity and sports play in creating a healthy lifestyle for children and adults and encourages schools and communities to promote physical education and activities.

Today, there are more than 9 million overweight children in the United States. And as a result, children are now being diagnosed with high blood pressure, high cholesterol, and type 2 diabetes, all afflictions once thought to be age-related. And these children are at an increased risk also for chronic diseases like heart disease and cancer.

The benefits of physical activity have been well-documented. Research shows daily physical activity reduces the risk of heart disease, high blood pressure, and diabetes, and also increases self-esteem and performance in the classroom. It is for these reasons and many more, Mr. Speaker, that I introduced this resolution, and I encourage my colleagues to support it.

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I appreciate my colleague's offer to yield time on this bill as this bill discusses the need to create healthy lifestyles for children. I think that something we should also be discussing here is the need to create economic opportunities for children, to make sure that our children not only are having a lifestyle that's healthy in school, teaching physical fitness, but also making sure that we are dealing with policies up here in Washington that allow them to have real opportunities when they get out of school.

There is one bill that is moving through this body right now, the cap-and-trade energy tax, that would severely jeopardize our children's opportunities to have a better life, to have the opportunities that we had in our life. And so as we are talking about legislation right now to create healthy lifestyles, I think we should also be looking at the policies that come out of this body that could actually create big impediments, impediments that would deny them opportunities when they graduate from school.

Let's talk about that cap-and-trade energy tax that is moving through. We just got a new, updated report by the Congressional Budget Office. The cap-and-trade energy tax that has been proposed imposes $846 billion in new taxes, taxes on energy that would affect every American, denying people the ability to buy healthy food for their children because they would be spending, according to the President's own budget director, $1,300 a year more in higher utility prices, not to mention how much more money they would be spending in higher gas prices at the pump, creating a greater dependence on Middle Eastern oil at a time when we need to be creating a national energy policy that is comprehensive, that uses our natural resources to create good jobs here in America, to fund and bridge us into those alternative sources of energy, like wind, like solar, like nuclear power, so that we can truly reduce our dependence on Middle Eastern oil and give those young children an opportunity to have good jobs here in America, using American natural resources to propel them.

□ 1445

We have got an alternative bill called the American Energy Innovation Act, a bill that takes an all-of-the-above approach, that actually utilizes American natural resources, our oil, our natural gas. There are estimates that we have got almost 100 years of natural gas reserves here in this country. In fact, in Louisiana, the largest natural gas find in the history of our country occurred just 3 years ago. I know one of my colleagues will be talking about that. But we have got the ability here in our country to secure our energy independence. We've got legislation we have filed that would help us secure that energy independence, and they won't allow us a hearing on this bill because they are promoting this cap-and-trade energy tax, a tax on energy. Again, as we're talking about our young children, encouraging them to lead healthy lifestyles, we need to also be creating policies here that give them those opportunities so that they don't get out of school and have to go straight to the unemployment line.

Their bill, this cap-and-trade energy tax, and I have got a copy of it right here. There are 55 pages, 55 pages in their bill dedicated to job losses, to American jobs that will be lost due to a cap-and-trade energy tax. In fact, the National Association of Manufacturers has estimated the cap-and-trade energy tax would run 3 to 4 million jobs out of America to countries like China and India, who are just chomping at the bit to take our jobs.

So you would wonder why at a time when we are here discussing legislation to encourage our children to lead healthy lifestyles, as we should, there's also legislation moving through this Congress, pushed by the leadership in this Congress, that's trying to tax energy and run millions of jobs overseas to countries like China and India at a time when we are seeing record-level unemployment, over 9 percent. We broke the mark of 9 percent just in this last report, 9 percent unemployment in this country, at a time when so many people are cutting back because times are tough. And the answer that the leadership in Congress has is to promote a tax on energy, an $840 billion tax on energy that would run millions of jobs overseas.

The real irony, when they talk about the goal of reducing carbon emissions, the real irony is the countries that will be getting our jobs, China, to produce the same steel that's produced here in America today, will actually emit more carbon to produce the same steel because they don't have the current environmental regulations that we have here in America. So the real irony is that they would be running jobs overseas to countries that will actually emit more carbon.

Spain just did a study on cap-and-trade because they experimented with it for years. Spain, after finally realizing it was a bad idea, looked back and noticed that for every new job they

created in a ''green'' industry, they lost 2.2 regular jobs, and of those new jobs they created, 9 out of 10 of them were temporary jobs. So, in essence, they lost 20 jobs for every full-time job they created.

So we need to promote good policies, but we need to defeat this cap-and-trade energy tax.

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

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. Mr. Speaker, I want to thank my friend from Pennsylvania for yielding me this time.

I think this is an important bill. I do rise in support of it. I'm a family physician who has treated diabetes even in and among teenagers, which is a sad situation when you consider the future of someone who develops diabetes so young. And certainly the physical future is very important.

But I am also very concerned about the fiscal future of our youth. I'm very troubled today. A constituent came to me today from the oil and gas industry and was discussing with me the problems that already are emerging with the loss of tax incentives to invest in exploration that is going on in my district and districts around. So, Mr. Speaker, I think that looking down the line here at the fact that we have not yet developed an energy policy, I know my side of the aisle, we Republicans, attempted to get to the floor a no-cost stimulus bill which would have, I think, been very innovative and certainly revolutionary in getting our energy costs down. But having said that, as gas prices now are approaching $3 a gallon and we are still in a severe recession, just think that even $4 a gallon pretty soon is probably going to be bypassed very quickly.

With that, I just want to reiterate what my friend also from Louisiana, Mr. SCALISE, has discussed as we move into the cap-and-trade debate, the cap-and-tax debate, if you will, where every analyst that we have been able to read sees this as a pure form of taxation, that the real underlying purpose of it is to raise more money for, I guess, social spending or perhaps single-payer, nationalized, health care spending. I'm not sure. But the net effect of that is just what we have seen with the incubator that we call Spain, and that is cap-and-tax has been in play there for 10 years, and what has been the net result?

Well, today the unemployment rate in Spain is 17.5 percent. As Mr. SCALISE mentioned, for every job that's been gained, a so-called ''green'' job—and again, I will get to that in a moment as to what a green job, I think, is supposed to be—there has been a loss of 2.2 real jobs. And I can assure you, Mr. Speaker, that in the State of Louisiana and surrounding States that the jobs that we have today that come from the oil and gas industry are very significant jobs. They carry benefits. They carry pay easily in the $50,000 to $100,000 range in many cases. And the so-called ''green'' jobs that are discussed, if you look at Spain and their experience, what they found was that 90 percent of the green jobs were implementation jobs, that is, construction. And, of course, once the construction or implementation period is over, that job goes away; so there is only left a remaining 10 percent of the total green jobs that even become permanent jobs.

But then if you look further underlying that, Mr. Speaker, what you find is that the green jobs are really a pass-through of taxpayer money into the system and then as payroll for these so-called ''green'' jobs. They are not a direct result of an exponential growth of a healthy economy or a healthy oil and gas industry.

So, as we move into this debate—and I understand it's being pushed pretty hard right now—we've got to decide are we going to continue to put more taxes on our citizens in the way of higher utility bills, which will impact the poor and those on fixed income to the tune of over $3,000 a year of added electrical bills, or are we going to see our manufacturing have to leave this country and go overseas because it can no longer compete with the higher energy costs? What is really the question here? How are we going to have more revenue into our Treasury by killing off jobs?

So I don't think this is any longer a theoretical discussion. I think we are talking about real people and real jobs. And all we have to do is to look at Spain and other countries who have attempted this.

But just in summary, Mr. Speaker, I think that we need to be very careful about what government is taking over and what it's controlling. If you look to Western Europe, where socialism has been rampant for years, you actually see a retraction, a move away from that. Even Pravda made a statement recently that we are going headlong into Marxism when, in fact, the rest of the world is pulling back.

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

Mr. FLEMING. With that, I thank you for your time in the discussion.

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

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, in this steady march and drum towards cap-and-trade or cap-and-tax, it strikes me that certainly the health of our Nation is really what's at risk here in terms of what cap-and-trade will do to our Nation, what it does to our businesses, our industries, what it does to our families, what it does to the individual citizens in terms of the costs that will be placed upon them, the burden that they have to bear, and it's a burden that affects all segments of the society. Those that I worry most about actually are those who live paycheck to paycheck and those who just barely get by in their household budgets and what this significant increase of costs will be, specific to turning a light switch on in Pennsylvania with energy costs going up 30 percent, with filling up your gas. I represent a very rural district, and in rural America we drive. We drive to work. We drive to pick up our groceries. We drive sometimes to pick up our mail. And the cost of gas is estimated to increase by 76 percent. Those are costs that our families and individuals cannot bear.

But I think there is something out there, as opposed to this big government proposal of cap-and-trade, that we should be looking at, and that is using our natural resources like natural gas. Natural gas currently accounts for roughly 23 percent of our overall energy consumption, and natural gas is the cleanest fossil fuel. Natural gas is used for many energy sources, but it's also vital as a feedstock ingredient in many products we consume every day. Anything from plastics to pharmaceuticals use natural gas as an ingredient.

Now, as a member of the House Agriculture Committee, I must point out how important natural gas is to our farmers and our agricultural sector. We can't grow our food without fertilizer, and natural gas is an important ingredient in fertilizer. We only have to go back as far as last summer when we saw the price of energy skyrocket in our country, and that's what we are looking at now under cap-and-trade, to see what the impact of that was on our farmers and on food prices. Many farmers in the past few years have been hurting because of high energy costs.

The United States has an abundant supply of natural gas, and the vast majority of what we consume is produced right here at home. Let me repeat that. The vast majority of natural gas we produce, that's a homegrown product, and that's good for this country.

Oil, for instance, is a world price. That means that we pay $69 a barrel, today's price, but so does Germany, Japan, and Canada. However, natural gas is not a world price, meaning that the price of natural gas varies from country to country, and it's simply supply and demand. When we produce more natural gas, its costs will come down.

Now, having said that, I believe that we should expand upon our natural gas production, which could act as a bridge to get us into a future where renewables really will be the major energy source. Renewables such as wind, solar, and the like are all energy sources that we would like to utilize. But it's also important to bear in mind that these sources make up only about 1 percent of what we consume, and the major reason for that is because they are not as inexpensive as coal, oil, and natural

gas. However, the majority party in Washington would like to make renewables more viable by increasing the costs of fossil fuels through the proposed cap-and-trade bill.

Now, last fall the House Republicans had an important and major victory in Congress. They led the way in removing a longstanding moratorium on the Outer Continental Shelf. I would like to see us move forward in producing in the OCS, which estimates the project has a net royalty worth of $1.7 trillion.

□ 1500

Another area that shows great promise is my home State of Pennsylvania. Eighty percent of Pennsylvania rests upon the Marcellus Shale, which is likely the third largest natural gas field in the world. That's literally hundreds of trillions of cubic feet of clean-burning natural gas that could power our country for decades, bringing jobs and all of the economic benefits with it.

Just today, in The Wall Street Journal, there was an article on the marketplace page entitled, ''KKR Invests in Gas Explorer.'' Within cap-and-trade, we talk a lot about these renewables that only exist because of the subsidy that we're putting into them. This is a great article because this is what America is all about in terms of real science. It talks about the company KKR that has invested in gas exploration. It didn't take stimulus money. It didn't take subsidy money from the Federal government or from any other level of government. It was free market enterprise money for investing in natural gas because they recognized the value of it.

Mr. TONKO. Mr. Speaker, does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. Mr. Speaker, I do not have any additional speakers. I urge a ''yes'' vote, and I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, routinely, this Chamber is visited by many young people, by many groups of young people, reminding us that we are in need of promoting and of advancing sound and principled ideas and policies that will be inherited by them, by their generation. They will inherit the good and the bad works that we do, and they will count on us for finding sound and reasonable solutions.

That being said, I believe it's very important for us to advance the opportunity for them to have a sounder environment. They have the right to breathe cleaner air. We have within our grasp the opportunity to reduce that carbon footprint. We have the opportunity to go forward and to cut this pattern of advancing $475 billion annually to foreign economies for fossil-based fuels. We can do better with green solutions, and we can advance House Resolution 503, which allows for us to promote physical education and sports, which will advance the general health and well-being of our students and which will give them stronger academic performance.

I strongly urge our colleagues to support House Resolution 503. I encourage them to vote ''yes'' on Representative ALTMIRE's resolution.

Ms. WATERS. Mr. Speaker, I rise in strong support of H. Res. 503—Recognizing National Physical Education and Sport Week.

This measure will signal to school districts across the country that they must begin to place health and wellness among their top priorities when planning curriculums for the upcoming school year. The rates of childhood obesity, heart disease, and diabetes in this country are unacceptable, and it is incumbent upon local school systems to provide programs and education that will teach students fundamental healthy lifestyle habits.

Therefore, I firmly support this resolution and I commend my colleague Rep. JASON ALTMIRE for bringing this measure before the floor.

Physical education that takes place within schools and incorporates nutritional guidelines, physical activity, and a holistic approach to fitness will not only reverse the alarming increase in childhood obesity, but it will also result in a general decline in obesity and heart disease among the general U.S. population. As studies have shown, obese children have a 70 to 80 percent chance of becoming overweight adults, further increasing their risk for chronic disease.

Our nation's minority communities are at particular risk, as poverty, lack of education, and diets high in fat and calories are all contributing factors increasing the likelihood of childhood obesity. During my visits to schools and conversations with children and their parents, I always emphasize the importance of not only academic success, but also a healthy lifestyle including physical fitness.

Mr. Speaker, it is imperative that we begin to rethink our old paradigms about health. In addition to treating the effects of unhealthy lifestyle habits—heart disease, diabetes, and chronic illness—we must enhance our efforts to promote prevention of disease and encourage healthy living.

Redirecting our attention toward youth health today will help children grow up to be healthy and productive adults. This will also reduce future healthcare costs. Therefore, I am pleased to add my voice of support for H. Res. 503. Moreover, I will be working with my colleagues to make sure we continue to take the necessary steps to educate our nation's children and adults about the importance of healthy lifestyle habits.

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

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. 503.

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.

RECOGNIZING AMERICORPS

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 453) recognizing the significant accomplishments of the AmeriCorps and encouraging all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 453

Whereas the AmeriCorps national service program, since its inception in 1994, has proven to be a highly effective way to engage Americans in meeting a wide range of local needs, national response directives, and promote the ethic of service and volunteering;

Whereas, each year, AmeriCorps provides opportunities for 75,000 citizens across the Nation to give back in an intensive way to their communities, States, and to the Nation;

Whereas those same individuals have improved the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen the educational system;

Whereas AmeriCorps members, after their terms of service end, remain engaged in their communities as volunteers, teachers, and nonprofit professionals in disproportionately high levels;

Whereas AmeriCorps members serve thousands of nonprofit organizations, schools, and faith-based and community organizations each year;

Whereas, on April 21, 2009, President Barack Obama signed the Edward M. Kennedy Serve America Act, passed by bipartisan majorities in both the House and the Senate, which reauthorizes and expands AmeriCorps programs to incorporate 250,000 volunteers each year;

Whereas national service programs have engaged millions of Americans in results-driven service in the Nation's most vulnerable communities, providing hope and help to people facing economic and social needs;

Whereas, this year, as the economic downturn puts millions of Americans at risk, national service and volunteering are more important than ever; and

Whereas 2009's AmeriCorps Week, observed May 9 through May 16, provides the perfect opportunity for AmeriCorps members, alums, grantees, program partners, and friends to shine a spotlight on the work done by members—and to motivate more Americans to serve their communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the AmeriCorps members, alumni, and community partners;

(3) recognizes the important contributions to the lives of our citizens by AmeriCorps members; and

(4) encourages citizens of all ages and backgrounds and from each state to consider serving in AmeriCorps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on House Resolution 453 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to recognize the substantial contributions that AmeriCorps has made towards national and community service.

AmeriCorps began in 1994 as an effort to engage Americans in the ethic of service and volunteerism. The organization launched following the establishment of the Corporation for National and Community Service under the National and Community Service Trust Act. The initial class of 20,000 volunteers established an immediate tradition of assisting communities across the country. This tradition involves improving the lives of the Nation's most vulnerable citizens, protecting the environment, contributing to public safety, responding to disasters, and strengthening our educational system.

We recognize the real impact that AmeriCorps has and continues to have on our Nation's communities. Since 1994, more than 570,000 individuals have served with the organization. These individuals have tackled some of the Nation's toughest issues, including illiteracy, gang violence, homelessness, and drug abuse. They have worked with thousands of organizations ranging from Habitat for Humanity to the Red Cross. After their terms of service, these members remain engaged in their communities as volunteers, as teachers, and as nonprofit professionals at disproportionately high levels.

In my district, in the capital region of New York State, we have a large AmeriCorps program with the Self Advocacy Association of New York. The AmeriCorps members, all with developmental disabilities, travel around the State, giving presentations—promoting the importance of self-advocacy for people with disabilities, the general awareness of disability-related issues and the importance of full community inclusion of people with disabilities.

This is important work, and I am so pleased we have these volunteers back home in my congressional district. We realize that, as this current economic downturn puts millions of Americans at risk, the need for volunteers and national service will be more important than ever.

The recently signed Edward M. Kennedy Serve America Act expands the AmeriCorps program to incorporate some 250,000 volunteers each year. It is important to recognize the commitment of these volunteers so that future generations will continue to support the ideal of national service. The strength of our Nation depends upon individuals who take action towards building better communities.

We observed AmeriCorps Week May 9 through May 16. AmeriCorps Week provides current volunteers, alums, grantees, program partners, and friends with the opportunity to highlight the important work done by this great organization. It is a chance for us to thank those individuals whose service to society cannot be fully measured.

It is also a wonderful opportunity for us to motivate future individuals to pursue the ethic of service, whether in organizations such as AmeriCorps or in the various other service opportunities that exist in our Nation. The ethic of service is a manifestation of the greater ideal of democracy. The AmeriCorps pledge begins: ''I will get things done for America to make our people safer, smarter, and healthier.'' It is important that we recognize that service is a civic duty. Not only do we express gratitude for service, but we express gratitude through service. When we acknowledge the significant accomplishments of AmeriCorps as an organization, we affirm the importance of service as a necessary component of any democracy.

Mr. Speaker, I encourage everyone to take a moment to appreciate the contributions made by AmeriCorps. These volunteers are the muscle of America, and they deserve this recognition.

I want to thank Representative MATSUI for bringing this resolution to the floor, and I urge my colleagues to pass this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of House Resolution 453, a resolution recognizing AmeriCorps Week observed last month on May 9 through May 16.

AmeriCorps recognizes the individuals who have chosen to participate in the AmeriCorps program, and they have dedicated a significant amount of time helping others in local communities.

In 1990, President George Herbert Walker Bush signed the National Service Act, a network of national service programs that engage Americans in intensive service to meet the Nation's vital needs in education, public safety, health, and the environment.

In 1993, President Bill Clinton signed the National Community Service Trust Act, which established the Corporation for National and Community Service, which brought the full range of domestic community service programs under the umbrella of one central organization.

Finally, just a few months ago, President Obama signed the latest reauthorization of the Corporation for National and Community Service, a bill that was developed and passed in a strong bipartisan fashion in both Chambers. This legislation builds on the reforms to the corporation, started by the previous administration, to ensure additional accountability in national service programs. This most recent legislation will also help smaller organizations participate in national service, and it will ensure that the unique skills of America's veterans are well-utilized.

AmeriCorps offers 75,000 opportunities for adults of all ages and backgrounds to address a myriad of needs in communities all across America, such as tutoring and mentoring disadvantaged youth, fighting illiteracy, building affordable housing, and assisting communities in times of natural disaster. For example, in the last 3 years, more than 4 million service hours have been spent helping gulf coast communities recover and rebuild after Hurricanes Katrina and Rita. That's 4 million hours of service made possible by the organizations and by the individuals who chose to participate in the AmeriCorps programs.

This resolution recognizes one week where we salute current and former AmeriCorps members for their important work. It also allows us to thank all community partners who make it possible for AmeriCorps members to serve.

I want to take this opportunity to thank my fellow cochairs on the National Service Caucus, Representatives MATSUI, EHLERS and PRICE, for introducing this resolution. I ask my colleagues to support it.

I reserve the balance of my time.

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

Mr. PLATTS. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank my colleague of Pennsylvania for yielding me some time.

Mr. Speaker, this bill encourages Americans to support AmeriCorps. There are some around the country who would agree with that. There are others who would not because there are problems with AmeriCorps, such as moneys that have been expended on ACORN. Other funds and efforts by AmeriCorps volunteers have been utilized in campaigns, which I don't think is quite appropriate, particularly when we're trying to promote volunteerism.

Whether people would support AmeriCorps or not, I think that there is another issue that, if the American people were to fully comprehend and understand, the vast majority of this country would not support. It's what the liberals in this Congress are calling cap-and-trade legislation. I call it tax-and-cap legislation because that's what it's all about. It's about taxes. In fact, the President recently said, if this bill were not passed, he would not have the money to fund his socialized medicine program for which he is actually pushing very hard and for which he wants passed by the end of this year.

Now, socialized medicine is going to take people's choices away. It's going to take their choices of doctors away, their choices of hospitals, their choices

of what medications they can utilize, whether they can even have a procedure or have surgery that is so desperately needed. It's going to be a program that's going to literally kill people because it's going to deny them care that's desperately needed.

So this tax-and-cap legislation—''cap-and-trade'' as it's called—is about money. It's not about the environment. It's about money. It's about more funds being brought into the Federal government to foster what I call a ''steamroll of socialism'' that's being shoved down the throats of the American people. It's going to slay the American economy. It's going to cost jobs.

The President has talked about using Spain as the icon for what we should look at. Well, in Spain, the icon that the President looks to, we have already seen that for every single green job that it has produced another 2.2 jobs, which were real jobs, permanent jobs, were destroyed.

In my congressional district in northeast Georgia, right now, today, in many counties, we have an unemployment rate of nearly 14 percent. The national average is over 9 percent. In northeast Georgia, it's higher, much higher. I have manufacturing entities within my district that tell me, if this cap-and-trade/tax-and-cap legislation is passed, they're going to lock the doors, and the unemployment rate in northeast Georgia is going to go up markedly from what it is today, which is roughly 14 percent. I think we're going to see 18 percent, 20 percent, maybe 25 percent unemployment in northeast Georgia because of one bill, because of one bill that is being pushed down the throats of the American people: this cap-and-tax—''tax-and-cap'' as I call it—cap-and-trade legislation, the Waxman-Markey bill.

□ 1515

It's going to be disastrous for the American economy, it's going to be disastrous for American workers, and it's going to be disastrous for the poor and those who are on limited incomes.

Why do I say that? Well, I say that because every single person in this country utilizes energy. Every single person, when they flip on their light switch, their electric bill is going up. Every single person in this country is dependent upon gasoline or diesel fuel. Why? Even if they don't have a car, even if they use public transportation, it is gasoline and diesel fuel that motivates America. But it's more than that. Groceries don't grow in the grocery store. Grocery prices are going to go up markedly because of this tax-and-cap legislation. Every single good and service in this country is going to go up because of this tax-and-cap legislation.

Now I'm a conservationist. I fought in the conservation movement for a long period of time. We have to be good stewards of our environment. There's no question. I want clean air and clean water just as much as the most ardent, rabid environmental activist in this country. I'm a physician, and I know what dirty air does to my patients who have chronic obstructive pulmonary disease or chronic asthma and lung diseases. We must have clean air. We can do that, but we can do that without destroying our economy. We can do that without costing American jobs.

All we're going to do is run jobs overseas instead of having them here in America. We ought to have public policy that grows our economic base, not kills it. Tax-and-cap legislation would kill it. We ought to have public policy that stimulates the economy instead of kills it. Tax-and-cap will kill it.

We are in a bad economic situation today. People are hurting all over this country. We are borrowing too much. We're spending too much. We're taxing too much. We see the policy from this administration and the liberal leadership of Congress in both the House and the Senate that is going to not only extend this current recession, but I believe it's going to deepen it. I believe it will even take us into a severe recession to the point of a frank, outright depression. Tax-and-cap legislation is going to be the locomotive that takes us down those tracks, and it's going to be a high-speed train taking us toward economic ruin. That high-speed train is going to run off a cliff, and it's going to take the American economy and the American people with it. It's going to kill small business. It's going to kill big business. It's going to kill jobs. It's going to hurt poor people. It's going to hurt the elderly, those on limited incomes. It's going to raise the cost of medicine, raise the cost of health care.

And why are we doing this? It is so, as the President himself has said, that he can have the funds to create a bigger socialized medicine program and other socialized programs, bigger government, bigger spending, more economic doom and gloom that's going to be foisted upon the American people. We've got to stop it. And if the American people realized what was happening, they'd stand up and say no to cap-and-tax, cap-and-trade, what I call tax-and-cap legislation, as well as the socialized medicine program, the two big things that this administration and the liberal leadership in this Congress are pushing. Both of them are going to be disastrous. Both of them are going to kill jobs. Both of them are going to take away choices. Both of them are going to destroy our economy. Both of them are going to put our children and grandchildren in severe economic peril. And believe me, I believe it's immoral. I think it's totally immoral because we are robbing our children and our grandchildren of their economic futures. They will live at a standard that's much below ours today.

We have a clear picture of where the leadership in this Congress is taking us and the way the administration is taking us. All we have to do is look in Venezuela. This administration and the liberal leadership in this Congress is going down the same road that Hugo Chavez has taken the Venezuelans. Venezuela nationalized their energy systems. That's exactly what we're trying to do here with cap-and-trade. In Venezuela, Hugo Chavez nationalized the financial institutions. We've already done that. We've nationalized Chrysler and GM, and they're trying to force Ford into the same trap. We've nationalized the insurance industry. We're nationalizing everything of major consequence in this country economically. And now the leadership wants to nationalize, federalize, socialize the health care system in America.

Now where is that train going to take us? We've got a clear picture of that, too. All we have to do is look in Cuba, look in the Soviet-controlled Soviet Union prior to them making their reforms and turning toward a more capitalistic system. But we can look at Cuba. Cuba, prior to Fidel Castro taking over that government, was very prosperous. Certainly they had problems, but not the problems that they have today. In Cuba we have a very rich elite, headed by a Marxist, Fidel Castro. The vast majority of the people in that country are struggling, very poor, with no choices. That's exactly where we're heading in America today if we continue down this road, this steamroller of socialism, this high-speed train that's going to drive us off the economic cliff. We've got to stop it.

Republicans have offered alternative after alternative. We had alternatives to the housing crisis. The liberals on the other side were obstructionists. They wouldn't let our alternatives be heard. We had alternatives to the stimulus bill. I call it the nonstimulus bill because it has not and will not stimulate the economy. We had alternatives. The other side were obstructionists. They would not allow our ideas to be heard or brought to this floor for debate.

We've offered alternatives to the banking crisis. But what have we done? We've bailed out Wall Street. Republicans have offered many alternatives to bail out Main Street, but they are not heard on this floor. Over and over again, the other side has been obstructionist. They've blocked every effort that we have brought on our side, from the Republican side, to bring forth commonsense, market-based free enterprise solutions that would not have put our children and grandchildren's futures at peril. But the other side have been obstructionists. They have not allowed those things to be heard. They have been buried in committee. We introduced the bills. We had press conferences. The Main Street media around this country are very compliant with the leadership on the liberal side because they bury it and don't even report the alternatives.

We hear on the other side that the Republicans are the Party of No. Well actually we are the Party of Know, but it's K-N-O-W. We know how to solve these problems in America. We know

how to solve the banking problems. We know how to solve the stimulus/economic problems. We know how to solve the environmental problems, the energy problems, the health care problems that America faces. But are our ideas heard? The other side is the side of no, N-O, because they say no to every proposal that we've made on our side.

The press also is the party of no, N-O, because they've not reported on any of the proposals that we've offered, and it's not right. It's actually going to be disastrous to the American people, and the American people need to stand up and say no to this steamroller of socialism. Stop this high-speed train running off the cliff of economic doom that's going to take our children and grandchildren down into the chasm of a poor economy, struggling to try to pay off the debt for this totally inappropriate outright steamroller of socialism that's being forced down the throats of the American people.

We've got to stop it. And we can stop it if the American people rise up and say no to the steamroller, put a stop to this high-speed train that NANCY PELOSI's driving and HARRY REID's driving that is going to hurt our children, it's going to hurt our grandchildren, it's going to hurt America, and I'm not sure that we can recover in the next 10 decades, century. It may take that long to put us back on the right track, if we can ever get back on the right track.

We've seen over and over throughout history societies destroyed because of people doing things in a self-centered manner, and that's exactly what's happening in this country today. We are self-centered as a people. We need to look at serving other people, particularly our children and grandchildren, put this country back on the right track, and we can do that.

Former U.S. Senator Everett Dirksen one time said, when he feels the heat, he sees the light. The American people need to put the heat on Members of Congress in the House and the Senate and say no to cap-and-tax, cap-and-trade legislation, to the Waxman-Markey bill. They need to say no to the socialized medicine program that the liberal leadership on the Democratic side is trying to force upon us which will take our choices away. They need to say no to the steamroller of socialism, no to big government, and yes to free enterprise, yes to personal responsibility and accountability, yes to small business. We cannot borrow and spend our way to prosperity. We have to stimulate the economy by stimulating small business. We have to have money in the hands of small businessmen and -women around this country to create jobs. We have to have money in the hands of the taxpayers so that they can have money for a college education for their children, buy clothes, buy food.

The bill just before this one was about encouraging physical education for our children. I'm a medical doctor, and I have seen over and over again how fat and out of shape the kids in this country are. But our economy is going to be skinny and poor because of a fat, bloated Federal Government that the liberal leadership in this House and this Senate are trying to force upon the American people.

So the American people need to stand up and say no to all these steamroller of socialism programs, to the cap-and-trade, to socialized medicine; and say yes to the Republican alternatives that will look to the free marketplace and will stimulate the economy, get us back on the right track and help us have a strong economic future not only for us today but for our children and our grandchildren for the next decades to come.

Mr. PLATTS. Mr. Speaker, I do not have any additional speakers, and I would yield back the balance of my time.

Mr. TONKO. Mr. Speaker, if there is a common thread woven through the fabric of volunteers across this great country of ours, it's a sense of positive, a positive spirit, a positive attitude, positive energy going forward and building stronger communities, enhancing the quality of life of American citizens. Their deeds speak to our needs.

So to focus effectively and most positively on the subject at hand, bringing us to House Resolution 453, I will close with my comments focused in great respect for the volunteers of this country, the spirit of this House resolution. I would suggest that they are that muscle of America. They make a total difference. They enhance the quality of life of each and every American, and the recognition of our volunteers through AmeriCorps, the spirit of House Resolution 453, should be recognized and responded to by our colleagues. I would encourage a ''yes'' vote on the resolution.

Ms. MATSUI. Mr. Speaker, I rise today in support of House Resolution 453, which recognizes the significant accomplishments of the AmeriCorps programs, encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and helps raise awareness about the importance of national and community service to our country.

AmeriCorps Week is celebrated each year to honor the important work that AmeriCorps volunteers provide to our communities.

This year, we celebrated National AmeriCorps Week with a renewed sense of purpose after the passage of the Senator Edward M. Kennedy Serve America Act. Already we have seen a rise in AmeriCorps applications and a tremendous interest in national and community service as a direct result of this legislation.

The Serve America Act restores the promise of our national service programs by expanding the AmeriCorps programs' volunteer capacity from 75,000 to 250,000 volunteers across the country, and reauthorizes the Corporation for National and Community Service for the first time in 15 years.

In my district of Sacramento, AmeriCorps National Civilian Community Corps, or as we say NCCC, volunteers provide immense benefits to our community and our region. Trained in CPR, first aid, disaster response and firefighting, NCCC teams have responded to every national disaster since the program was established.

As a Co-Chair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of those involved at every level and in every AmeriCorps program.

As a result of the great work of these volunteers, extraordinary things are happening all around America. The service programs and new initiatives help address some of our nation's toughest problems, from poverty and unmet education needs, to natural disasters.

I urge my colleagues to continue to support AmeriCorps volunteers and take this opportunity to thank them for their dedication to our country and to their communities.

Mr. FALEOMAVAEGA. I rise in support of House Resolution 453 which recognizes the significant accomplishments of the AmeriCorps and encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service.

I want to commend my good friend from the 5th district of California, Ms. DORIS MATSUI, for introducing this important resolution. I also want to recognize the cosponsors for their strong support of House Resolution 453.

Ever since its creation in 1993 by President Clinton, AmeriCorps has honorably served our nation's communities. I am also encouraged by the recent decision by the Obama Administration to increase the total number of volunteers in AmeriCorps to 250,000 by the year 2012, which further demonstrates that AmeriCorps is fulfilling its mission and honorably serving its purpose.

Today, this legislation honors the thousands of volunteers who have selflessly served communities in areas such as education, public safety, health, and the environment. As a result of all their hard work and service, communities across the nation have benefitted tremendously. For example, AmeriCorps has provided mentoring programs to children of incarcerated parents. The program recruits and provides knowledgeable and caring mentors for these children with parents in prison. In 2007, statistics show the program provided mentoring to 93,400 children of incarcerated parents, more than double its target goal of 36,000 children. In addition, AmeriCorps has also been endorsed by a growing number of higher education institutions. In the 2007 fiscal year, 76 institutions matched the AmeriCorps Education Award, an award that provides up to 5,000 dollars a year to volunteers who demonstrate outstanding service in the AmeriCorps programs. This goes to show the support the AmeriCorps is getting from higher-education institutions around the country.

Back in 2003, I co-sponsored House Resolution 2125, introduced by my friend, Ms. ROSA DELAURO of Connecticut, the Rite of Passage Community Service Act, which created a national network of service programs that allowed for young people who were part of community-based, after-school, and summer service corps programs to work with older AmeriCorps members who could organize service projects and act as mentors to new AmeriCorps members. In the midst of this economic downturn millions of Americans are

without jobs and AmeriCorps can provide opportunities for many to become involved in their communities and benefit our nation.

I recognize that there are still some areas that need improvements, but the overall purpose of AmeriCorps programs has been a success. The program has become the number one catalyst for service and voluntary work, in the country.

I strongly urge my colleagues to support this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to announce my support for AmeriCorps and to salute all AmeriCorps members nationwide. Since AmeriCorps was created in 1994, Texas has benefited from over 22,000 young people serving a year or more in our communities. Through programs such as the National Civilian Community Corps, City Year and Teach For America, AmeriCorps volunteers address critical Texas needs in education, public safety, disaster response and recovery, and environment preservation. These programs serve an important role as they provide an outlet for people to serve their country in a manner that had previously not been afforded.

In the last 14 years more than 500,000 individuals have served through AmeriCorps and have earned education awards worth more than $1.5 billion, making the dream of higher education more attainable. This national service program has provided opportunities for growing numbers of Americans to serve our nation.

AmeriCorps members serve thousands of nonprofit organizations, schools, and faith-based and community organizations each year. With the enactment of the Edward M. Kennedy Serve America Act, which President Obama signed on April 21, 2009, three times as many American's will now have the opportunity to serve. This program has engaged millions of Americans in results-driven service in the Nation's most vulnerable communities, providing hope and help to people facing economic and social needs. With the current economic downturn putting millions of Americans at risk, national service and volunteering are more important than ever.

Mr. Speaker, the AmeriCorps program has done great things for Texas and the country as a whole. I am indeed honored to support the significant accomplishments of this wonderful program which represents the very best of the United States of America.

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

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. 453.

The question was taken.

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

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1530

SUPPORTING INTERMEDIATE SPACE CHALLENGE

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 411) supporting the goals and ideals of the Intermediate Space Challenge in Mojave, California.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 411

Whereas the Intermediate Space Challenge in Mojave, California, is a program designed to capture the imagination of youths regarding outer space;

Whereas the aspiration of the Intermediate Space Challenge is to introduce, instill, and energize youths' interest in the engineering, mathematics, and science career fields;

Whereas the Intermediate Space Challenge focuses on 4th, 5th, and 6th grade students during their formative years;

Whereas the Intermediate Space Challenge provides students the opportunity to visit the Mojave Air and Space Port, a 3,300 acre flight research center;

Whereas aviation legends and private space pioneers such as Burt Rutan, Dick Rutan, Brian Binnie, and Mike Melvill have worked with and spoken to students participating in the program;

Whereas the Intermediate Space Challenge enables students to work together in a team environment to choose a team name, create team banners, craft an essay, and develop and use their math and science skills to construct and launch a small rocket under appropriate supervision; and

Whereas the program judges student rocket teams on banner designs, essays, and rocket construction and performance: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the Intermediate Space Challenge;

(2) commends the volunteers who run the Intermediate Space Challenge and the Mojave Air and Space Port for opening its facility to the young leaders of the future in the science and engineering fields; and

(3) encourages teachers and school administrators across the country to implement similar programs to stimulate students and infuse them with a love of engineering, mathematics, and science.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 411 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to support the goals and ideals of the Intermediate Space Challenge in Mojave, California. The Intermediate Space Challenge Program captures children's imaginations as it relates to science, math, space, and experimental learning.

The competition began in response to the Ansari X Prize manned spaceflight contest in 2004, won by Mojave's own SpaceShipOne in 2004. In twin flights from the Mojave Air and Space Port, the spacecraft designed by Burt Rutan took pilots Mike Melvill and Brian Binnie to space and back, claiming a $10 million prize.

Marie Walker originally founded the Intermediate Space Challenge. She coordinated with Stu Witt, Mojave Airport's general manager, and they planned the first challenge in 2004. It has been a great success in the Mojave community. Now in its fifth year, students look forward to the annual competition, with younger students anticipating the time when they are old enough to participate.

The Intermediate Space Challenge hosts a student rocket launch competition, where fourth, fifth, and sixth-grade students compete to build a model rocket that reaches the highest point during launches. Points are awarded on rocket altitude, color, marketing strategy, and spirit. In some cases, the handmade rockets reach up to 600 before parachuting downward.

Individual awards are given in each category, with the overall winner announced at the end of the event. The challenge allows students to work in teams, create a team banner, craft an essay, and develop their small rocket. During the events, many of the students get a chance to view professional rockets and hear how they operate.

The Intermediate Space Challenge fosters great interest in science, in technology, in engineering, and in math among these students and certainly is expected to serve to develop the next great aerospace adventurer of our time.

Mr. Speaker, once again, I express my support for this resolution, and I want to thank Representative MCCARTHY for bringing this resolution forward. I urge my colleagues to vote ''yes'' on this bill.

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

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

Mr. Speaker, I rise in strong support of this resolution, especially in light of our critical need for additional scientists, mathematicians, engineers and related professions. This program that we are recognizing through this resolution is so important to encouraging young people to pursue study in these fields.

Mr. Speaker, I rise today in support of House Resolution 411, a resolution supporting

the goals and ideals of the Intermediate Space Challenge that takes place every year in Mojave, California.

Each May 4th, 5th and 6th graders from school districts around the Mojave Air and Spaceport gather at the Spaceport to show off their homemade rockets and compete to see how far the rockets can actually fly. Points get awarded based on altitude, color, marketing strategy, and spirit of the final product. The Challenge was designed to spark interest in the science and engineering career fields early in a student's educational career. The hands-on nature of the event allows students to see how the concepts they learn about in the classroom can be applied to actually make a rocket soar.

We have all heard about the critical need for American scientists, mathematicians, engineers and other professionals in the Science, Technology, Engineering or Math—STEM—fields for short. For that reason, we passed the America COMPETES Act last Congress. We have also continued to think about the importance of STEM throughout the reauthorization of the Higher Education Act and I expect it to be a big topic of conversation when we start on the reauthorization of No Child Left Behind. with several leaders in the area of STEM education on our Committee, such as Representatives EHLERS, MCMORRIS-RODGERS and HOLT, we have ensured that programs such as the Adjunct Teacher Corps got incorporated into our education laws. Through the Adjunct Teacher Corps, we allow professionals in STEM fields to come into the classroom to teach or to provide ongoing professional development to classroom teachers who do not have that subject matter expertise. Programs like this and the others included in both the Higher Education Act and the America COMPETES Act demonstrate the federal government's commitment to trying to help fill the shortfall that currently exists in the STEM pipeline.

Programs such as the Intermediate Space Challenge show what local communities are doing to try and light that spark at an early age for students to become interested in STEM subjects. We should recognize these efforts and encourage other communities to utilize their own resources to develop hands-on projects. These types of projects show students how their classroom knowledge can be translated into real life applications. I support the goals and ideals put forward by the Intermediate Space Challenge and I encourage my colleagues to vote in favor of this resolution.

Mr. Speaker, I yield such time as he may consume to the prime sponsor of this legislation, the distinguished gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of House Resolution 411, a resolution I introduced that honors the goals and ideals of the Intermediate Space Challenge at the Mojave Air and Space Port located in my district in Mojave, California.

Mojave Air and Space Port has a long history of firsts, from Burt and Dick Rutan's collaboration on the Voyager around-the-world flight in 1986 to 2004's flight of SpaceShipOne, the first privately funded manned spacecraft.

Nearby are Edwards Air Force Base and China Lake Naval Weapons Center, which are cutting-edge research and testing facilities that are continuing to push the envelope. In fact, when I visit the National Air and Space Museum here in Washington, D.C., I feel at home. There are so many aircraft from my district, like SpaceShipOne, Voyager, Chuck Yeager's Glamorous Glennis that broke the sound barrier, and the X–15, which, incidentally, we celebrated the 50th anniversary of the X–15's first flight yesterday.

The Intermediate Space Challenge started in 2005 under the direction of Marie Walker. Marie is the CEO of Fiberset, a Mojave company that manufactures composite products and components. She saw an opportunity in and around Mojave to bring together fourth, fifth and sixth-grade students with aerospace leaders to educate them and inspire them to become the next generation of aerospace pioneers. I am proud to recognize their hard work on this fifth anniversary year of the program, and I appreciate being able to participate.

Marie Walker and all those who have been instrumental in organizing and executing the Intermediate Space Challenge recognized the opportunities to grab the attention of our students through the Intermediate Space Challenge and get them interested in science and engineering.

Students work in teams to write an essay, create a banner, and then build and design a rocket. They get assistance from high school students as mentors, so the program engages students from multiple age groups. The teams of fourth, fifth and sixth-graders then compete both on rocket performance and on a team spirit. Paralleling the X-Prize's requirement for a privately funded manned spacecraft to go up into space twice in two weeks, students' rockets make two flights.

During the course of the events, the students hear from special guest speakers. Students have heard from aviation pioneers Burt and Dick Rutan and the SpaceShipOne astronauts in past years. Through the words and actions of these real, live aerospace heroes, students can see that the opportunities are limitless.

I appreciate the support of Chairman MILLER and Ranking Member MCKEON, who are also original cosponsors, and my colleague JIM COSTA, who has always been supportive of the activities at the Mojave Air and Space Port.

Congratulations to all the students who have participated in this event. I look forward to many more years of successful student rocket launches, and with that, I am proud to support and bring this resolution to the floor.

Mr. TONKO. Mr. Speaker, does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. I do have additional speakers, Mr. Speaker.

Mr. TONKO. I reserve my time.

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Pennsylvania, and I do rise to support the Intermediate Space Challenge.

Unfortunately, Mr. Speaker, many of the young people that are growing up and participating in this are going to find they are going to grow up in a very different America than we have grown up in because of the increase in taxes that are taking place every single day and the way this crowds out opportunity for young people.

Indeed, my colleagues across the aisle have become the party of punishment, and that is what I am hearing from my constituents as I traveled across the Seventh Congressional District this past week, and they are very, very concerned.

What they are telling me is they know that clean air and clean water and clean energy are important, and, Mr. Speaker, I think we as politicians would say we are even for clean mud. We are just not for taxing people out of their house and home to pay for clean energy. And that is exactly what this cap-and-trade bill, or cap-and-tax, as we call it, cap our growth, tax our people, trade our jobs, and that is what it is going to do, as the Democrats put a price on the very air that we breathe.

The cap-and-trade bill that came out of the Energy and Commerce Committee last week, the Federal building standards that are in that bill are of concern to our Realtors, to our commercial property holders, knowing that there will be these standards that are going to be very, very difficult for them to comply with, knowing that there are going to be energy audits put on their houses, knowing that they are going to have to buy carbon credits if they don't have solar panels on their roof or a windmill in the yard, knowing that they literally are going to see the air that they breathe taxed.

As my colleague from Georgia had previously said, you know, groceries don't grow in a grocery store. They don't grow in a grocery store, Mr. Speaker; they grow out in the fields. They require this carbon dioxide in order to grow and be green and be healthy and provide the food and the forestation that we need here in the United States and certainly around the globe.

The cap-and-trade bill is something that is going to limit opportunity. It is something that we are going to see affect jobs and future jobs. We know that it is expected to cost us over 1 million jobs lost and that we are going to see our unemployment numbers rise substantially, and we are going to see our electricity rates go up by 90 percent.

When we were in committee, we offered an amendment that would have ended cap-and-trade if gas went over $5 a gallon. Mr. Speaker, our colleagues across the aisle sought to defeat that.

We said, let's end it if unemployment goes past 15 percent, and our colleagues across the aisle said no, they were not going to end it if employment went past 15 percent.

We said, let's tell everybody what this costs, how much is it increasing the cost of your electric power, how much is it increasing the cost of the gas you buy, how much is it increasing the cost of the food you eat. And our colleagues across the aisle said no, they were not going to disclose that and vote for and support that amendment.

We even offered an amendment that would protect the innovators of tomorrow who are going to solve the energy issues that we have before us, and they sought not to provide that intellectual property protection for all these young boys and girls, many who are going through the Intermediate Space Challenge now, many who will be the innovators of tomorrow, who will solve the energy issues for future decades, who will create the electric cars.

Indeed, when you look at the electric cars and the lithium ion batteries, the three States that hold the most patents for furthering this invention are California, Ohio, and my great State of Tennessee. Intellectual property protection should have been provided for those. Many of those innovators of tomorrow are in this program that we are celebrating. It is very sad that the party of punishment doesn't provide the protection that those young men and women need to be the innovators of tomorrow.

Mr. TONKO. Mr. Speaker, does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. Mr. Speaker, I have one additional speaker.

Mr. TONKO. I reserve my time, Mr. Speaker.

Mr. PLATTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I appreciate the gentleman yielding.

I also rise in support today of what this would mean to our young people in this country. In my old State Senate district I represented an area in Erie County near Plum Brook Station, which is a large NASA testing facility. Just to the east of there, we had NASA Glenn, which is in Cuyahoga County.

The things that we can do and achieve in this country through the space program are limitless. However, if we stand by what we are seeing happening across Congress today with this cap-and-tax legislation, we are in trouble.

One of the things I am proud of is the fact that in my Fifth Congressional District I represent an area where we manufacture solar panels with First Solar. We have another company coming on line this fall that will also be in solar manufacturing. We also in my district have wind turbines, ethanol, hydrogen, biomass, and we are doing all these things in the alternative.

Also though it is very, very important in this country that we have that base load capacity that we have to have to be able to manufacture, that we have to have if we want to continue to be able to be independent in this country, especially when we are talking about manufacturing in the new age of space. We have to make sure that we have these homegrown companies here today. It is going to be very, very difficult to do that if we don't have the manufacturing capacity and if we also don't have that base load capacity.

One of the things we have found, of course, is that we don't have that base load capacity in certain areas, and we also don't have the ability of being able to go out there on the nuclear facilities. I think 1977 was the last time that we had a nuclear facility permitted in this country. And the problem that we have today is if we want to have more nuclear, to be able to produce more power, to be able to keep our manufacturing capacity, it is going to be very tough to do, because a lot of these parts are no longer made in this country.

□ 1545

We have to go overseas to buy these if we can get them today. And some of the very large components are made in Japan. And there's a long waiting list because so many countries are out there wanting to build nuclear facilities and keep up that base load capacity. Why is it important?

Well, again, if we don't utilize that all-of-the-above policy of not only having the alternatives because we all want to make sure in this country that we have a clean environment, but we also want to make sure that we have nuclear, clean coal, oil, natural gas and geothermal.

We've all seen the headlines in the paper of course where, you know, CBO score saying that we're looking at $846 billion on this new cap-and-tax, which would be a massive energy tax on the American people. But at the same time, as the gentlelady from Tennessee was just talking about, is the tremendous cost on individuals.

One of the analyses from the Heritage Foundation shows that they're looking at around a $4,300 per year tax on an average family. And how do they get to that number? It says, our $1,500 number is just the direct impact of household energy bills. Your energy bill, your natural gas bill, your home heating bill, and of course the amount of gas you put in your tank, and that would be around $1,500.

But also, there is that ripple effect that goes through the economy that takes it up to $4,300. And in the year 2035 alone, the cost is $8,276, and the cost per family for the whole energy tax aggregated from 2012 to 2030 is $116,680.

And compare it if we did not have a cap-and-tax, the real GDP losses increase an additional $2 trillion, from $7.4 trillion under the original draft to $9.6 trillion under the new draft.

Compared to no cap-and-trade, the average economic or unemployment increases an additional 261,000 jobs, from 844,000 lost jobs under the original draft to 1.1 million jobs under the new draft.

Also, interesting enough in the paper today in the Washington Times is an article, ''GDP hit found with cap, trade.'' This is from the Brookings Institution. ''The Brookings Institution on Monday said cap-and-trade legislation to reduce carbon dioxide emissions would lower the Nation's gross domestic product in 2050 by 2.5 percent, compared with levels it would reach if the legislation is not implemented.''

It also says that, ''About 35 percent of crude-oil-related jobs and 40 percent of coal-related jobs would be lost in 2025.''

It goes on to say: ''It assumes that the majority of workers would find new jobs, but the net job loss would be 0.5 percent over the first 10 years that the legislation is in effect.''

I don't think that this country can afford it because, again, to go on, you know, when you're looking at reducing the aggregate gross GDP by $9.6 trillion, destroying 1.1 million jobs, raising electric rates, as the gentlelady from Tennessee just mentioned, by 90 percent after adjusting for inflation, seeing gasoline prices up to 74 percent, raising residential natural gas prices by 55——

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

Mr. PLATTS. I yield the gentleman an additional 30 seconds.

Mr. LATTA. I appreciate the gentleman for yielding.

—raising natural gas prices by 55 percent, raising an average family's annual energy bill by $1,500, and again, increase the inflation-adjusted Federal debt by 26 percent, or $29,150 additional Federal debt per person after adjusting for inflation.

Mr. TONKO. Mr. Speaker, does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. Mr. Speaker, I have no additional speakers.

I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, decades ago, a global space race inspired all sorts of ingenuity and innovation. It enabled this country to stretch its thinking, provide for lofty opportunities, and emerge with a higher level of status in the global community because it had won that space race.

Providing many, many opportunities, it is indeed the inspiration for today's House Resolution 411, as witnessed through the Intermediate Space Challenge in Mojave, California. Today, we have that same opportunity to stretch our thinking, to provide that loftiness, to be able to emerge with an innovation economy driven by another sort of global race, one called an energy race, which will find the winner to be the exporter of energy innovation, energy thinking, energy ideas, and energy intellect.

And so I think the moves forward by this House can perhaps inspire another

saga of intermediate space challenge. But today we recognize and support the goals and ideals of that great Intermediate Space Challenge through House Resolution 411.

I would encourage our colleagues to support this resolution. It is most meritorious.

I yield back my time, Mr. Speaker.

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. 411.

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.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT

Ms. SUTTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2751

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 ''Consumer Assistance to Recycle and Save Act''.

SEC. 2. TEMPORARY VEHICLE TRADE-IN PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the ''Consumer Assistance to Recycle and Save Program'' through which the Secretary of Transportation (hereinafter in this section referred to as the ''Secretary''), in accordance with this Act and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) register dealers for participation in the Program and require all registered dealers—

(A) to accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer under the Program to an entity for disposal;

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for eligible transactions accepted by such dealers, in accordance with the regulations issued under subsection (d); and

(4) in consultation with the Secretary of Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile as follows:

(1) $3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel efficient automobile as determined in a manner prescribed by the Secretary.

(2) $4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only in connection with the purchase or qualifying lease of new fuel efficient automobiles that occur between—

(i) the date of enactment of this Act; and

(ii) the date that is 1 year after the date on which the regulations promulgated under subsection (d) are implemented.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of a single new fuel efficient automobile.

(D) CAP ON FUNDS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the total funds made available for the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher.

(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that the dealer—

(i) will arrange for the vehicle's title to be transferred to the United States and will accept possession of the vehicle on behalf of the United States;

(ii) has not and will not sell, lease, exchange, or otherwise dispose of the vehicle for use as an automobile in the United States or in any other country; and

(iii) will transfer, on behalf of the United States, the vehicle (including the engine block) and the vehicle's title, in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle—

(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who is responsible for ensuring that the vehicle is crushed or shredded from—

(i) selling any parts of the disposed vehicle other than the engine block and drive train (unless the transmission, drive shaft, or rear end are sold as separate parts); or

(ii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of vehicles under this Act and appropriate re-classification of the vehicles' titles. The commercial market shall also have electronic and commercial access to the vehicle identification numbers of vehicles that have been disposed of on a timely basis.

(d) REGULATIONS.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of registering dealers for participation in the program;

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for the amount of the vouchers as soon as practicable but no longer than 10 days after the submission of information supporting the eligible transaction, as determined appropriate by the Secretary;

(3) require the dealer to use the voucher in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new fuel efficient automobile and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) require dealers to disclose to the person trading in an eligible trade in vehicle the best estimate of the scrappage value of such vehicle;

(5) require dealers to accept on behalf of the United States, and Transfer to the Secretary of the Treasury, the amount paid for scrappage of the vehicle up to $60;

(6) permit the dealer to retain any amounts paid to the dealer for scrappage of the automobile in excess of the $60 amount referred to in paragraph (5) and designate $50 of such excess as payment for any administrative costs to the dealer associated with participation in the Program;

(7) clarify that dealers will not be reimbursed for any storage fees or other costs associated with their custodial handling of the eligible trade-in vehicle;

(8) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal or State requirements;

(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred by the dealer on behalf of the United States to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher;

(C) a mechanism for obtaining such other certifications as determined necessary by the Secretary from entities engaged in vehicle disposal; and

(D) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal; and

(9) provide for the enforcement of the penalties described in subsection (e).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this Act or any regulations issued pursuant to subsection (d) (other than by making a clerical error).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than $15,000 for each violation. The Secretary shall have the authority to assess and compromise such penalties, and shall have the authority to require from any entity the records and inspections necessary to enforce this program. In determining the amount of the civil penalty, the severity of the violation and the intent of the person committing the violation shall be taken into account.

(f) INFORMATION TO CONSUMERS AND DEALERS.—Not later than 30 days after the date of enactment of this Act, and promptly upon the update of any relevant information, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make available on an Internet website and through other means determined by the Secretary information about the Program, including—

(1) how to determine if a vehicle is an eligible trade-in vehicle;

(2) how to participate in the Program, including how to determine participating dealers; and

(3) a comprehensive list, by make and model, of new fuel efficient automobiles meeting the requirements of the Program.

Once such information is available, the Secretary shall conduct a public awareness campaign to inform consumers about the Program and where to obtain additional information.

(g) RECORD KEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database of the vehicle identification numbers of all new fuel efficient vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

(2) REPORT ON THE EFFICACY OF THE PROGRAM.—Not later than 60 days after the termination date described in subsection (c)(1)(A)(ii), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efficacy of the Program, including—

(A) a description of program results, including—

(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(h) TREATMENT OF PAYMENT.—

(1) FOR FEDERAL AND STATE PROGRAMS.—A voucher under this Act or any payment made for such a voucher pursuant to subsection (a)(3) shall not be considered income and shall not be considered as a resource for the month of receipt and the following 12 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or other family or household members) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal or State program.

(2) FOR PURPOSES OF TAXATION.—A voucher under this Act, or any payment made for such a voucher pursuant to subsection (a)(3), shall not be considered as gross income of the purchaser of a vehicle under this Act for purposes of the Internal Revenue Code of 1986.

(i) DEFINITIONS.—As used in this Act—

(1) the term ''passenger automobile'' means a passenger automobile, as defined in section 32901(a)(18) of title 49, United States Code, that has a combined fuel economy value of at least 22 miles per gallon;

(2) the term ''category 1 truck'' means a non-passenger automobile, as defined in section 32901(a)(17) of title 49, United States Code, that has a combined fuel economy value of at least 18 miles per gallon, except that such term does not include a category 2 truck;

(3) the term ''category 2 truck'' means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled ''Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008'';

(4) the term ''category 3 truck'' means a work truck, as defined in section 32901(a)(19) of title 49, United States Code;

(5) the term ''combined fuel economy value'' means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words ''Combined Fuel Economy'' on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40 Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A), and posted under the words ''Estimated New EPA MPG'' and above the word ''Combined'' for vehicles of model year 1985 through 2007, or posted under the words ''New EPA MPG'' and above the word ''Combined'' for vehicles of model year 2008 or later on the fueleconomy.gov website of the Environmental Protection Agency for the make, model, and year of such vehicle; or

(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1984, the equivalent of the number described in subparagraph (A) as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle;

(6) the term ''dealer'' means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers;

(7) the term ''eligible trade-in vehicle'' means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this Act—

(A) is in drivable condition;

(B) has been continuously insured consistent with the applicable State law and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in;

(C) was manufactured in model year 1984 or later; and

(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less;

(8) the term ''new fuel efficient automobile'' means an automobile described in paragraph (1), (2), (3), or (4)—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of $45,000 or less;

(C) that—

(i) in the case of passenger automobiles, category 1 trucks, or category 2 trucks, is certified to applicable standards under section 86.1811–04 of title 40, Code of Federal Regulations; or

(ii) in the case of category 3 trucks, is certified to the applicable vehicle or engine standards under section 86.1816–08, 86–007–11, or 86.008–10 of title 40, Code of Federal Regulations; and

(D) that has the combined fuel economy value of at least—

(i) 22 miles per gallon for a passenger automobile;

(ii) 18 miles per gallon for a category 1 truck; or

(iii) 15 miles per gallon for a category 2 truck;

(9) the term ''Program'' means the Consumer Assistance to Recycle and Save Program established by this Act;

(10) the term ''qualifying lease'' means a lease of an automobile for a period of not less than 5 years;

(11) the term ''scrappage value'' means the amount received by the dealer for a vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destroying the vehicle;

(12) the term ''Secretary'' means the Secretary of Transportation acting through the National Highway Traffic Safety Administration;

(13) the term ''ultimate purchaser'' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale;

(14) the term ''voucher'' means an electronic transfer of funds to a dealer based on an eligible transaction under this program; and

(15) the term ''vehicle identification number'' means the 17-character number used by the automobile industry to identify individual automobiles.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $4,000,000,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. SUTTON) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

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

Mr. Speaker, I rise today on behalf of over 2,000 men and women who work in the Ohio assembly plant in my district and approximately 50,000 Ohioans whose jobs are associated with that plant. I rise for the 159,000 Ohioans with auto-related jobs and the 3 to 5 million Americans who rely on the auto industry to provide for their families.

I rise today on behalf of the environment, as we turn the corner to reduce greenhouse gas emissions, improve fuel economy, and to help reduce our reliance on foreign oil.

I rise today on behalf of the consumers throughout our great country who continue to struggle during this global recession. And I rise today as the proud sponsor of the Consumer Assistance to Recycle and Save Act, also known as the CARS Act.

And I want to thank President Obama for his support of this legislation. And I want to thank Speaker PELOSI for supporting this effort and thank Majority Leader HOYER for all of the help that he has provided as we worked to deliver the benefits of this bill to the American people.

And I want to thank Chairman WAXMAN, Chairman MARKEY, Chairman Emeritus DINGELL, and Representatives ISRAEL, INSLEE, STUPAK and UPTON for their collaboration and support on this bill. And thank you to my colleagues, Representative CANDICE MILLER and Representative BRUCE BRALEY, who started this process with me back in March.

Mr. Speaker, the bipartisan CARS Act will shore up millions of jobs and stimulate local economies. It will improve our environment and reduce our dependence on foreign oil. It will provide much-needed financial assistance to consumers to trade in less fuel-efficient vehicles for vehicles which achieve a measured increased fuel-efficient.

What the CARS Act will not do is allow someone to trade in a vehicle and receive a voucher to purchase a vehicle that is less fuel efficient.

We have ensured environmental integrity in this bill, and this bill demonstrates that we do not have to bind ourselves to the arguments of the past. We no longer have to give in to the temptation of either/or thinking. The CARS Act demonstrates that we can free ourselves from the false argument of either you are for the environment or you are for jobs. We can do both. We must do both, and that's exactly what the CARS Act does.

2009 auto sales are down nearly 42 percent below the 2005 peak. We have not seen such a decline since 1955, and this decline jeopardizes our country's largest manufacturing industry.

These are not ordinary times. These times call for bold action. Three to 5 million jobs are at risk. Auto-related jobs number in the thousands in every State in our Nation, and though it's called the CARS Act, this bill is far more than about just cars. It's about people. It's about the millions of families in this great Nation who depend on the strength of our auto and related industries for their livelihood. It's about our friends and our neighbors, and it's about our communities that depend on auto-related jobs for their tax base to support their schools, their police, fire and other city services.

By passing the CARS Act, we can shore up these jobs, get customers back into the showrooms, help our dealers move cars, and improve the environment.

Nations across the world have instituted incentive programs. In May, while our auto sales in this country fell 34 percent, sales in Germany increased 40 percent after they instituted a program.

On May 19, the Committee on Energy and Commerce passed an amendment of the CARS Act to the American Clean Energy and Security Act by a bipartisan vote of 50–4.

Under the CARS Act, consumers will trade in less fuel-efficient vehicles and receive an electronic voucher for $3,500 to $4,500 at the point of sale toward the lease or purchase of a vehicle with increased fuel efficiency. Light-duty trucks, both small and large, also qualify under the program, and work trucks, often used by small businesses, will be eligible for replacement as well.

And though our fleet modernization program is open to vehicles, regardless of where they are made, I encourage everyone who participates in this program to think about the families who depend upon cars made in the United States and ask you to purchase a fuel-efficient vehicle assembled right here at home to help shore up jobs and help our environment.

Some refer to this bill as the ''Cash for Clunkers'' bill. Others use a gentler term, ''fleet modernization.'' But by any name, by any title, the CARS Act offers significant multiple benefits.

This bill has earned broad-based support. It has the support of Ford and GM and Chrysler, the United Auto Workers, the Business Round Table, the Automotive Trade Policy Council, the Ohio Automobile Dealers Association, Goodyear Tire & Rubber Company, PPG Industries, National Paint and Coatings Association, the Alliance of Automobile Manufacturers, Motor & Equipment Manufacturers Association, Specialty Equipment Market Association, the Association of International Automobile Manufacturers, the American Iron and Steel Institute, Automotive Recyclers Association, the United Steel Workers, the National Automobile Dealers Association, the American International Automobile Dealers, the National Association of Manufacturers, the AFL–CIO, and the United States Chamber of Commerce. These groups have provided letters of support for this bill, and Mr. Speaker, I would like to include them in the RECORD.

WASHINGTON, DC,
June 9, 2009.

Hon. BETTY SUTTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SUTTON: Ford Motor Company strongly supports the adoption of the Consumer Assistance to Recycle and Save Act of 2009 (CARS Act) introduced by Rep. Betty Sutton. This ''cash-for-clunkers'' proposal would provide an incentive to consumers to trade-in an older, less-efficient vehicle for a new, higher fuel-economy one.

During the recession, foreign and domestic automakers have experienced a steep decline in auto sales not seen in over fifty years. Last week, in fact, automakers reported that U.S. auto sales for May 2009 were down 33 percent from the same month a year ago. Action by Congress is urgently needed to jumpstart vehicle sales and the automotive sector of the U.S. economy.

The CARS Act would help consumers, support jobs and also improve the environment. Consumers will benefit from a robust incentive to purchase a new, more efficient vehicle and the cost savings from buying less fuel.

While the vouchers provide direct help to consumers, it also helps support jobs across the industry. Automakers, autoworkers, suppliers and dealers all benefit from increased sales and that's why the proposal has been endorsed by both labor and business, including the UAW and the U.S. Chamber of Commerce.

For the environment, the plan would help reduce fuel consumption and decrease emissions by taking old vehicles off the road and replacing them with new, cleaner ones. Plus, the program would have the added benefit of

generating as much as $2 billion in needed sales tax revenue for the states. Thirteen governors have written Congressional leaders in support of rapid action on a cash-for-clunkers program.

The CARS Act is timely, temporary, and targeted and is urgently needed. We request that Members of Congress work to quickly enact this important legislation by voting ''yes'' on the CARS Act. Thank you for consideration of our views.

Sincerely,

PETER LAWSON,
Vice President, Government Relations.

JUNE 9, 2009.

Hon. BETTY SUTTON,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN SUTTON: Chrysler LLC strongly supports the Consumers Assistance to Recycle and Save Act, H.R. 2751, that you have introduced. Your bill will establish a fleet modernization program that will encourage consumers to turn in older vehicles to be scrapped and receive in return a voucher to be used towards the purchase of cars and trucks with better fuel economy. The Act is designed to provide consumers with a wide variety of vehicles to purchase. Similar programs in other countries have helped to counter the effects of this global recession, while improving fleet-wide fuel economy. As such, the Act will greatly benefit consumers, dealers, automakers, and suppliers, while moving this country towards energy independence and environmental sustainability.

Your bill deserves broad bipartisan support, and we urge all members of the House to vote in favor of the Consumers Assistance to Recycle and Save Act.

Sincerely,

JOHN BOZZELLA,
Senior Vice President, Chrysler.

GENERAL MOTORS,
Washington, DC, June 8, 2009.

DEAR REPRESENTATIVE SUTTON: The House of Representatives will soon consider the Consumer Assistance to Recycle and Save (CARS) Act by Representatives Sutton, Dingell and Upton. I urge you to support this legislation which creates a carefully balanced fleet modernization program to stimulate U.S. auto sales and jump start the economic recovery.

This bill is supported by the Automotive Alliance, Automotive Trade Policy Council and all of their member companies (see attached letters). It includes input from the domestic and foreign brand auto companies and auto dealers.

Nearly every major industrial country around the world now has all emergency auto 'scrappage' program in place and the results have been immediate and impressive. In Europe and Latin America, these programs have been instantly successfully, with countries such as Germany seeing dealerships flooded with consumers and up to 400% increase in sales. In contrast, here in the U.S. auto sales have shown consistent declines of 30–40% from last year, month after month.

We believe this is an enormous win for consumers, for the American economy, and for our combined national commitment to environmental progress and stewardship. We urge you to support the Sutton, Dingell, Upton CARS bill.

Sincerely,

KEN W. COLE,
Vice President, Global Public Policy and Government Relations.

DEAR REPRESENTATIVE: This Tuesday the House is scheduled to take up fleet modernization (so-called ''cash-for-clunkers'') legislation sponsored by Representative Betty Sutton. The UAW strongly urges you to vote for this important legislation.

The Sutton fleet modernization bill incorporates the compromise provisions that were agreed to by the Obama administration, House leaders, including Chairmen Waxman, Markey and Dingell, and Representatives Upton, Candice Miller, Stupak, Israel and Inslee. The provisions of this compromise were previously approved by the House Energy & Commerce Committee by an overwhelming, bipartisan vote.

By providing incentives for consumers to scrap older, less fuel efficient vehicles and to purchase new, higher mpg vehicles, this measure would result in significant reductions in oil consumption and greenhouse gas emissions. At the same time, it would provide an immediate boost to auto sales, thereby helping auto dealers and automotive production and jobs in this country. Significantly, the structure of this program is carefully crafted so it would apply to all auto companies in a balanced, competitively neutral manner.

Due to the financial and economic crises that have engulfed our nation, the auto industry has experienced a sharp drop in auto sales from over 16 million vehicles per year to less than 10 million. This has resulted in unprecedented difficulties for automakers, suppliers, dealers, workers and retirees. One immediate action that Congress can take to respond to this dire situation is to act promptly to pass the Sutton fleet modernization legislation. Accordingly, the UAW strongly urges you to vote for this measure when it is taken up by the House this Tuesday.

Sincerely,

ALAN REUTHER,
Legislative Director.

Hon. BETTY SUTTON,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE SUTTON: Mazda North American Operations urges the House to pass a fleet modernization, or ''cash for clunkers,'' bill that will benefit American consumers and increase vehicle sales, especially now when demand is extremely depressed. Additionally, older, less fuel-efficient models will be replaced by newer ones that are cleaner for the environment, more fuel-efficient, and include many new safety technologies. To that end, President Obama last week repeated his call to Congress to enact such legislation. We understand that Representative Sutton's fleet modernization bill, which enjoys broad bipartisan support, will be considered on the suspension calendar as soon as tonight.

The bipartisan framework created by Representative Sutton's bill, will achieve significant economic stimulus and environmental benefits. We would have preferred a simpler program that allowed broader participation with regard to the types of vehicles turned in and the replacement vehicles. In particular, we would have liked all vehicle leases to be included. Despite our concerns over the details of the current proposal, on balance, we believe Representative Sutton's bill will result in incremental sales volume at a time when the industry is badly in need of assistance.

Around the world, consumers are already benefitting from similar programs, and the resulting economic stimulus has been significant. In January, Germany implemented a fleet modernization program. At the end of the first month of the program, sales in Germany were up 21% over 2008. Corresponding sales in the U.S. were down 41% for the same period. To date, 15 countries have enacted automotive fleet modernization programs and many more are considering enactment.

A fleet modernization program can deliver real benefits to consumers, the environment and the economy. The U.S. is already well behind other major economies in adopting a fleet modernization program, and many buyers are now delaying purchase decisions until the Congress acts.

We urge you to vote for Representative Sutton's fleet modernization bill.

Sincerely,

TIM O'SULLIVAN.

JUNE 5, 2009.

DEAR CONGRESSWOMAN SUTTON: On behalf of the automobile dealers in northeast Ohio, I want to offer our support of the ''Consumer Assistance to Recycle and Save Act'' (CARS Act). It is our understanding that this bill will be considered early next week and we urge its passage.

As you know, the current economic environment of automotive retailing has now reached historic lows in both sales and consumer confidence. This bill, also known as ''Cash for Clunkers'', could well provide the needed incentive for consumers to trade in older vehicles and purchase more fuel efficient and safe automobiles.

Providing an incentive to stimulate sales is a critical step in the recovery of the automobile industry and congressional passage of the CARS Act represents an opportunity to benefit both the economy and the environment.

We very much appreciate your assistance and support of franchised new automobile dealers and urge Congress to act swiftly to stimulate the economy with this program.

Sincerely,

TERRY METCALF,
Executive Vice President.

DEAR REPRESENTATIVE: This Tuesday the House is scheduled to take up the Consumer Assistance to Recycle and Save (CARS Act) fleet modernization bill sponsored by Representative BETTY SUTTON. The United Steelworkers (USW) urges your support for this legislation.

The USW is the largest industrial union in North America and we represent more workers in the auto sector than any other union. Hundreds of thousands of our members work in jobs supplying the auto industry. From the glass, to the tires, to the plastic, to the hundreds of pounds of metal that comprise every vehicle; Steelworkers manufacture these products in locations all across the country. Even paper, the catalogs and brochures that the automakers use to market their vehicles, are often the product of the work of Steelworkers. But, countless other citizens—union and non-union—such as auto dealers, accountants, restaurant and shop owners, have their jobs tied to the auto industry.

The auto industry has experienced a sharp drop in auto sales from over 16 million vehicles per year to less than 10 million, resulting in extraordinary challenges for automakers, suppliers, dealers, workers, retirees and entire communities. Our members in the supply chain have suffered significant layoffs as a result of the financial and economic crises that brought auto buying to a halt. Those layoffs may only be the top of iceberg as the effects of the Chrysler and GM bankruptcies are to yet to be felt.

One immediate action Congress can take to respond to this dire situation is to vote to pass the Sutton fleet modernization bill which incorporates the compromise provisions that were agreed to by the Obama administration, House leaders, including Chairman Waxman, Markey and Dingell, and Representatives Upton, Candice Miller, Stupak, Israel, and Inslee.

Providing incentives for consumers to scrap older, less fuel efficient vehicles and to purchase new, higher mpg vehicles, from all auto companies, will result in reductions in oil consumption and greenhouse gas emissions while providing an immediate boost to auto sales, thereby helping auto suppliers, dealers and automotive production and jobs in this country.

Sincerely,

HOLLY R. HART,
Legislative Director.

DEAR CONGRESSWOMAN SUTTON: This week, the House is likely to take up the Consumer Assistance to Recycle and Save (CARS) Act introduced by Representative Betty Sutton and a number of other colleagues. This bill will create a carefully balanced program to stimulate U.S. auto sales and jumpstart the economy. The Automotive Trade Policy Council and its member companies—Chrysler LLC, Ford Motor Company and General Motors Corporation—strongly support this bill and we urge you to vote for it.

Nearly every major industrial country around the world now has an emergency auto 'scrappage' program in place and the results have been immediate and impressive. In Europe and Latin America, these programs have been instantly successfully, with countries such as Germany seeing dealerships flooded with consumers and a 28% increase in sales. In contrast, here in the U.S. auto sales have shown consistent declines of 30–40% from last year, month after month.

The Sutton CARS bill will establish a well-crafted and balanced fleet modernization program. The CARS bill is a compromise measure resulting from months of work between the Administration, domestic and foreign brand auto companies, environmental organizations and auto dealers. The measure offers a solid program that will give consumers with older vehicles an immediate cash incentive from the U.S. government to purchase new more fuel efficient cars and trucks. In addition, the bill was structured to be environmentally progressive i.e., the incentives to consumers are higher for vehicles that achieve fuel economy ratings above current government CAFE standards.

The CARS legislation will both accelerate national economic recovery by creating an estimated one million new sales of fuel efficient vehicles and provide clear incentives to move toward our environmental goals more quickly.

This is a winner for consumers, for the American economy, and for our combined national commitment to environmental progress and stewardship. We thank you and urge you to vote for the Sutton CARS legislation.

Sincerely,

STEPHEN J. COLLINS,
President.

JUNE 8, 2009.

DEAR CONGRESSWOMAN SUTTON: On behalf of PPG Industries' 15,000 U.S. employees, and the 299 at our Barberton and Strongsville facilities in your district, I deeply appreciate your sponsorship of H.R. 1550, the Consumer Assistance to Recycle and Save Act, also known as the CARS Act, designed to help get the American automobile industry back on its feet by offering incentives for Americans to trade in their old cars for new, more fuel-efficient automobiles.

About 4 percent of the U.S. gross domestic product (GDP) is in the auto industry, making it the nation's largest manufacturing sector. PPG's automotive coatings and fiber glass are an important part of the auto supply chain. Last year, the U.S. auto industry provided hundreds of millions in sales and more than 1,260 manufacturing and research and development jobs to PPG.

As a global supplier of paints, coatings, chemicals, optical products, specialty materials, glass and fiber glass, our vision is to become the world's leading coatings and specialty products and services company. We operate on the leading edge of new technologies and solutions and are a streamlined, efficient manufacturer.

Members of the coatings and related industries have been particularly hit hard by the dramatic decrease in sales of new automobiles in America. While the auto manufacturers themselves have received almost all of the focus of attention—and deservedly so—there are countless suppliers to the industry who are hurting as well. The answer is to increase demand, which the CARS Act achieves with incentives for fuel efficient vehicles.

Again, thank you for your continued leadership on this issue. I look forward to continuing to work with you on policy matters important to the success of PPG, our employees and our retirees and their families.

Sincerely,

CHARLES E. BUNCH,
Chairman & Chief Executive Officer, PPG Industries.

DEAR REPRESENTATIVE: On behalf of the AFL-CIO, I am writing to urge you to support legislation introduced by Rep. SUTTON to establish a fleet modernization program, which we expect the House to consider this week on the suspension calendar.

The Sutton bill would establish a program to provide incentives for consumers to scrap older, less fuel-efficient vehicles and purchase new, higher mile-per-gallon vehicles, resulting in significant reductions in oil consumption and greenhouse gas emissions. This ''cash for clunkers'' program would provide an immediate boost to auto sales, helping to preserve domestic auto production and American jobs.

The program is carefully crafted so it applies to all auto companies in a balanced, competitively neutral manner. The legislation in corporate compromise provisions agreed to by the Obama administration, House leaders (including Chairmen Waxman, Markey and Dingell), and Reps. Candice Miller, Stupak, Upton, Israel and Inslee. The House Energy & Commerce Committee recently approved the provisions of this compromise by an overwhelming, bipartisan vote.

Due to the financial and economic crises that have engulfed our nation, the auto industry has experienced a sharp drop in auto sales resulting in unprecedented difficulties for automakers, suppliers, dealers, workers and retirees. Congress can take immediate action to help the auto industry by promptly passing the ''cash for clunkers'' legislation. The AFL-CIO urges you to support Rep. Sutton's fleet modernization bill.

WILLIAM SAMUEL,
Director, Government Affairs Department.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly supports the ''Consumer Assistance to Recycle and Save Act,'' which is expected to be voted on tomorrow. This important legislation is urgently needed to help jumpstart U.S. auto sales, generate economic growth, and help protect jobs.

This bill would provide incentives to Americans to purchase new vehicles that meet a set of criteria to ensure that the new vehicles will be more fuel efficient than the vehicles they would replace. Not only would this ''cash for clunkers'' proposal provide an important environmental benefit, but the legislation would help an industry in crisis. The recession has affected industries across the United States, but the auto sector has been particularly hard hit as industry sales have declined rapidly. U.S. light vehicle sales were more than 16 million units as recently as 2007. Last week, J.D. Power & Associates estimated that sales will not exceed 10 million units for all of 2009, an approximately 40 percent drop in just two years.

The auto industry is one of the most important sectors of the U.S. economy, representing four percent of the U.S. gross domestic product and accounting for one in 10 American jobs. The steep drop in vehicle sales is not only affecting foreign and domestic automakers and workers, but also their network of dealers, suppliers, vendors, and other businesses that provide goods and services to them.

The Chamber, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, urges you to support the Consumer Assistance to Recycle and Save Act. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

DEAR SPEAKER PELOSI: The Alliance of Automobile Manufacturers (Alliance) writes to urge the House to pass a fleet modernization, or ''cash for clunkers,'' bill to benefit American consumers as soon as possible. A well crafted fleet modernization program will provide two beneficial effects: helping to stimulate auto sales during the current economic/credit crisis and replacing older, less fuel-efficient vehicles with cleaner, safer, more fuel-efficient ones. To that end, President Obama last week repeated his call to Congress to enact such legislation, and we understand that Representative Sutton's fleet modernization bill, which enjoys broad bipartisan support, will be considered on tomorrow's suspension calendar.

While Alliance members would have preferred a program open to all new vehicles that meet the mileage targets, the bipartisan framework created by Representative Sutton's bill, will achieve significant economic stimulus and environmental benefits, because it provides a the broad array of eligible vehicles and will appeal to a large segment of consumers. Ultimately, oil savings and emissions reductions will happen only if buyers can use vouchers to buy vehicles that meet their needs.

Around the world, consumers are already benefitting from similar programs, and the resulting economic stimulus has been significant. In January, Germany implemented a fleet modernization program. At the end of the first month of the program, sales in Germany were up 21% over 2008. Corresponding sales in the U.S. were down 41% for the same period. As of this writing, fleet modernization programs have been adopted in China, Japan, UK, Brazil, Spain, Austria, France, Italy, Portugal, Romania and Slovakia, and are under consideration in several others.

A fleet modernization program can deliver real benefits to consumers, the environment and the economy. The U.S. is already well behind other major economies in adopting a fleet modernization program, and many buyers are now delaying purchase decisions until the Congress acts. We strongly urge the Congress to send a message to American car buyers by sending a bill to the President's desk without delay.

We urge Representative Sutton to vote for Representative Sutton's fleet modernization bill.

Sincerely,

DAVE MCCURDY,
President and CEO, Alliance of Automobile Manufacturers.

DEAR REPRESENTATIVE SUTTON: On behalf of the Specialty Equipment Market Association (SEMA), we wish to extend our sincere appreciation to you for including a provision within the CARS Act to exclude vehicles of model year 1983 and earlier from the scope of the program. This provision serves to safeguard vehicles that may possess unique historic or aesthetic value qualities, and are irreplaceable to motor vehicle hobbyists and related businesses as a source of restoration parts.

SEMA also takes this opportunity to thank you and your staff for being available during the cash for clunker debate to discuss the challenges facing the entire scope of the automotive industry. We look forward to working with you on other auto industry issues in the future.

Sincerely,

STEPHEN B. MCDONALD,
Vice President, Government Affairs.

DEAR REPRESENTATIVE SUTTON: The Association of International Automobile Manufacturers (AIAM) is pleased to support your ''Cash for Clunkers'' legislation. AIAM represents 13 international motor vehicle manufacturers who account for 35 percent of all light duty motor vehicles produced in the United States. AIAM members have invested over $40 billion in U.S.-based production facilities, have over 6,500 locally owned dealerships, directly employ over 90,000 Americans, and indirectly generate almost 600,000 thousand U.S. jobs in dealerships and suppliers nationwide.

The automobile industry is experiencing one of the worst slumps in its history. Passage of a broad, stimulative, fleet modernization measure, as the President has requested, would help consumers purchase new more fuel efficient vehicles, reduce dealer inventories and provide a much needed boost to the industry and the economy. Ideally, this legislation should be administratively simple and cover as many new cars and light trucks as possible, whether purchased or leased. This type of approach has been implemented in numerous other countries with impressive results.

Again, we applaud you for your leadership on this issue and urge immediate passage of this much needed legislation.

Sincerely,

MICHAEL J. STANTON,
President & CEO.

JUNE 9, 2009.

UNITED STATES HOUSE OF REPRESENTATIVES: On behalf of Business Roundtable, I am writing to support the fleet modernization bill proposed by Congresswoman Sutton that is expected to be considered by the House of Representatives today. This bill provides a financial incentive for consumers to purchase new and more energy efficient vehicles resulting in the removal of less energy efficient vehicles from the nation's highways. It will also increase needed jobs to spur the economy, reduce greenhouse gas emissions and increase national energy security. We believe that this legislation will give a boost to the economy at a time of great economic uncertainty. We also note that the legislation will be financed by the already allocated money in the stimulus package and will not require financing through additional deficit spending. Thank you for your leadership on this important subject.

Sincerely,

MICHAEL G. MORRIS,
Chairman, President and CEO,
American Electric Power Company, Inc.,
Chairman, Sustainable Growth Initiative,
Business Roundtable.

DEAR REPRESENTATIVE SUTTON: On behalf of the Automotive Recyclers Association (ARA), an international trade association representing over 4,500 automotive recycling facilities through memberships in the United States and fourteen other countries around the world, we are pleased to support the ''Consumer Assistance to Recycle and Save Act'' (CARS). This legislation seeks to address the distress of anemic motor vehicle sales that have generated negative economic issues throughout our country.

The CARS Act allows for the reuse of nearly all parts from the vehicles retired under the program. The recovery, recycling, and resale of automotive parts are important because it maximizes the availability of replacement parts. Consumers and businesses rely on parts from recycled vehicles because of their substantial savings in reduced repair costs and lower insurance premiums.

ARA looks forward to working with staff from your office and others as the regulatory phase of this program moves forward. We believe there are important issues regarding the adequate handling of these vehicles under the National Motor Vehicle Title Information System (NMVTIS) and steps to ensure that these vehicles are properly handled environmentally that need particular attention during the rulemaking process.

On behalf of its members, ARA thanks you for your consideration of the concerns of America's automobile recyclers, and we look forward to working with you on this legislation.

Sincerely,

MICHAEL E. WILSON,
Executive Vice President.

JUNE 9, 2009.

DEAR REPRESENTATIVE: The National Association of Manufacturers (NAM)—the nation's largest industrial trade association—supports the Consumer Assistance to Recycle and Save Act (H.R. 2751), which is scheduled to be voted on today. This legislation would provide incentives for the purchase of new, fuel efficient motor vehicles. The auto industry represents the country's largest manufacturing base and we believe H.R. 2751 will help jump start the industry and save well paying jobs by stimulating the production and sales of new cars and trucks.

As you well know, the auto industry currently faces challenges of historic proportions. Over the past 16 months, retail sales of motor vehicles have fallen 26 percent, vehicle production has fallen 41 percent and the sector has lost 281,000 jobs. Nearly a fifth (17%) of the 1.6 million manufacturing jobs lost during this recession has come from the auto sector.

At the same time, the industry is critical to our nation's economic recovery and future growth. Almost four percent of U.S. gross domestic product is auto-related. One out of every 10 U.S. jobs, or about 13 million, is auto-related, and auto workers receive $335 billion annually in compensation. In 2006, the motor vehicle sector spent $16.6 billion in R&D alone.

By providing temporary incentives for the purchase of new more fuel efficient vehicles, this fleet modernization amendment will provide a much-needed boost to the struggling auto industry, including manufacturers, dealers, suppliers and other related industries.

NAM members believe strongly that a vibrant manufacturing sector is key to our nation's economic recovery and future growth. Similarly, a revitalized auto industry is key to a strong manufacturing sector. This legislation, which provides timely targeted tax incentives to jump start the auto industry, will help get our nation's economy back on track and ensure job creation and sustainable economic growth. Thank you in advance for supporting this important bill.

Sincerely,

DOROTHY COLEMAN,
Vice President, Tax &
Domestic Economic Policy.

DEAR CONGRESSWOMAN SUTTON: On behalf of the more than 17,000 members of the National Automobile Dealers Association (NADA), I want to offer our support for your bill establishing a temporary vehicle fleet modernization (also known as ''Cash for Clunkers'') program. It is our understanding that this bill will be considered in the U.S. House of Representatives sometime today.

As you may know, the current state of all automotive retailing is dire and consumer confidence is near historic lows. When measured on a per capita basis, annual sales of new vehicles have reached levels not seen since World War II. A successful fleet modernization program could well encourage hundreds of thousands of consumers to trade in older vehicles in return for an incentive to purchase more fuel-efficient, safer vehicles. This program is modeled after several successful programs in other states and in other countries.

We very much appreciate the time and attention you have devoted to bringing together a broad coalition of stakeholders into the legislative process and to developing a workable program. As the bill moves forward, NADA is committed to working with you to ensure legislation is passed by Congress and signed into law. We will also need the same sense of urgency that you brought to the legislative process as this important initiative moves through the regulatory process within the Department of Transportation.

Thank you again for your help and support of America's franchised new automobile dealers.

Sincerely,

DAVID W. REGAN,
Vice President, Legislative Affairs,
National Automobile Dealers Association.

THE GOODYEAR TIRE AND
RUBBER COMPANY,
Akron, OH.

DEAR REPRESENTATIVE SUTTON: I am writing to thank you for your personal help in sponsoring the Consumer Assistance to Recycle and Save Act (CARS) Act and respectfully ask that Congress take swift action to pass this important legislation.

Passage of this measure will provide immediate assistance to the automobile industry by providing direct support incentives to consumers to purchase new fuel efficient vehicles. With estimates that the CARS Act will provide incentives for Americans to purchase approximately one million new cars and light trucks, this action by Congress will provide an immediate and timely boost to the automobile industry.

Similar legislation offered by you in the House Energy and Commerce Committee was passed by a 50–4 bipartisan vote, showing widespread support for this program.

On behalf of Goodyear and our associates across the United States, thank you for your continued support and assistance. I look forward to continuing to work with you on this and other issues of importance to Goodyear.

Sincerely,

ISABEL H. JASINOWSKI.

THE OHIO AUTOMOBILE DEALERS ASSOCIATION,
June 5, 2009.

DEAR CONGRESSWOMAN SUTTON: On behalf of our members in your district as well as those throughout Ohio, I am writing to voice our strong support for your ''Consumer Assistance to Recycle & Save'' proposal, which we understand may receive full House consideration in the near future.

It's no secret Ohio's auto sales are weak, which impacts both our industry as well as Ohio's state and local governments. Your proposal encourages the removal of older vehicles from the road in favor of more fuel-efficient and safe vehicles, which benefits consumers, our industry and the environment.

Thanks again for your strong leadership on this proposal and your support of Ohio's automobile retail industry.

Sincerely,

TIM DORAN,
President.

JUNE 9, 2009.

DEAR REPRESENTATIVE: Support H.R. 2751, the Consumer Assistance to Recycle and Save Act—Automobile dealerships across the country again watched sales decline in May—for the first time in 2009 no single brand saw an improvement over 2008 sales. U.S. sales dropped by an average of 33.7 percent this month, setting the seasonally adjusted annual sales rate (SAAR) at 9.9 million vehicles. Annual sales for 2008 was 13.8 and 2007 was 16.4 million units. I start off reporting these numbers so you can better understand the urgency of my request—we need a ''cash for clunkers'' program now.

The American International Automobile Dealers Association (AIADA), representing 11,000 international nameplate automobile franchises and their more than 500,000 employees, write today urging you to vote to support the cash for clunkers legislation introduced by Congresswoman Betty Sutton, the Consumer Assistance to Recycle and Save Act, H.R. 2751. The entire auto industry needs to focus fully on recovery. The first element of that recovery is incentivizing customers to buy. Today, we look to the House of Representatives to do just that by passing a cash for clunkers plan that will quickly and effectively stimulate sales.

Done with the right balance, cash for clunkers is an opportunity to benefit both the economy and the environment. AIADA, and its dealer members, support H.R. 2751, the Consumer Assistance to Recycle and Save Act, and again urge you and your colleagues to act swiftly to stimulate the economy with this program and pass this legislation.

Sincerely,

CODY L. LUSK,
President.

UAW LOCAL 2000.

DEAR CONGRESSWOMAN SUTTON: I, on behalf of the working men and women of Ohio Assembly Plant and the approximate 50,000 Ohioans whose jobs are associated with the Ohio Assembly Plant, write to express all of our gratitude to you for your work on and for support of the Consumer Assistance to Recycle and Save Act (CARS Act).

Passage of this important legislation will not only help the consumer and public by putting cars on the road that run cleaner and maintain better fuel efficiency, but it will provide assistance by boosting car sales to the struggling auto industry in America. This will also help to create a safer driving atmosphere as the older and potentially dangerous vehicles on our roads are replaced with new ones.

The authors of this legislation should be highly commended for their efforts in providing equal support for ALL the auto companies in a competitively, neutral manner. The members of Local 2000 wish to extend our thanks to you for your continual efforts where the security of our jobs at Ohio Assembly Plant and the safety and well being of the citizens of the 13th District and the entire country are concerned.

If the members of UAW Local 2000 or I can assist you in these efforts in any way in the future, please do not hesitate to contact me.

Very truly yours,

JIM DONOVAN,
President.

Mr. Speaker, we must pass the bipartisan CARS Act today for our workers, for our environment, for consumers, for our economy, for our country.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I congratulate my colleague from Ohio and my colleague from Michigan, Mrs. MILLER. This is not the perfect bill, but this is it. There is no plan B. This is not the original bill that Ms. SUTTON and Mrs. MILLER introduced, but this is the bill that passed our committee 50–4.

One in 10 jobs in America are auto-related. In the last couple of years now, particularly through this tough recession, we have lost one in five manufacturing jobs, and certainly the Midwest has been critically hurt.

The auto sector, we've seen auto sales plummet from 17 million car sales just 2 or 3 years ago to probably what will be less than 10 million, not only this year, but next year as well. Not only the Big 3 supports this, but Toyota, Honda, the Chamber, a whole number of different groups, the UAW, the Auto Manufacturers, the National Association of Manufacturers, the auto dealers as well. You know what this bill is? It's a jobs bill.

□ 1600

But more important than that, it's an American jobs bill, and it's time to stop the dominos from falling the wrong way and beginning to turn the switch from ''red'' to ''green'' for auto jobs and get something in the hands of consumers that will boost their confidence.

Now, who else has done this bill? Well, 16. And guess what? The sales are up. Germany, sales have increased by 40 percent; France, sales are up March through May; the UK, Japan, China, Korea, Italy, Spain, Portugal, Malaysia, Austria, Romania, Luxembourg, The Netherlands. Even Slovakia, auto sales have increased by some 18 percent.

Madam Speaker, this is a very good bill. It's one that has bipartisan support. It's time to put American jobs first and begin to move this process forward. We know we have a majority in this House for this bill. The question is do we have two-thirds. I would like to think we do. This is it. We're not going to have another bill. It's not going back to Rules. We need to pass this.

I reserve the balance of my time.

Ms. SUTTON. At this time, it's my honor to yield 1 minute to the gentleman, my colleague from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Madam Speaker, this bill is about putting America first. We heard this all throughout the last campaign about how we need to invest in America and we need to protect American jobs. And Congresswoman BETTY SUTTON has stood up for American jobs, and she is putting new meaning to ''putting old Betty back in the garage and putting new cars on our streets.'' That's why it's imperative that the auto industry, especially in Ohio, be preserved under this bill. Twenty-five percent of Ohio's economy is based on how well or how poorly the automotive industry performs. There were 560,000 new vehicle registrations alone last year in Ohio. That averages to more than $24 million per dealership in Ohio.

This bill is about putting America first and putting Americans back in American-built cars. I will be proud to support this bill today on the House floor.

Mr. UPTON. Madam Speaker, I would yield 2 minutes to the distinguished Republican whip, Mr. CANTOR from Virginia.

Mr. CANTOR. I thank the gentleman from Michigan.

Madam Speaker, I rise in reluctant opposition to this bill. It was my sincere hope that this bill would have come to the floor under a process that would have allowed Members to offer amendments. Had we been permitted to do so, I would have offered an amendment to allow individuals to use the credit for the purchase of a fuel-efficient, previously owned vehicle. Even after a generous credit, for many American families, a new car is financially out of reach. Yet with gas prices rising again, these families deserve the same opportunity to upgrade their current vehicle to a more fuel-efficient model. For these families, the credit that can be used towards the purchase of a fuel-efficient, pre-owned car could make all of the difference.

Indeed, there is already a substantial inventory of previously owned, fuel-efficient vehicles on dealer lots available for purchase. As a result, these purchases will promote the goals of the program by increasing the number of fuel-efficient vehicles on the road. It is also important to remember that the livelihood of tens of thousands of Americans depend on the used car market.

Used car sales outnumber new car sales 3–1 in the U.S., and there are more than twice as many used car dealers as new car dealers in this country. Treating cars that meet the same fuel-efficiency standards differently, based on whether they are new or previously owned, effectively picks winners and losers among these dealers. Given the difficult economic situation faced by all Americans, I do not believe that it is wise or necessary to reward some Americans while punishing others.

If we were to expand this bill to include the purchase of previously owned vehicles, it would truly be a win-win. As it helps the environment by encouraging more fuel-efficient vehicles, it would also help ease our dependence on foreign oil, and it would provide another incentive to help jump-start the economy.

Madam Speaker, I'm saddened I was not permitted to offer my amendment, but I'm hopeful as this bill works its way through the process we can work to address the concerns of those who make their living selling previously owned vehicles.

Ms. SUTTON. Madam Speaker, may I inquire how much time we have.

The SPEAKER pro tempore (Ms. BALDWIN). The gentlewoman from Ohio controls 13 minutes, and the gentleman from Michigan controls 16 minutes.

Ms. SUTTON. It's my honor, Madam Speaker, to yield 2 minutes to the distinguished chairman of the Committee on Energy and Commerce, Chairman WAXMAN.

Mr. WAXMAN. Thank you very much for yielding time for me to speak in favor of H.R. 2751, the CARS Act.

I worked closely with Representative SUTTON and other members of our committee to negotiate this legislation, and I believe it hits the trifecta: it's good for the economy, good for consumers, and good for the environment.

For the auto industry, it means a big leap in sales right when the industry needs it most. CBO estimates that this program will help sell 600,000 cars, many of them made right here in America. It's no wonder that the Big Three, the UAW, and the auto industry support the bill. For consumers, it means a chance to get rid of the old gas guzzling clunker and receive a voucher worth up to $4,500 to get a new, more fuel-efficient car. The better gas mileage, the higher the subsidy. And for the environment, it means a win. With every new sale, every car or truck sold under this program will be more fuel efficient or cleaner than the car or truck it replaces.

I appreciate the work of Representative SUTTON and my other colleagues on the committee for this legislation. I want to acknowledge their efforts on behalf of the American auto industry and American autoworkers. This legislation was an amendment added to the ACES energy bill passed by our committee by a strong bipartisan 50–4 vote.

I ask my colleagues to vote ''yes'': ''yes'' for the economic benefits of the bill, ''yes'' for the benefits of consumers, and ''yes'' for the improvement in environmental quality.

Mr. UPTON. Madam Speaker, at this point, I would like to yield to 2 minutes to one of the cofounders of the Manufacturing Caucus and certainly a member of the Automotive Caucus, the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, this bill will spur auto sales and revitalize our manufacturing sector. Without a strong manufacturing sector, we will not have an economic recovery. While I would have preferred a simple $5,000 voucher for any new car purchase, Congresswoman BETTY SUTTON moved this bipartisan bill so it really stimulates the economy because it sets the chain of supply into motion. It gets people back to work in our factories. If the first-time home buyer tax credit for $8,000 is working to spur the housing market, just think what this will do for the auto industry.

Stimulating sales is the only way to get the auto industry back on its feet—not further top-down infusions of money from the top. The bill gets the American people involved because it's bottom-up. It sets the fire of manufacturing. It gets us going again. And even if somebody does not want to buy an automobile, this person will still indirectly benefit from the positive ripple effect.

Look what happens when 1 million automobiles are sold in America today. The Caliber—proudly built in the 16th Congressional District of Illinois, along with the two smaller Jeeps—the sale of 1 million automobiles in this country means 60,000 people go back to work, $1.4 billion is returned in sales tax to the State and local governments, $750 million in Federal taxes is paid by the workers and savings of unemployment, COBRA, food stamps and job training of almost $3 billion. This bill almost pays for itself.

But the beauty of it is the fact that it returns the supply chain. It gets people working again. It gets the economy moving again. Instead of communities having to come to Washington looking for money, the money gets restocked simply because of the payment of the taxes.

Vote for H.R. 2751. This is a real stimulus.

Ms. SUTTON. Madam Speaker, at this time it's my honor to yield to the distinguished gentleman from Michigan (Mr. KILDEE) 2 minutes.

Mr. KILDEE. I thank the gentlelady for yielding.

Madam Speaker, I rise today in strong support of H.R. 2751, the Consumer Assistance to Recycle and Save Act. This bill will provide incentives for the purchase of new, more efficient vehicles helping to revitalize our auto industry, preserve jobs, and clean up our environment. The need for this bill could not be greater. As we all know too well, our domestic industry has been suffering a prolonged downturn, and our families are feeling the effects. The recent bankruptcy filings by Chrysler and General Motors further underscore the critical need for action.

H.R. 2751 will provide consumers with up to $4,500 in vouchers for trading in their old vehicles and purchasing new, more fuel-efficient models. Not only will this provide a much-needed boost to the auto industry, including manufacturers, dealers, and suppliers, but it will help preserve jobs in our communities.

Additionally, we are cleaning up the environment by reducing our demand on foreign oil. I have always said that what America drives drives America. And I am committed to a strong and vibrant automobile industry. This legislation will help us get through this difficult time and get our automakers on the path to being the economic engine that has driven the American economy.

I urge my colleagues to vote ''yes'' on this important legislation.

Mr. UPTON. Madam Speaker, at this point I would yield 2 minutes to the gentlelady from the great State of Michigan, who was an original author with Ms. SUTTON of the first bill, Mrs. MILLER, for 2 minutes.

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

Madam Speaker, I rise today in very strong support of this bill that will help support American jobs. We all understand the challenges facing our auto industry. This industry, which is so vital to our national economy, has been hit literally by an economic hurricane which has caused hardships not only for the automakers, but also the suppliers, the dealers, and everyone who has a stake in this industry and its success.

This legislation is a very strong bipartisan approach that will help get the assembly lines moving, keep traffic in the showrooms, protect jobs, and give our economy a desperately needed jolt. And how do we know that it will work? Because it has already been implemented in nations across the globe. Because in every nation that has implemented a similar program, auto sales have risen, and in every nation that has not—like us—the sales continue to fall. That's why this legislation has the strong support of groups like the UAW, the National Auto Dealers, Ford, General Motors, Chrysler, Mazda, the Alliance of Automotive Manufacturers, the Association of International Automobile Manufacturers, the National Paint and Coatings Association, the Motor and Equipment Manufacturer's Association, the Specialty Equipment Manufacturing Association, the American Iron Steel Institute, the AFL, the CIO, the Chamber of Commerce. I could go on and on.

And why do they all support this legislation? Because they understand that the best way to jump-start our economy is to get auto sales moving. The plight of the auto industry is a national problem affecting our entire Nation. And we know this because of the troubles of Chrysler and General Motors dealers across the Nation that are being closed with countless jobs being lost. We know this because suppliers who serve the industry are struggling to stay afloat with countless more jobs being lost and at risk. And we know this because two of our iconic industrial giants—both Chrysler and General Motors—are today in bankruptcy court.

All of these providers are clamoring for action, and they deserve the help of

this Congress. Simply put, we must act. So let us support legislation that will protect American manufacturing jobs. And this legislation will also give our economy the boost that it needs. I certainly do want to thank my colleagues for all of their support. And I urge support of this passage.

Ms. SUTTON. Madam Speaker, at this time it is my honor to yield 2 minutes to the distinguished chairman emeritus and a leader in this effort as well, the gentleman from Michigan, Congressman John DINGELL.

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

Mr. DINGELL. Madam Speaker, I rise in strong support of this fine, bipartisan bill, the Consumer Assistance to Recycle and Save Act, authored by my friend and colleague, Ms. SUTTON of Ohio. I commend her and her bipartisan cosponsors for their work on behalf of this.

The bill has the support of the Obama administration, the UAW, domestic and foreign automobile manufacturers, suppliers, and dealers.

□ 1615

It also will result in meaningful reductions in vehicle fleet carbon emissions and fuel consumption while providing much-needed stimulus to our ailing automakers and economy.

I express my deep gratitude to Chairman WAXMAN, Mr. MARKEY, Mr. STUPAK, as well as Representatives SUTTON, ISRAEL and INSLEE, for their collaborate, collegial approach during the negotiations on the legislation. And I want to commend my friend, Mr. UPTON, and others of my colleagues on the other side of the aisle as well as the entire Michigan delegation, for their work on behalf of this.

This legislation cannot wait. The longer it is put off, the more auto sales will be depressed. And consumers who are excited about this proposal will continue to wait for Congress to pass this bill before buying that new car that we want them to have.

In view of the unprecedented turmoil faced by the domestic automakers and growing imperatives to address global warming, Ms. SUTTON's fleet modernization bill stands out as a really practical mechanism by which to achieve consumer savings, reduce fuel consumption, lower carbon dioxide and criteria pollutant emissions, as well as increase sales for a critical sector of the national economy. Indeed, in countries such as Germany, fleet modernization programs have been wildly successful in all of these areas.

This is a good bill. It will help us with the environment, and it will help us with employment. It will see to it that the United States moves forward rapidly towards a full and adequate recovery from this terrible recession in which we find ourselves.

I urge my colleagues to support the bill, and I commend its author again.

Mr. UPTON. Madam Speaker, I yield 2 minutes to the gentleman from Alabama and a member in good standing of the Auto Caucus, Mr. ROGERS.

Mr. ROGERS of Alabama. I rise today to offer my reluctant support of the Consumer Assistance to Recycle and Save Act, also known as the Cash for Clunkers program.

All of us have witnessed the devastation felt by our automotive sector. In my home State of Alabama, as in many other States, workers have lost their jobs or had their hours cut. Many hardworking dealers have simply been forced to close their doors.

To help protect our jobs and stimulate the automotive sector, we must work to stimulate consumer credit markets and restore consumer confidence. That is why I recently introduced my bill, the Consumer Auto Relief Act. Unlike the bill we are considering today, my proposal would help all sectors of the automotive industry.

In addition to offering tax credits to working families to help purchase new vehicles, the bill would also help incentivize lenders to finance new vehicles. The bill would also place no limitations on eligibility to participate in the program. Unfortunately, my bill is not what is on the floor today. Nonetheless, despite my reservations about H.R. 2751, I believe that passing it is better than doing nothing, but not by much. I offer my support for the bill and urge its passage.

Ms. SUTTON. Madam Speaker, it is my honor to now yield 1 minute to the distinguished Speaker of the House to speak on this bill, Speaker NANCY PELOSI.

Ms. PELOSI. I thank the gentlelady for yielding. I commend her for her tremendous leadership in putting together this legislation that we have before us. She, Representative ISRAEL and Representative INSLEE all worked very hard to come to a position that we can all support today. Mr. MARKEY is here of the Select Committee, and of course Mr. DINGELL, the Chair Emeritus of the Energy and Commerce Committee. Others, Mr. BRALEY, Mr. STUPAK—well, all of our colleagues have had an important role—Mr. KILDEE and our colleagues on the Republican side of the aisle. Hopefully we will have a good, strong bipartisan vote today on this legislation.

Because you all have given us an opportunity to pass legislation that is a benefit to our economy and a benefit to our environment, we can create and save jobs while addressing the air pollution issue, so important to our children's health. We will do this by allowing Americans to trade in their own gas-guzzling vehicles and receive vouchers worth up to $4,500 to help pay for the new, more fuel-efficient cars and trucks.

I will go into some specifics—I know we've heard it over and over again, but this CARS bill is quite a remarkable piece of legislation, and the timing is perfect. And when they trade in these cars, they will strengthen America's auto industry, creating jobs and reducing layoffs, and save more than 250 million gallons of gas. This has been tried and true around the world in recent months with great success. In Germany, for example, it boosted auto sales by 20 percent.

Because this legislation will deliver consumer savings, increase vehicle demand, help save American jobs while cutting greenhouse gas emissions and reducing our dependence on foreign oil, it is supported by a broad coalition. That coalition includes the Big Three automakers, the United Auto Workers, car dealers, business groups such as the National Association of Manufacturers, the Chamber of Commerce, and, in the lead, the Obama administration.

Today, with this legislation, we will ensure a strong American manufacturing base. As much as anything that we can do in terms of addressing the issue of the auto industry in our country, this is a national security issue. The auto industry's success is essential to ensuring that we have a strong manufacturing base. This legislation today will ensure that we have a strong manufacturing base and get more fuel-efficient vehicles on the road, which is essential to our economy, to our national security, and a clean, green future.

I commend my colleagues once again. I commend Congresswoman SUTTON for her determination to accelerate the pace of when we would bring this legislation to the floor and urge strong bipartisan support for the bill, which it certainly deserves.

Mr. UPTON. Madam Speaker, may I inquire how much time is left on both sides.

The SPEAKER pro tempore. The gentleman from Michigan controls 11 minutes, and the gentlewoman from Ohio controls 7 minutes.

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

Mr. FLAKE. I thank the gentleman for yielding.

Madam Speaker, this bill is a bad idea spawned by a bad idea that was spawned by still yet another bad idea—and it will likely spawn a lot of other bad ideas in the future.

The first bad idea was to bail out the auto industry in the first place. The second bad idea was for the government to essentially take over the auto industries. We all know that government is not very good at manufacturing anything, so it has to manufacture demand. And that's what this bill is about. It is defying the laws of economics and saying we can manufacture enough demand to keep the auto industries afloat without other measures that they need to take to stay afloat. We can't simply manufacture demand any more than we can defy any of the other laws of economics.

A list was given of those who support this legislation. It says it has broad support from Ford, GM, Chrysler, the Automobile Dealers Association, the labor unions, the Chamber of Commerce. Can anybody tell me honestly if

anybody on that list has ever turned down a government subsidy of any type? I would submit I've never heard it, not in the time that I've been here. So it shouldn't surprise anybody that this list of individuals or organizations supports this legislation. That doesn't mean that we should. We have a duty to represent the taxpayers as well here.

I should note that just this morning there was a press conference about PAYGO—pay-as-you-go, don't pay out anymore than you take in. Where is the money going to come from for this? Perhaps that's why it is on the suspension calendar so that what should govern this place—what kind of PAYGO rules that we have—don't actually apply. But you've got to pay the piper at some point, and we simply can't continue to go down this road.

Madam Speaker, this is a bad idea. This is a clunker of a bill that ought to be retired, and we ought to apply the cash toward our unsustainable deficit.

Ms. SUTTON. Madam Speaker, it is my honor to yield 1 minute to the distinguished chairman from Massachusetts, Chairman MARKEY.

Mr. MARKEY of Massachusetts. I thank the gentlelady, and I congratulate the gentlelady for her excellent work on this legislation.

To Mr. DINGELL, to Mr. INSLEE, Mr. STUPAK, Mr. ISRAEL, to Mr. BRALEY, to Mr. WAXMAN, this is truly the work of a lot of people coming together. And ultimately, the approach has produced a win-win-win situation: a win for our consumers who get a new, more efficient vehicle; a win for reducing our dependence on imported oil; and a win for an industry struggling to regain its footing. And I will add one more win because it is always a win when Members from the Rust Belt and the two coasts can join together and come up with a compromise that all sides can support.

The price of a gallon of gasoline is rising inexorably, back up to $4 a gallon. It has gone up $1 at the pump on a national average since December. The price of a barrel of oil has gone from $30 to $69 since December. This is the kind of bill we need to put in place. My congratulations to the gentlelady.

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

Ms. SUTTON. Madam Speaker, may I inquire how much time the gentleman from Michigan controls.

The SPEAKER pro tempore. The gentleman from Michigan controls 9 remaining minutes, and the gentlewoman from Ohio 6 remaining minutes.

Ms. SUTTON. Madam Speaker, at this time, it is my honor to yield 1 minute to the distinguished gentleman from Michigan, Chairman BART STUPAK.

Mr. STUPAK. Madam Speaker, as one of the authors of H.R. 2751, I urge support of the Cash for Clunkers program that will provide cash vouchers of up to $4,500 at auto dealerships for consumers who trade in aging, less fuel-efficient automobiles and replace them with modern fuel-efficient models.

The Cash for Clunkers program accomplishes a dual task of reducing emissions and stimulating sales in the auto industry. I applaud Congresswoman SUTTON for her leadership on this important issue. And I appreciate the support of Chairman WAXMAN, Chairman Emeritus DINGELL, Chairman MARKEY, Chairman INSLEE, and Majority Leader HOYER in helping to bring this agreement to the House floor.

The Cash for Clunkers program provides an incentive for Americans to do their part to reduce emissions without imposing new regulations on industry or consumers. This bill results in cleaner cars on the road and an increase in sales for the struggling auto industry.

The value of the voucher and the criteria used to determine eligibility vary based on the type of car you are trading in and the type of car you are buying. The agreement we have reached on Cash for Clunkers ensures that a variety of needs of consumers are covered under the program.

The Cash for Clunkers program encourages consumers to buy 1 million new cars and trucks. This program bolsters the automotive industry at its weakest point in years while revitalizing manufacturing and jump-starting our economy.

Mr. UPTON. Madam Speaker, I would just note that I have a list of folks wanting to speak, but they're not here. That is why I am reserving the balance of my time.

Ms. SUTTON. I would just inquire of the gentleman, we have an abundance of speakers and not quite enough time, would you like to yield some time?

Mr. UPTON. I will yield the gentlelady 4 minutes of my time to control.

Ms. SUTTON. I thank the gentleman very much.

At this time, Madam Speaker, I would like to yield 30 seconds to my colleague from Ohio, Congressman TIM RYAN.

Mr. RYAN of Ohio. I thank the gentlelady and want to congratulate her.

I would like to make two quick points. One is, the gentleman from Arizona, when he was here, mentioned about manufacturing demand. It was the tax credit for SUVs that actually manufactured the demand that led to a lot of the issues we are dealing with now with the environment. And also, the gentleman was critical of the auto industry. I would like to remind him that it was the auto industry and the tax dollars that the Midwest sent out to build the West. All the water lines and sewer lines in congressional districts that were made out West were made by the taxpayers and the auto industry and the steel industry that sent their money out. So I just wanted to clear the record.

I thank the gentlelady from Ohio. I get nervous anytime I see Ohio and Michigan working together, but in this particular instance, it's a good deal.

Ms. SUTTON. Madam Speaker, at this time, it is my privilege to yield 1 minute to the distinguished gentleman from Michigan, Representative PETERS.

Mr. PETERS. Madam Speaker, the CARS Act of 2009 is critical not only to spur growth in America's auto industry but to save and create jobs throughout our country.

History shows that one of the quickest ways to end a recession is to sell more automobiles. New car sales constitute a major percentage of a nation's consumer spending.

Increasing vehicle sales also stimulates demand for raw goods from which automobiles are manufactured. Production of glass, steel, plastics, and other primary materials will be increased as more new cars are sold, creating jobs throughout the country.

□ 1630

Many other nations have acted to strengthen their economies with policies to design and to sell more automobiles, and the U.S. should not be left behind. Many Members of the House have recently expressed their desire to support auto dealers in their States. There is no better way to help car dealers going forward than to pass this important legislation. We must pass the CARS Act today to create a recovery not just for our auto industry but for the entire economy.

Ms. SUTTON. Madam Speaker, at this time it is my privilege to yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Let me thank Mr. UPTON. I assume I'm using 2 of his minutes.

Mr. UPTON. Madam Speaker, I yield the gentleman another minute.

Mr. LEVIN. No, that's fine. I may yield back, but this is true bipartisanship.

We all know there's a major restructuring of the auto industry going on as we are here today, and there is a very simple truth: If there is not increased demand, that restructuring cannot succeed. And I think only rigid ideologues would say it's impossible to stimulate demand. There has been a historic drop in demand for vehicles in this country. It's about one-half of what it was not so long ago. And it remains true globally. This is not only a national phenomenon; it's a global phenomenon.

Other countries have acted. And I salute Representative SUTTON and all who have worked on this to step up to the plate for the basic manufacturing base of the United States of America.

Ms. SUTTON. Madam Speaker, at this point, it is my privilege to yield 2 minutes to the distinguished gentleman from Washington, Representative JAY INSLEE.

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

Mr. INSLEE. Madam Speaker, I just want to point out something about the benefits of efficiency in this bill. We know it's going to help the important

auto industry, but I want to point out how it will help consumers in efficiency.

Under this bill, Americans who participate will save an average of 133 gallons of gasoline a year by having access to a more efficient car. At the price of $2.71 a gallon, that's a saving of $368 a year in gasoline. That is 250 million gallons of gasoline that we otherwise will not be burning.

Now, the reason I point this out is there is a benefit to the environment in our efforts to stop global warming in this bill, and Mr. ISRAEL and I had earlier introduced a piece generally in the same direction, heading with the great leadership of BETTY SUTTON and JOHN DINGELL and BART STUPAK, and we put our bills together, and this is the product.

Some folks have argued that the efficiency provisions of this bill are not aggressive enough. The bill I introduced with Mr. ISRAEL had more aggressive targets.

But I want to point out something that is a singular achievement of this bill, and I want to thank BETTY SUTTON for her leadership on this. If we are going to stop global warming, we indeed are going to have to come together all across the country. Folks in the steel industry are going to need to work with people on the coast. People in the Midwest, in the Rust Belt States in the auto industry are going to need to work with those folks in the San Francisco Bay region.

Congress means coming together, and this bill, I think, represents a perfect example of how our Nation needs to come together to tackle the many challenges we have in dealing with global warming. And when we pass this bill today, it will be one step, one brick in the wall of that effort, for a true clean energy revolution in America that we can all be proud of across the country.

Congratulations.

Ms. SUTTON. Madam Speaker, I reserve the balance of my time.

Mr. UPTON. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, it is time to get America moving again, and that's exactly what this bill does. The auto sector is so important to our country in virtually every single community. It doesn't have to just be a community that has an assembly line. It's the communities that build parts, whether it be a gas cap or a part for a brake, a side panel, a piece of trim, a window. Auto dealers are in virtually every community across the country, and they average about 50 employees per dealership. So this bill impacts every single community across America.

No one here today has talked about what this bill also does. We will rely less on foreign oil because the average consumer, by taking advantage of this program, will save $780 in fuel costs because they're going to trade in that old car and they're going to have a more fuel-efficient, better emission vehicle than they had before; $780 per household for those that take advantage of it. We have fraud and abuse provisions in here so that they won't be taken advantage of.

And to my good friend Mr. FLAKE, yes, there is a sunset. This program doesn't go on forever. There is a sunset. It's a temporary Band-Aid to fix an economic problem that needs America's attention.

Isn't it better, isn't it better to have people work and have a job and pay taxes than having them laid off and receive benefits? I think most Americans would rather have that job. They want to pay their taxes. This is a bill that helps America, and that's one of the reasons why it passed in our committee 50–4.

I would urge all of my colleagues to support this. And, sadly, because of the procedure, it does have to pass tonight by a two-thirds vote rather than a majority. I would like to think that we can exceed that two-thirds and pass it.

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

Ms. SUTTON. Madam Speaker, we have heard overwhelming support for the CARS Act on the floor today and from across the country throughout this process. I want to thank, first of all, the gentleman from Michigan for what a fantastic job he has done in moving this bill on the floor this afternoon and for all of the work that he put into making it a success. I also want to thank all of those, many of whom we have heard from today here on the floor, for all of their help and their support in getting this innovative measure to the floor and on the way to the beneficial effects for the American people. I also want to thank all of the staff who worked on this bill and bringing it together: my staff, Nicole Francis Reynolds and Christine Corcoran, as well as the staff on the Committee on Energy and Commerce and others, Representative DINGELL's staff. It has been a truly collaborative process, and we have a good result.

We have heard about how this bill will improve our environment, serve as an economic stimulus, and shore up the 3 to 5 million jobs in the auto and related industries. Close to home in my district, the Akron Area Auto Dealers Association put it this way: ''Providing an incentive to stimulate sales is a critical step in the recovery of the automobile industry, and congressional passage of the CARS Act represents an opportunity to benefit both the economy and the environment.''

Local 2000 of the United Auto Workers, which assembles the Ford E-Series line of vehicles in my district in Avon Lake, has stated: ''Passage of this important legislation will not only help the consumer and public by putting cars on the road that run cleaner and maintain better fuel efficiency, but it will provide assistance by boosting car sales to the struggling auto industry in America.''

And the United Steelworkers, who represent hundreds of thousands of workers in jobs supplying the auto industry, summed it up like this: ''From the glass, to the tires, to the plastic, to the hundreds of pounds of metal that comprise every vehicle, steelworkers manufacture these products in locations all across the country. Even the paper, the catalogues, and brochures that the automakers use to market their vehicles are often the product of the work of steelworkers. But countless other citizens, union and nonunion, such as auto dealers, accountants, restaurant and shop owners, have their jobs tied to the auto industry.''

Governors from 12 States, including Governor Strickland from Ohio, the Governors of Michigan, Colorado, Delaware, Illinois, Kansas, Kentucky, New Hampshire, Oklahoma, Vermont, West Virginia, and Wisconsin all support this effort today.

It's time to act, Madam Speaker. It's time to pass the CARS Act, and I urge a ''yes'' vote on the bill.

Mr. GENE GREEN of Texas. Madam Speaker, I stand today in strong support of H.R. 2751, the Consumer Assistance to Recycle and Save Act.

This bipartisan piece of legislation is desperately needed to reinvigorate our domestic auto industry and replace high-emission vehicles with cleaner, more fuel-efficient cars.

This fleet modernization bill will help stimulate auto sales across the country by replacing approximately one million new cars or trucks on the road.

Specifically, old passenger cars and light duty trucks or SUV's must receive 18 miles per gallon (mpg) or less to participate in the program.

Consumers can receive vouchers—ranging from $3,500 to $4,500—to help reduce the cost of a new vehicle if the new vehicles receive greater fuel efficiency.

The greater the increase in fuel efficiency, the greater the value of the voucher.

New passenger cars must receive at least 22 mpg and light trucks or SUV's must receive at least 18 mpg. Large light-duty trucks and work trucks are also eligible for the program.

By replacing aging vehicles with more fuel-efficient ones, this bill will help reduce oil consumption in America, lower overall fuel costs and reduce transportation emissions to help us meet any national climate program.

I want to thank Representative SUTTON, Chairman-Emeritus JOHN DINGELL, and others for their leadership in moving this legislation forward, and I hope this legislation swiftly becomes law.

Mr. BARTON of Texas. Madam Speaker, in Texas we implemented a program called Air Check Texas, which was designed to replace older, polluting vehicles with newer ones. The program succeeded in getting vehicles 10 years or older—or those that had failed an emissions test—off of the road. The program in Texas focused mostly on older vehicles because they emit 10 to 30 times as much pollution as newer vehicles. In fact, vehicles that are 13 years old and older account for just 25 percent of miles driven, but 75 percent of all tailpipe emissions.

While I support Representative SUTTON in her Cash for Clunkers and I am a co-sponsor because I believe in both the stimulative and

environmental benefits of getting older vehicles off of the road, I don't believe that the arbitrary 18 mpg combined efficiency requirement for the trade-in vehicle is beneficial. Setting an arbitrary number like 18 mpg leaves a lot of folks with older, polluting vehicles behind the wheel of these cars because they can't afford a new car without the $3500 or $4500 this voucher would provide.

As the bill is currently written, a 1986 Peugeot station wagon with a 20 mile per gallon combined efficiency would not qualify for the voucher, but a 2009 Mercedes Benz station wagon would, because it has an EPA combined efficiency rating of 15.5 miles per gallon fuel. Clearly the intent of the bill is not to subsidize the new car purchase of a 2009 Mercedes driver. So let's think a bit more about our 1986 Peugeot driver and helping him or her improve the efficiency and tailpipe emissions of that car.

Expanding this program to model years and failed emissions tests—like the successful program in Texas—will achieve a more far-reaching success than the program as written. I support this legislation, but as the legislation moves forward I believe the combined efficiency requirements for the trade-in vehicle should be dropped and a model-year approach should be explored.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 2751, the Consumer Assistance to Recycle and Save Act.

The Consumer Assistance to Recycle and Save Act would strengthen demand for automobiles in the United States and provide much needed relief to struggling car companies and dealerships. More commonly known as the "Cash for Clunkers Act," this legislation would allow car owners to trade in their old inefficient automobiles for new more fuel efficient automobiles. The Cash for Clunkers Act could spur the sales of up to 1 million more fuel efficient cars and trucks. It would help to save jobs and shore up car dealerships, and it would help save more than 250 million gallons of gas a year.

Our national car companies are struggling in the floundering economy. Since last year ago, national car sales have fallen by 34 percent. Car dealerships across the nation are closing their doors, and it is estimated that in my home state of New Jersey 8,000 jobs in the automobile industry could be lost by the end of the year.

This legislation allows consumers to receive a voucher for $3,500 if they turn in their old car for a new automobile that is 4 miles per gallon more fuel efficient. Those who buy new models that are 10 miles per gallon more fuel efficient would receive a $4,500 voucher. Owners of sport utility vehicles, pickup trucks or minivans that get 18 miles per gallon or less could receive a voucher for $3,500 if their new truck or SUV is at least 2 miles per gallon higher than their old vehicle. The voucher would increase to $4,500 if the mileage of the new truck or SUV is at least 5 miles per gallon higher than the older vehicle.

Programs like the Cash for Clunkers Act have proven effective in increasing car purchases; Germany enacted a similar measure that increased car sales by more than 20 percent. I urge my colleagues to support this legislation that would spur our economy and decrease dangerous greenhouse gas emissions.

Ms. SUTTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the bill, H.R. 2751.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend on H.R. 2751 will be followed by 5-minute votes on motions to suspend on H.R. 1741 and House Resolution 505.

The vote was taken by electronic device, and there were—yeas 298, nays 119, answered "present" 2, not voting 15, as follows:

[Roll No. 314]

YEAS—298

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Gingrey (GA)
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—119

Aderholt
Akin
Alexander
Bachmann
Baird
Barrett (SC)
Bartlett
Biggert
Bilirakis
Blackburn
Boehner
Bonner
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Cantor
Carter
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Doggett
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gohmert
Goodlatte
Granger
Graves
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Platts
Polis (CO)
Posey
Price (GA)
Radanovich
Rehberg
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Taylor
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Buchanan
Deal (GA)

NOT VOTING—15

Bishop (UT)
Bono Mack
Braley (IA)
Conyers
Gonzalez
Kennedy
Lewis (GA)
Loebsack
Mack
Putnam
Ruppersberger
Sánchez, Linda T.
Sessions
Sullivan
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1707

Messrs. REHBERG, MARSHALL, KIRK, ROONEY, DOGGETT, and BARTLETT changed their vote from "yea" to "nay."

Messrs. GINGREY of Georgia and POE of Texas changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRALEY of Iowa. Madam Speaker, on rollcall No. 314, had I been present, I would have voted "yea."

Mr. PUTNAM. Madam Speaker, on rollcall No. 314, I was unavoidably detained. Had I been present, I would have vote "yea."

WITNESS SECURITY AND PROTECTION GRANT PROGRAM 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. 1741, 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 Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 1741, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 11, not voting 10, as follows:

[Roll No. 315]

YEAS—412

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
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
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
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
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)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
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)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
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
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
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 (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
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
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Broun (GA)
Burgess
Duncan
Flake
Foxx
Inglis
Lummis
McClintock
Paul
Rooney
Shadegg

NOT VOTING—10

Bono Mack
Gonzalez
Kennedy
Lewis (GA)
Loebsack
Mack
Ruppersberger
Sánchez, Linda T.
Sullivan
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have less than 2 minutes remaining in this vote.

□ 1715

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.

The title was amended so as to read: ''A bill to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs.''.

A motion to reconsider was laid on the table.

CONDEMNING THE MURDER OF DR. GEORGE TILLER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 505, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and agree to the resolution, H. Res. 505.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 316]

YEAS—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
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett

Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
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)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
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 (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
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
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
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 (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
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)

NOT VOTING—10

Bono Mack
Buyer
Gonzalez
Kennedy
Lewis (GA)
Loebsack
Mack
Ruppersberger
Sánchez, Linda T.
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1722

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

RECOGNIZING 25TH ANNIVERSARY OF NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

Mr. TONKO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 454) recognizing the 25th anniversary of the National Center for Missing and Exploited Children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 454

Whereas an estimated 800,000 children are reported missing each year in the United States;

Whereas 200,000 of that number are abducted by family members, and 58,000 are abducted by non-family members, for which the primary motive is sexual assault;

Whereas each year 115 children are the victims of the most serious abductions, kidnapped by non-family members and either ransomed, murdered, or taken with the intent to keep;

Whereas the National Center for Missing & Exploited Children (NCMEC) serves as the national resource center and information clearinghouse for missing and exploited children;

Whereas NCMEC was established by Congress in 1984;

Whereas NCMEC has assisted law enforcement in the recovery of more than 138,500 children;

Whereas NCMEC's Amber Alert program has led to 443 recoveries;

Whereas in 2008, NCMEC helped recover more children than any other year in the organization's 25-year history, raising the recovery rate from 62 percent in 1990 to 97 percent today;

Whereas NCMEC operates the toll-free 24-hour national missing children's hotline, which has handled more than 2,377,000 calls;

Whereas NCMEC provides assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally;

Whereas NCMEC offers technical assistance and training to law enforcement in identifying and locating non-compliant sex offenders;

Whereas NCMEC has a team of forensic artists who create age progression photos, which has assisted in the successful recovery of 895 children;

Whereas NCMEC CyberTipline has handled more than 686,000 reports;

Whereas NCMEC's Child Victim Identification Program has reviewed and analyzed 23,000,000 child pornography images and videos, 8,600,000 in 2008 alone;

Whereas NCMEC's sex offender tracking team has already located 402 missing sex offenders;

Whereas NCMEC operates a child victim identification program to assist law enforcement in identifying victims of child pornography;

Whereas NCMEC develops and disseminates programs and information about Internet safety and the prevention of child abduction and sexual exploitation;

Whereas NCMEC facilitates the deployment of the National Emergency Child Locator Center during periods of national disasters; and

Whereas NCMEC deploys Team Adam, a rapid response and support system comprised of retired law enforcement officers, to provide on-site technical assistance to local law enforcement agencies investigating cases of child abduction and sexual exploitation: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 25th anniversary of the National Center for Missing and Exploited Children.

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Madam Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 454.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Resolution 454, which recognizes the 25th anniversary of the National Center For Missing and Exploited Children. The NCMEC serves as the national resource center for missing and exploited children.

It is estimated that 800,000 children are reported missing every year in the United States. Two hundred thousand of that number are abducted by family members, and 58,000 are abducted by nonfamily members, for which the primary motive is sexual assault. It is with great sadness that this national tragedy continues year after year.

We recognize today the National Center's persistent efforts in reuniting families and stopping the abuse and exploitation of our children. During its

25-year history, the organization has assisted in the recovery of more than 138,000 children. NCMEC's Amber Alert Program alone has led to 443 recoveries. NCMEC's efforts have led to a rise in the recovery rate of missing children from 62 percent in 1990 to 97 percent today.

The organization offers assistance and training to law enforcement around the country in identifying and locating missing and exploited children, as well as non-compliant sex offenders. NCMEC also actively combats children's pornography by reviewing millions of images and videos in a national effort to identify victims of child pornography and the perpetrators behind these heinous crimes.

Madam Speaker, NCMEC acts as the ultimate advocate for our Nation's most vulnerable individuals. The organization sends a message to parents around the country that our Nation will never abandon its search for the thousands of children missing at any given moment. It is important to recognize that for the individuals at the NCMEC, the mission is never quite complete.

□ 1730

On May 25th of 2009, we recognize the 27th National Missing Children's Day. The day marks the anniversary of the disappearance of 6-year-old Etan Patz. For nearly three decades, the search for Etan and many other children has continued as part of the persistent efforts of the NCMEC.

Madam Speaker, once again I express my support for the center, and I thank Representative POE for bringing this resolution to the floor. I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this resolution, which seeks to pay tribute and recognize the important work of the National Center for Missing and Exploited Children.

I am honored to yield such time as he may consume to the sponsor of this important resolution, the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Madam Speaker, I appreciate the gentleman from Pennsylvania yielding and the support of the gentleman from New York.

I'm proud to sponsor H. Res. 454, which recognizes the 25th anniversary of the National Center for Missing and Exploited Children.

As founder and co-Chair of the Victims' Rights Caucus, along with my friend from California, Mr. COSTA, I am thankful for the work that the National Center for Missing and Exploited Children does to protect the Nation's children.

At the time the Center was founded 25 years ago, there were little or no resources available to assist law enforcement with the cases of missing children. In fact, there was no way for police to enter information about missing children into the FBI's national crime computer. Today, thanks to the work of the National Center for Missing and Exploited Children, this is no longer the case.

Each year, approximately 800,000 American children are reported missing. When a child is missing, the National Center for Missing and Exploited Children works tirelessly alongside families and law enforcement agencies in locating, finding, and recovering the children and bringing them home to their parents.

Many people may be familiar with John Walsh from his TV show America's Most Wanted, but they may not realize the tragic events that led to his advocating on behalf of children and his work with America's Most Wanted.

In 1981, Adam Walsh, son of John and Reve Walsh, was abducted from a toy department store in Florida at a shopping mall. Two weeks later, fishermen found Adam's decapitated head. They never found his body. He was 6 years old.

Last year, after 27 years of not knowing who killed their son, police announced that Adam's murderer was a serial killer who had died a decade earlier while serving five life sentences in prison. Ottis Toole was his killer's name, and although we know this knowledge did not take away the Walshes' pain, we hope that it gave them some peace of mind and a sense of justice.

Even during the years of unanswered questions, John Walsh turned his loss into advocating on behalf of children. He helped fight for the passage of the important Federal legislation, such as the Missing Children's Act of 1982 and the Missing Children's Assistance Act of 1984.

The Missing Children's Assistance Act of 1984 established a national resource center and a clearinghouse for missing and exploited children, thus creating the National Center for Missing and Exploited Children. President Reagan officially opened the National Center for Missing and Exploited Children on June 13, 1984. Twenty-five years later, we thank John Walsh for his pioneer efforts and recognize the center for their work on behalf of America's children.

We celebrate today that, since 1990, the National Center for Missing and Exploited Children's recovery rate of missing children has increased from 62 percent to 97 percent. Many children owe their rescue to the center, and many parents are grateful for the return of their kids, thanks to the National Center for Missing and Exploited Children.

This legislation is sponsored by both the Victims' Rights Caucus and the Caucus for Missing and Exploited and Runaway Children. I would like to thank my friend and fellow co-Chair of the Victims' Rights Caucus, JIM COSTA, and the co-Chairs of the Missing and Exploited Children's Caucus, JUDY BIGGERT, BART STUPAK, ZOE LOFGREN and FRANK WOLF.

I urge my colleagues to support this resolution.

Mr. TONKO. Does the gentleman from Pennsylvania have any further speakers?

Mr. PLATTS. Madam Speaker, yes, I do. I have at least two additional speakers.

Mr. TONKO. Madam Speaker, I reserve my time.

Mr. PLATTS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I rise to support this resolution. I think, in recognizing the National Center for Missing and Exploited Children here on its 25th anniversary, it is time for us to reflect on just what a role it played in terms of increasing the recovery rate over time of missing children.

If you think about the last 25 years and the fact that 138,000 missing children have been recovered, returned to their families, but that in the early years that rate ran at 62 percent and now that rate is up to 97 percent, you begin to get an appreciation for just what the National Center for Missing and Exploited Children were able to do for humanity, for these children, for these families.

As mentioned, it was officially opened in June of 1984 by President Ronald Reagan, and since its inception, it has become the leading organization worldwide dealing with the issue of missing and exploited kids.

I've been pleased to support many of the initiatives that it's worked for, including:

The Jacob Wetterling Crimes Against Children Registration Act, which was in 1994, and it mandated that sex offender registries be established in every State;

Megan's Law of 1996, which mandated that every State provide community notification when dangerous sex offenders are released, was driven by the push from the National Center for Missing and Exploited Children;

The PROTECT Act of 2003, which created a national AMBER Alert Program and strengthened law enforcement's ability to punish violent criminals who prey upon children;

And, of course, the Adam Walsh Child Protection and Safety Act of 2006, which created a national sex offender public database. And it's because of that work over the years that that rate is up to 97 percent today.

Now, despite all that's been accomplished, I'm sure there is much more that can be done, should be done. I congratulate the NCMEC for its 25th anniversary. I congratulate it for its work on behalf of so many child recoveries to date.

And let this resolution remind us that there is nothing more important than the safety of our Nation's children, and that the National Center for Missing and Exploited Children has done such great work in this regard.

Mr. TONKO. Madam Speaker, I continue to reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I am honored to yield to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN), who played an important role in the foundation and formation of the National Center for Missing and Exploited Children in 1984, as much time as he may consume.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is hard to believe that it was 25 years ago that this Congress worked to facilitate the establishment of the National Center for Missing and Exploited Children.

I recall being on the subcommittee of the Judiciary Committee when John Walsh and his wife testified before us. It was at a time when they did not know who had murdered their child.

It was at a time in this country where we specifically prohibited the use of the FBI in attempting to participate in any activities to try and find missing children. We had a statutory delay for any participation by the FBI. There was a lack of coordination that was not only in existence, but was promoted by law at that time.

And I recall, after John Walsh and his wife testified before us, the shrugging of shoulders by some who basically had to tell the Walshes that there was nothing that we could do here on the Federal level.

John Walsh and his wife did not take that as an answer. They spoke to many of us here in the Chamber, but actually those of us on the subcommittee and committee at that time, and challenged us to try and find a way to make it possible that we could have a seamless web between the Federal Government, the State government and local government when the question was a missing child. And the strength and persistence of that couple, combined with others who joined them around the country was extraordinary at that time.

It seems so commonplace now for us to talk about the 25th anniversary of the National Center for Missing and Exploited Children. It seems so commonplace for us to talk about hundreds of thousands of children being reported missing yearly, and the fact that there was almost a collective shrug of the shoulder at that time saying, it is a terrible tragedy, but there's nothing we can do about it.

It seems so commonplace now that when a child is missing, with all of the various laws that have followed after the creation of the National Center for Missing and Exploited Children, that almost instantaneously you have law enforcement across the board communicating with one another and creating a mechanism by which there can be the exchange of information and the encouragement of the exchange of information so that we can find these children.

One thing we knew 25 years ago, and it remains the same today, the sooner you know that a child is missing, the better the chances are of being able to find that child. The sooner you have law enforcement involved, along with the communities, the better the chances are that you will have a successful recovery of that child and a successful reuniting of that family.

So I hope people understand why we celebrate the 25th anniversary of the National Center for Missing and Exploited Children and that it has been the result of thousands upon thousands of people working for this effort.

Had it not been for a single couple, the Walshes, who, out of tragedy, decided to make something positive, had it not been for them coming here to the Congress and insisting that we look at this issue and insisting that there was something that can be done and insisting that just because we used to do it the old way was no reason or no excuse for not trying to do something different, had it not been for them, we would not be celebrating the 25th anniversary, nor would we be celebrating the thousands upon thousands of successful reunitings that have taken place around this country.

So this is a wonderful recognition of the center, but I hope it will also be a tremendous recognition of the contributions made by two wonderful Americans, the Walshes.

Mr. TONKO. Madam Speaker, I continue to reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I, again, urge a ''yes'' vote in support of this important resolution and commend Mr. POE for his sponsorship, as well as Mr. LUNGREN for his important work in the foundation of the National Center for Missing and Exploited Children.

Madam Speaker, I rise today in support of House Resolution 454, recognizing the 25th anniversary of the National Center for Missing and Exploited Children.

In 1979, while on his way to school, 6-year-old Etan Patz disappeared from the streets of New York City. In 1981, 6-year-old Adam Walsh disappeared from a Florida shopping mall. The media attention and search efforts that resulted from these two cases focused the nation's attention on the problem of child abduction and the need for a coordinated effort to address this problem.

The National Center for Missing and Exploited Children, NCMEC, as it is called in acronym, was created by Congress in 1984, through the Missing Children's Assistance Act. NCMEC works in partnership with the U.S. Department of Justice and is the nation's resource center and clearinghouse for information on missing and exploited children. Since 1984, NCMEC has assisted law enforcement with more than 154,000 missing child cases, resulting in the recovery of more than 138,000 children.

NCMEC's mission includes helping to prevent child abduction and sexual exploitation; helping to find missing children; and assisting victims of child abduction and sexual exploitation, their families, and the professionals who serve them. NCMEC provides assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

NCMEC offers many services, including a 24-hour call center. NCMEC's toll-free national hotline, 1-800-THE-LOST, has handled more than 2.3 million calls.

NCMEC also manages a distribution system for missing-child photos; a system of case management and technical assistance for law enforcement and families; training programs for Federal, State and local law enforcement; and programs designed to help stop the sexual exploitation of children.

NCMEC is the only private, non-profit organization that combines these resources to provide support to law enforcement, state clearinghouses, and parents working to find missing children.

I stand in support of this resolution recognizing the 25th Anniversary of the National Center for Missing and Exploited Children. I ask for my colleagues' support.

I yield back the balance of my time.

Mr. TONKO. Madam Speaker, the resolution before the House, H. Res. 454, recognizing the 25th Anniversary of the National Center for Missing and Exploited Children, is one that obviously brings with it many happy endings for at least 138,000 families.

And while not all of the stories are those happy endings, the center has provided itself as a resource, as a network that has devoted itself to the reconnection of our youth to their families. And so, with that outstanding record and with the concerns for missing children still alive and haunting us as a society, I strongly encourage a ''yes'' vote on the resolution.

I yield back my remaining time, Madam Speaker.

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. 454.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1745

CONGRATULATING AIRCRAFT OWNERS AND PILOTS ASSOCIATION ON ITS 70TH ANNIVERSARY

Mr. BOCCIERI. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 472) congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and their dedication to general aviation, safety and the important contribution general aviation provides to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 472

Whereas the Aircraft Owners and Pilots Association (AOPA) was formed 70 years ago, in May 1939, on the eve of World War II;

Whereas the AOPA is committed to improving general aviation safety;

Whereas the AOPA created the AOPA Air Safety Foundation, the only organization dedicated solely to that end, nearly 60 years ago;

Whereas the AOPA represents more than 415,000 members, or 7 out of every 10 pilots in the United States;

Whereas the AOPA has, for 7 decades, provided those pilots with education, information, and advocacy at all levels of government;

Whereas the AOPA was among the earliest proponents of civilian use of the Global Positioning Satellite System, setting the stage for development of the Next Generation Air Transportation System;

Whereas the AOPA was a leading advocate of the General Aviation Revitalization Act of 1994, which led to the recovery of the United States general aviation light aircraft manufacturing industry, a major United States export and a plus on the trade balance sheet;

Whereas the AOPA has developed and maintained close working relationships with agencies of the Federal Government, especially the Department of Transportation, the Department of Homeland Security, the Federal Aviation Administration, and the Transportation Security Administration; and

Whereas those relationships have allowed the public and private sectors to address various issues of legitimate concern to the Federal government in ways that impose the least possible burden on general aviation pilots and aircraft owners: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and salutes the Aircraft Owners and Pilots Association (AOPA) for celebrating its 70th anniversary;

(2) commends the AOPA for creating the AOPA Air Safety Foundation nearly 60 years ago to improve general aviation safety;

(3) commends the AOPA for helping lead the recovery of the United States general aviation light aircraft manufacturing industry; and

(4) commends the AOPA for setting the stage for development of the Next Generation Air Transportation System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOCCIERI) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOCCIERI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 472.

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

There was no objection.

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

I rise today in support of House Resolution 472, congratulating and saluting the 70th anniversary of the Aircraft Owners and Pilots Association and their dedication to the general aviation, safety, and the important contribution that general aviation provides to the United States of America.

AOPA was incorporated on May 15, 1939, as a nonprofit organization dedicated to general aviation. AOPA represents more than 414,000 members, which is about 70 percent of all United States pilots. In 1950, AOPA created the Air Safety Foundation, which provides general aviation pilots with training, education, and research on information and safety that are important to all pilots.

AOPA was a leading advocate in the General Aviation Revitalization Act of 1994 which led to the recovery of the U.S. general aviation and light aircraft manufacturing industry. In recent years, AOPA has been active on many general aviation issues such as global positioning navigation, flight service station modernization, FAA reauthorization, and the Next Generation Air Transportation System, known as NextGen.

House Resolution 472 congratulates and salutes the 70th anniversary of AOPA and its dedication to general aviation, safety, and the important contribution made by all aviators to the United States. In addition, the resolution commends AOPA for creating the Air Safety Foundation, leading the recovery of general aviation of light aircraft in the manufacturing industry and setting the stage for the development of NextGen.

For these reasons and others, I urge my colleagues to support House Resolution 472.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I rise in support of House Resolution 472. I'm a cosponsor of the resolution introduced by my colleague, Mr. DENT of Pennsylvania, congratulating the Aircraft Owners and Pilots Association on the organization's 70th anniversary.

Madam Speaker, I rise in support of House Resolution 472. I am a cosponsor of the resolution introduced by Mr. DENT congratulating the Aircraft Owners and Pilots Association (AOPA) on the organization's 70th anniversary.

For decades, AOPA has provided important safety information to pilots all over the country, making it a valuable safety partner with the FAA and the House Transportation Committee.

In addition, AOPA continues to perform an advocacy function for pilots and aircraft owners providing a helpful voice both at the FAA and here in Congress. Representing roughly 415,000 pilots and aircraft owners, AOPA has been a valuable stakeholder helping to shape policy solutions to safety issues facing the general aviation industry.

Finally, in representing pilots and aircraft owners, AOPA represents a general aviation industry that is critical to our nation's economy. The manufacturing of general aviation aircraft as well as the maintenance and operation of general aviation aircraft supports 1,265,000 high-quality jobs here in the United States. General aviation also inspires the love for flying that has led to so many U.S. commercial airline pilot careers.

I support the adoption of the resolution.

I yield such time as he may consume to the author of the resolution, Representative CHARLES DENT.

Mr. DENT. Thank you, Congressman PETRI, for your part of this legislation.

On May 15, 2009, the Aircraft Owners and Pilots Association, or AOPA, celebrated its 70th anniversary. Since its inception on the eve of the Second World War, AOPA has grown to be one of the strongest voices for general aviation in the United States.

Throughout its rich history, AOPA has developed and maintained close working relationships with Federal Government agencies including the Department of Transportation, Department of Homeland Security, Federal Aviation Administration, and the Transportation Security Administration. By working closely with these agencies, AOPA has helped us create the safest and most efficient aviation system in the world.

For the last 7 years, AOPA has also fostered a dynamic relationship with Congress, and specifically the members of the Committee on Transportation and Infrastructure on which I serve. The association's first political activity was to urge the U.S. Senate to pass legislation establishing the civilian pilot training program which allows thousands of American pilots to gain their certification through Federal Government support. Decades later, AOPA remains a key actor in the development in our Nation's aviation policy having played a vital role in the crafting and passage of this year's FAA Reauthorization Act.

Today, AOPA's membership exceeds 400,000, including seven out of every 10 pilots in this Nation. I'm confident every Member of Congress currently has a valuable relationship with the general aviation pilots flying in their districts.

On a personal note, AOPA members from the Lehigh Valley area serve on my aviation advisory board proved to be some of the most informed and influential participants. Their expertise has truly been a great resource for me as I serve on the Transportation and Infrastructure Committee and the Aviation Subcommittee.

Madam Speaker, I believe the passage of this resolution congratulating AOPA on its 70 years of service is a fitting way to salute the many pilots who help make our aviation system the safest and most efficient in the world. And at this time I would like to encourage everybody to support this legislation and urge its adoption.

Mr. PETRI. At this time, Madam Speaker, I yield as much time as he may consume to my colleague from Michigan, VERN EHLERS.

Mr. EHLERS. I thank the gentleman for yielding.

As a student pilot, and as the cochairman of the House General Aviation Caucus, as well as a proud member

of the Aircraft Owners and Pilots Association, I rise in strong support of H. Res. 472, honoring the Aircraft Owners and Pilots Association on their 70th anniversary.

Since 1939, AOPA has effectively represented the general aviation community at the local, State, and Federal levels. With a membership of more than 415,000—or two-thirds of all of the pilots in the United States—AOPA is the largest and one of the most influential aviation associations in the world. I have been a member for a number of years.

General aviation is a catch-all category that includes all nonscheduled, all nonmilitary aviation. There are more than 230,000 general aviation aircraft in the United States, which use nearly 19,000 small and regional airports. These airports help connect people and industries that do not always have easy access to our commercial airports.

Recently, general aviation has come under attack by the media and those that view general aviation as a corporate indulgence or an expensive toy used exclusively by the wealthy. That is simply not true. Actually, the fact is that companies that utilize general aviation are more productive and, thus, more competitive.

I can give two examples from my hometown of Grand Rapids, Michigan.

Recently, I was talking to a businessman there. He's a contractor. He's built a number of buildings. They've decided to expand into the Upper Peninsula of Michigan and into Canada. As you know, Michigan is surrounded by the Great Lakes so it's very hard to get from point A to point B quickly. However, they bought an airplane, and they were able to zip easily from the Grand Rapids headquarters to all the work sites in Canada and in the Upper Peninsula of Michigan. More often than not, these airplanes pay for themselves.

I have another businessman in Grand Rapids who told me that his airplane saved him a considerable amount of money because when his executives went to visit his plants scattered around the U.S.—most of them in forests because he's in the lumbering business and he has 30-some businesses around the country—it takes at least one person one day to get to any of these sites using commercial aviation because they have to go to a major commercial airport, rent a car and drive 30, 40 miles into the forest to their site. But with their own private airplane, they could usually land within a few miles. They can complete three business visits in 1 day instead of one.

So, as they say, these airplanes pay for themselves.

In addition, most of the private pilots I know are not rich but middle class working people that love to fly. In the wake of these disparaging stories that have appeared in the media, the AOPA and its supporters in Congress have worked hard to educate the public and spread the word about the importance of general aviation to our economy and our transportation system.

Every private pilot is passionate about flying, and the AOPA is the organization they rely on to stay abreast of current political events and aviation events and to advocate on their behalf.

I congratulate the AOPA on this historic anniversary, and I wish them continued success, and I look forward to celebrating future anniversaries with them as well. And I hope by then, I am able to fly more often than I am while I'm in the Congress.

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

I would like to commend the gentleman from Pennsylvania for his efforts to promote general aviation. It's very clear, having, myself, several classifications as a multiengine commercial instrument single engineer, that general aviation needs to do all it can to promote and respond to the needs of its pilots—in particular, training of the pilots. It is very important that we recognize the significance of this organization and what it means to general aviation.

I concur with the remarks of the ranking member and also concur with the gentleman and his remarks with respect to the importance of this bill.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I rise in support of this legislation, H. Res. 472, introduced by the gentleman from Pennsylvania (Mr. DENT), which congratulates and salutes the 70th anniversary of the Aircraft Owners and Pilots Association (AOPA) and its dedication to general aviation (GA), safety, and the important contribution that GA provides to the United States. The resolution also commends AOPA for: creating the Air Safety Foundation, leading the recovery of the GA light aircraft manufacturing industry, and setting the stage for the development of the Next Generation Air Transportation System by being an early proponent of the civilian use of the Global Positioning System. I thank Representative DENT for his leadership on this measure.

AOPA was incorporated on May 15, 1939, as a non-profit organization dedicated to GA. Since then, the organization has been a leading advocate for GA pilots and now represents about 415,000 members. AOPA has also provided GA pilots with valuable safety education and training through the Air Safety Foundation, which was created in 1950. The Air Safety Foundation is the largest non-profit organization dedicated solely to GA safety.

AOPA was a primary supporter of the General Aviation Revitalization Act (GARA) of 1994. The GA industry boomed following the passage of GARA, which placed fair and reasonable limitations on the time period during which a manufacturer would be legally liable for aircraft defects.

I congratulate AOPA for working to support GA over the past 70 years. GA stimulates local and regional economies—it comprises over one percent of the U.S. Gross Domestic Product and supports almost 1.2 million jobs. In addition, GA provides communities with essential services, and affords businesses the flexibility and mobility that they require. Many industries and public services depend on GA to be successful and efficient, including emergency medicine, firefighting, news services, energy exploration, and farming.

I urge my colleagues to join me in supporting H. Res. 472.

Mr. PETRI. Madam Speaker, I have no further requests for time. I urge passage of the bill, and I yield back the balance of my time.

Mr. BOCCIERI. Madam Speaker, the swift passage of this bill is very important.

I yield back my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOCCIERI) that the House suspend the rules and agree to the resolution, H. Res. 472.

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.

RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. BOCCIERI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1687) to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse,'' as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1687

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

SECTION 1. RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Administrator of General Services shall ensure that the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, is known and designated as the ''Ralph Regula Federal Building and United States Courthouse''.

(b) REFERENCES.—With respect to the period in which the building referred to in subsection (a) is federally occupied, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the ''Ralph Regula Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOCCIERI) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOCCIERI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1687.

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

There was no objection.

□ 1800

Mr. BOCCIERI. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in strong support of the bill I introduced, H.R. 1687, as amended, and urge its quick passage.

This bill designates the building located at McKinley and Third Streets, S.W., Canton, Ohio, as the Ralph Regula Federal Building and United States Courthouse. The bill has strong, bipartisan support.

While I know Congressman Regula as my predecessor, many of you on both sides of the aisle were also fortunate enough to call him a colleague, a mentor, and a friend. He was a true steward of his district and earned every accolade from his constituents, who knew him only as Ralph. He combined a unique blend of procedural acumen, hard work, and collegial personality in rising to a position of leadership on the House Appropriations Committee. All the while, he never forgot where he came from, consistently setting the standard and making sure that his constituents received the assistance they needed with their problems.

As a former teacher and principal, Ralph was a leader in pushing to improve our students' reading skills, develop teacher training, and increase Pell Grant funding. He also increased by millions of dollars the amount of Federal money committed to research in fighting cancer, heart disease, and birth defects.

Ralph was a leader in alternative energy. And he was an early champion of fuel cell technology, helping my district earn a reputation as a national leader in fuel cell research and development.

Congressman Ralph Regula served with distinction and represented the 16th District of Ohio for over 30 years—in fact, it was 36 years. He is a native Ohioan, born in Beach City, Ohio, on December 3, 1924. After high school, Congressman Ralph Regula served in the United States Navy with distinction and honor in World War II. He later graduated from college and earned his law degree in Canton, Ohio, at William McKinley School of Law. He went on to become a lawyer and later a State legislator.

He was first elected to Congress in 1972 and served 18 consecutive terms, retiring last year to spend more time with his lovely, lovely wife, Mary, and college sweetheart, as well as their three children and four grandchildren.

As much as I wish to claim this as an original idea, I have to give thanks and credit to Senator SHERROD BROWN, who first introduced this legislation last December before I was sworn in.

It is appropriate that we honor Congressman Ralph Regula with this bill because in many ways this building would not exist without his efforts, having laid the groundwork for it many, many years ago.

The Ralph Regula Federal Building and United States Courthouse will continue Ralph's legacy, serving Stark County for many years to come. It is most fitting and proper to honor Congressman Regula with this designation.

I support this bill, as amended, and urge its immediate passage.

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, at this time, I yield myself such time as I may consume.

I want to thank the chairman and the sponsor, the gentleman from Ohio, for sponsoring this legislation. He mentioned the history of Mr. Regula. He obviously served honorably the people of the 16th District in Ohio for 18 consecutive terms, from 1973 until last Congress, becoming the second longest-serving Republican Member in the House, Mr. Speaker.

Congressman Regula has a great legacy and has had a long and distinguished career in public service, always, always serving his country. Early on, he served in I think the most honorable way that one can ever serve this country, and that is in the Armed Forces, in the Navy. After completing his legal education, he went into private practice of law. In the early 1960s, Congressman Regula served as a member of the Ohio State Board of Education, and then he went on to serve in the Ohio House of Representatives, also in the Ohio State Senate prior to his election in the Congress.

Naming this Federal building in Ohio is appropriate to recognize Congressman Regula's commitment to public service, to his constituents, and to this Nation. The respect that he earned while serving in Congress is really demonstrated by what we are seeing today, the fact that this bill is sponsored by Ohio representatives from both sides of the aisle.

Again, I want to thank the sponsor of this legislation. I support the passage of this bill and urge my colleagues to do the same. Again, this is a man who has served this country with distinction.

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

Mr. BOCCIERI. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. I thank the gentleman.

Today, I rise in support of H.R. 1687, legislation to bring well-deserved recognition to Congressman Ralph Regula, who was first elected to Congress in 1972.

Congressman Regula retired in January of this year after serving in Congress for 18 consecutive terms. He had a wealth of experience on the House Appropriations Committee, serving as chairman of both the Labor, Health and Human Services, and Education Subcommittee and the Interior Subcommittee.

When I assumed the chairmanship of the House Financial Services Appropriations Committee in this Congress, Congressman Regula was the ranking member, and he was a mentor and a partner. I learned a lot about how to be an effective chairman from Congressman Regula by watching him in action and talking to him as my ranking member.

As a Member from an urban district, New York City, I also learned a lot about him and about farming. And I must tell you, I learned something that may sound funny to some folks, but I learned the difference between jelly and jam, and he was an expert on the subject. What I most treasure is his friendship because Congressman Regula was a true and generous friend to me.

The designation of this Federal building and courthouse in Canton, Ohio, as the Ralph Regula Federal Building and United States Courthouse is an appropriate honor for this man who has devoted his life to public service. He served in the Navy, was a lawyer, a member of the Ohio State Board of Education, the Ohio House of Representatives, and the Ohio State Senate before joining Congress and beginning his many years of distinguished and dedicated service on behalf of his constituents of the 16th Congressional District of Ohio.

We are doing something really good today; we are honoring a man who deserved this. And let me just conclude by saying this: I imagine when we leave here—when the day comes that I leave here—you want to be remembered for your work, but I think more than that you want to be remembered by your colleagues as how you treated them and how you interacted with them. Ralph Regula was a gentleman. Ralph Regula was a colleague. Ralph Regula never had anything nasty to say about anyone. And as I said before, coming from a community where I came from and coming from a community where he would tell me about driving his pickup truck and going out to his farm, it was two different worlds, and yet I learned to admire him, to love him, and to respect him.

And so today I wanted to join this celebration to say thank you to him. And I know, Mr. Speaker, it's somewhere outside the rules of the House to speak to a TV audience or to people in the gallery, so I won't do that, but I suspect that Congressman Regula is watching us today and needs to know that we care about him, that we care a lot, and that this is an honor, one of many, that he truly deserves.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Thank you, Mr. DIAZ-BALART, for the recognition. And I want to thank Mr. BOCCIERI of Ohio for introducing this piece of legislation.

Mr. BOCCIERI—I can't call him Congressman Regula's replacement because nobody can replace Congressman Regula, but he is his successor. And, unluckily, I also happen to be his successor as the dean of the Ohio Republican Delegation because in the last two elections you guys have wiped everybody out, and at eight terms, I'm the head guy on our side in the State of Ohio.

But, as has been mentioned, Ralph served 36 years here. And 36 years is the longest that any Republican Member of Congress has served from the State of Ohio. He had a lot to do, and I think Mr. PETRI is going to talk about his work with the parks when he was the chairman of the Interior Subcommittee, but Ralph's real gift, when it came to our side of the aisle at least, back in happier days—and Mr. BOCCIERI, happier days are when the Republicans were in the majority, that definition. Ralph guided us. And if you looked at the Ohio delegation back in the 1990s, most of us were the chairmen of full committees. We had two cardinals, Mr. Regula and Mr. Hobson of Springfield. And that was all Ralph's doing. He made a commitment to make sure that there was an Ohioan on every committee that mattered.

When I was elected—I'm a lawyer by training—I said, Ralph, I think I would like to be on the Judiciary Committee. And he said, What are you, nuts? We need a Republican from Ohio on the Transportation Committee. And he put me there, and it was one of the happiest times of my life.

There are two things that I want to talk about. Mr. SERRANO is right about his observations, but I came in the Class of 1994, so I'm one of those Republican revolutionaries that created the first majority since 1954. And Mr. Speaker, you may remember—and others may remember—that at that time there was a lot of rhetoric in this Chamber and there were some things that became targets. And parks became targets. But what I will always remember is that it was the desire on my side of the aisle to zero-fund things like the National Endowment for the Arts and the National Endowment for the Humanities. And I thought that was misguided, and Congressman Regula, as the chairman of the Interior Subcommittee, also felt that that was misguided. And as a result, although those agencies saw reductions during that time, they were never zeroed out. And I think in this appropriation cycle we will finally get back to the level of funding that they received prior to 1994.

I will tell you that a few years before Congressman Regula's retirement he was in line as the most senior guy to become the chairman of the Appropriations Committee. And he worked very hard at that. He created an organization called CARE, and worked hard—raised a lot of money in what you had to do and all that other business—and he was denied that honor, that opportunity. I will tell you that, in my mind, it had a lot to do not with the quality of the other candidates, who were both excellent. It had a lot to do with the fact that Ralph had angered people back in the 1990s because he wouldn't eliminate the National Endowment for the Arts, he wouldn't eliminate the National Endowment for the Humanities, he wouldn't agree to shut down the Department of Education. And as a result, even though Ralph had a long and distinguished career here, I think he was punished.

The other thing I want to say about Ralph is his partner, his life partner, Mary—Mary, of course, is the brains behind the First Ladies' Library. Mr. Speaker, if you ever happen to be traveling through the State of Ohio and you have to take a restroom break or you have to get off and get a soda, stop at the First Ladies' Library, because it really is an amazing creation that wouldn't be in existence today if it wasn't for Mary Regula, with the support of her husband, Ralph Regula.

So, Mr. BOCCIERI, I again want to thank you very much. This is an amazingly wonderful bipartisan effort on your part, and Senator BROWN, who you mentioned, to name something after somebody who really deserves to have something named after him. I never have served with a finer public servant than Congressman Regula. I know that that building will make him proud, and it should make the citizens of Canton, Ohio, proud as well. And I thank you for honoring my friend.

Mr. BOCCIERI. Mr. Speaker, I yield myself as much time as I may consume.

I wish to thank the gentleman from Ohio. His remarks were not only appropriate, they were well-guided in terms of what Mr. Regula meant not only to our part of Ohio, but what he meant to America.

Campaigning through the district and having the occasion to work with Congressman Regula while I was in the State legislature, people knew him not as a conservative, not as a liberal, not as a Democrat or Republican, but just as Ralph. And that type of leadership, that type of portrayal of American politics is what we should all rise to emulate. He was a man of his word, a man of integrity, and a man who believed in the Constitution. And he told me, he said, When you go to Congress, John, make sure that you protect the Constitution and, in particular, the fact that we own the checkbook, we write the checks, we appropriate the money, we here in Congress are responsible for the taxpayers' dollars. He was responsible for millions and millions of dollars coming back to the State of Ohio, whether it was research in fuel-cell technology or whether it was the First Ladies' Library that his wife had such a brilliant idea to anchor in our part of Ohio and the Midwest, or just funding for all the medical research that we're doing in our State, he was a leader. And he believed in the innovation and creativity of the American people, and in particular of all Ohioans. He was a man of great integrity, and someone who obviously I, as Congressman LATOURETTE said, would not be able to replace, but certainly respect as his successor.

Mr. Speaker, at this time, I yield to the gentlelady from California, our Speaker of the House of Representatives, Speaker PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and thank him for giving us this opportunity to come to the floor to sing the praises of our former colleague—we always will have him as a colleague in our hearts, but former colleague on the floor, Congressman Ralph Regula of Ohio.

□ 1815

As many of you know and as has been acknowledged, Ralph Regula served in the House with great distinction for 38 years of service, 38 years of service and not only service, great leadership. Last year we sadly said good-bye to him, but now tonight we will honor him by creating a longstanding testament to his leadership, designating the courthouse and Federal building in his hometown of Canton as the Ralph Regula Federal Building and United States Courthouse.

I want to acknowledge Congressman JOHN BOCCIERI for his work in shepherding this legislation through Congress and for doing an exceptional job, I believe, following in the footsteps of Ralph Regula in representing Ohio's 16th Congressional District.

Congressman Regula's entire life was devoted to public service and still is. He was a distinguished Navy veteran of World War II. He served our country in that way, and he served in both the Ohio Senate and the Ohio House of Representatives as well as the State Board of Education. And aren't we fortunate that when he came to Congress, he was already an experienced legislator with a strong commitment to educating our children.

Thirty-eight years. Imagine that. Some of our Members weren't even born when Ralph Regula came to the Congress. Thirty-eight years in the House of Representatives, earning the distinction of being the second-longest-serving Republican in the Congress.

Congressman Regula's leadership benefited our entire Nation. It was a personal privilege for me to work with him on the Appropriations Committee. I saw firsthand his leadership, his knowledge of the issues, the respect that he commanded for all who came before him and the respect he had from both sides of the aisle.

I personally am grateful to him for transforming San Francisco's former Army base—he was very much a part of doing that—the Presidio, into one of our Nation's premier parks, and we have honored him on many occasions in San Francisco, most recently at Fort Baker.

None of us can come together and talk about Ralph Regula without talking about Mary Regula because they

served here in Congress as a team. Ralph would be the first to say that it was the love of Mary and their three children and four grandchildren that made his leadership possible. And we all know that Mary is the one who made a decision that we would have a National First Ladies' Library in Canton, Ohio, to honor the contribution to our Nation of the First Ladies of America. It's a phenomenal thing. She had an idea, she executed it, and now people can visit and see that important part of American history thanks to Mary Regula.

Today we honor a great congressional leader, a great friend to all of us, and a great man. I urge all of my colleagues to understand the privilege that we have of expressing our appreciation for Ralph Regula's leadership by supporting this legislation, and I join my colleagues from Ohio on both sides of the aisle for the honor that we are paying to Ralph Regula tonight. And I again thank JOHN BOCCIERI for shepherding this through the Congress.

Mr. BOCCIERI. Thank you, Madam Speaker.

I concur with the Speaker's eloquent remarks, especially about Mary, who champions women in their role in politics. And for my two daughters who are sitting behind me and the ones I have at home, she has been a shepherd for all in the 16th District as well as our country.

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for yielding. I thank the previous speakers, particularly the Speaker of the House for taking the time from her busy schedule to come down here to honor a distinguished colleague on the occasion of naming the Federal courthouse in his hometown after him, and that's the gentleman I had the privilege of serving with for nearly 30 years and getting to know and one whom I admire a great deal, and that is Ralph Regula.

You've heard about the spirit with which Ralph Regula approached his responsibilities as a legislator. It was positive. He worked with all Members of this body, and he did what he thought was in the best interest of this country and this institution.

You learn a lot about Members of this body when you visit their districts. And my wife and young daughter and I had the habit, as we would drive back to Wisconsin for the August break, of picking a different route across the country and taking a few extra days and stopping to see historic and interesting places and making it an educational and fun thing rather than just an ordeal to go across the country. And one year we decided to go through and visit John Seiberling, another colleague in Akron, Ohio, from a distinguished family, Seiberling Tire and all that, and he had his home which they had lost in the Depression, Stan Hywet, which is one of the largest private homes in the United States.

And in the course of doing that, he took us through the thing, and I discovered that he and Ralph Regula had worked together for many years to create what is now, I believe, the largest national park east of the Mississippi, the Cuyahoga. I know they were both tremendously proud of that. It was a wonderful opportunity for that area of Ohio because there are large cities on various sides of this and it provides recreational and other opportunities for a large population. And if they had not acted when they did, it might not be there today. It was done by those two Representatives working as best they could with colleagues in both political parties and will stand, I think, as a lasting monument to their joint efforts on behalf of our country and certainly the people of their region in Ohio.

Ralph and Mary were and are a great team. And one other thing I think I might mention, Ralph is kind of a gentleman farmer, I guess, and he used to spend a lot of time working there, and he loved his grandchildren and family and all of that. But Ronald Reagan was kind of a gentleman farmer, too. He had this ranch out in California where he cleared brush and was trying to develop it. And it turned out that he and Ralph were talking over at the White House for some reason about some other things, and Reagan discovered that Ralph was going back to work on some fencing on his farm and he asked him if he could explain how he did it. So Ralph came back to a meeting afterward and said that Reagan had taken careful notes and everything else and then a week or two later gave him, I think, a signed copy of the instructions that Ralph had given to him, that it was a good fence.

Ralph did a great job and it's an appropriate honor. I strongly support the passage of this legislation.

Mr. BOCCIERI. Mr. Speaker, just a few more comments and I think we will be wrapping this up very soon.

To piggyback on what the gentleman was suggesting, as I said earlier, Ralph was not known as a Democrat or a Republican, a conservative or a liberal; he was just known as ''Ralph.'' I remember, in some closing remarks at a recent banquet that we were at, I was telling folks, and I feel at liberty to say this, I'm a freshman Member here, that this collegiality that we are sharing right now becomes few and far between at times and we need to return this Chamber, this body, our dialogue to that kind of respect for each other, where we may disagree on ideas, as Democrats and Republicans, we both believe in the end goal. And like a married couple, we may argue about how we get to the end destination, taking this exit ramp, that road, but at the end of the day, like a married couple, we always end up where we need to go. And we need to respect that. And I think that this bill respects the service of Ralph Regula and his contributions to northeast Ohio, and in particular what it will mean to the people of Stark County who go there to find relief and find help from their government. And every day they walk into that building, that building that's being built right now, they will see his designation, his name, and it will be a remembrance of what he meant.

Just one last comment, Mr. Speaker. This district that I am currently representing and serving in is, by all measures, arguably a swing district. It has Democrat and Republican registrations, even Independents inside the race. But yet he held this district for 36 years, and the Congressman before him held this district for 18 years, and the other Federal building in the city is named after him, Frank T. Bow. And so what this says is that the people of northeast Ohio, in particular the 16th District, they respect legislators, they respect Congressmen like Ralph Regula and his predecessor because they believe in our greatest asset, which is our people.

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I will be brief.

I want to echo the words of the gentleman from Ohio. I think they were very well-stated. I also want to thank the Speaker of the House for coming down today and speaking in such well-deserved words but kind words to a man that really loved this institution, loved this country, and served both so very well.

Mr. OBERSTAR. Mr. Speaker, H.R. 1687, as amended, introduced by the gentleman from Ohio (Mr. BOCCIERI), designates the building located at McKinley Avenue and Third Streets, SW. in Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse''. The bill has broad bipartisan support.

The designation honors the exemplary public service of our former colleague from Canton, Ohio, Ralph Regula. Ralph represented the 16th district of Ohio for 36 years, from January 3, 1973 to January 3, 2009. Former President Gerald Ford, while serving as the House leader, recommended Ralph Regula for an appointment to the Committee on Appropriations. He served with distinction on the Subcommittee on the Interior and the Subcommittee on Labor, Health, and Human Services.

Ralph Strauss Regula was born in Beach City, Ohio, on December 3, 1924. During World War II, Congressman Regula served in the United States Navy. He later went on to earn a B.A. from Mount Union College in 1948, and then graduated from the William McKinley School of Law in Canton, Ohio, in 1952.

Congressman Regula served in many different capacities in his long tenure in public service. He was a member of the Ohio State Board of Education from 1960–1964. Regula was then elected to the Ohio State House of Representatives from 1965–1967, and subsequently served in the Ohio State Senate in

1967–1972. He then went on to be elected to the U.S. House of Representatives in the 93rd Congress, and served for 36 years.

Congressman Regula last served as the ranking member of the Appropriations Subcommittee on Financial Services and General Government, and was one of the longest serving Republican Members of Congress. Congressman Regula retired at the end of the 110th Congress after a career of nearly 50 years of public service. Congressman Regula is married to Mary Regula and has three children and four grandchildren.

It is most fitting and proper to honor Congressman Regula with this designation.

I support H.R. 1687, as amended, and urge its passage.

Mr. MARIO DIAZ-BALART of Florida. With that, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOCCIERI. Mr. Speaker, at this time I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KISSELL). The question is on the motion offered by the gentleman from Ohio (Mr. BOCCIERI) that the House suspend the rules and pass the bill, H.R. 1687, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 410) recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 410

Whereas the boating community in the United States includes over 59,000,000 individuals, generates more than $33,000,000,000 annually in the United States economy, and provides jobs for 337,000 citizens of the United States who earn wages totaling $10,400,000,000 annually;

Whereas boaters often serve as stewards of the marine environment of the United States, educating future generations of the value of these resources, and preserving such resources for such generations' enjoyment;

Whereas there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

Whereas boating, as an activity, provides opportunities for families to be together, appeals to all age groups, and has a beneficial effect on the physical fitness and scholastic performance of those who participate; and

Whereas, July 1, 2009, would be an appropriate day to establish as National Boating Day: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the recreational boating community and the boating industry of the United States should be commended for their numerous contributions to the economy of the United States, the well-being of United States citizens, and responsible environmental stewardship of the marine resources of the United States; and

(2) the President should issue a proclamation calling on the people of the United States to observe National Boating Day with appropriate programs and activities that emphasize family involvement and provide an opportunity to promote the boating industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. LARSEN of Washington. 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 House Resolution 410.

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

There was no objection.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 410, recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States.

This bipartisan resolution was introduced by Representatives RON KLEIN of Florida and HENRY BROWN of South Carolina, along with the co-Chairs of the Congressional Boating Caucus, Representatives GENE TAYLOR of Mississippi and CANDICE MILLER of Michigan.

House Resolution 410 honors the 59 million boaters in the United States. As evidenced by the bipartisan cosponsors of this resolution, American boaters span all across the country, including my constituents in Washington State who take to the waters of the Puget Sound.

□ 1830

Boating provides a great activity for thousands of families, Mr. Speaker, on our lakes and certainly on our great coasts—to fish, to dive, to snorkel or to simply enjoy America's stunning natural marine resources.

Boating isn't just a recreational activity. The boating industry is one of America's great industries that includes about 1,400 active boat builders in the United States, including many in my district, using materials and services contributed from all 50 States. These are American jobs that are creating a uniquely American product. Additional jobs include electricians, carpenters, painters, and engineers who work to repair or to refit recreational vessels—along with all the crew members and employees at our many marinas and harbors.

When taken together, boating in America generates more than $33 million annually for our economy, and it provides 337,000 jobs, totaling $10.4 billion in wages every year. For these reasons, I am urging my colleagues to support House Resolution 410.

I reserve the balance of my time.

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

I rise in support of House Resolution 410, a resolution recognizing the recreational boating community and industries.

I now recognize for as much time as he may consume our colleague from South Carolina, Mr. HENRY BROWN.

Mr. BROWN of South Carolina. I appreciate my colleague from Wisconsin for yielding.

Mr. Speaker, I rise today to offer my support for House Resolution 410, legislation I was proud to introduce with Representative KLEIN. As the Representative for 75 percent of South Carolina's coast and for many of my State's recreational and commercial boaters, I am proud of this resolution, which recognizes the numerous contributions of the recreational boating community and of the boating industry.

Boating is big business in the State of South Carolina, with more than $826 million in sales a year and with nearly 9,000 boating industry employees across the State. Boats are owned by families of all income levels in communities across my State and the Nation. In my district alone, there are 82,441 registered recreational boats, and there are 145 boating businesses which range from small charter operations and marinas to major boat engine manufacturers at Cummins Marine, an employer of hundreds of my constituents.

Nationally, the recreational boating community includes over 59 million Americans, and it makes a significant impact on our economy. Boaters also serve as stewards of the marine environment as the boating community has a long history of educating future generations on the value of these resources and on how to preserve them for their enjoyment. Additionally, through annual motorboat fuel taxes, boaters contribute more than $100 million towards fish restoration and towards other environmental programs.

More than anything else, boating is important to American families as it provides opportunities for them to spend quality time together. It appeals to all age groups, and it has the beneficial effect on the physical fitness and scholastic performance of those who participate.

At the request of my constituent, Mr. Bill Hanahan, I worked to include language in this resolution, marking the

important role that boating plays for American families. As Mr. Hanahan said, Joining family and friends on the water is a great way to escape the chaos of our busy lives, create quality memories together and appreciate nature in all its glory.

Boating does just that, and I encourage all of my colleagues to support this resolution.

Mr. LARSEN of Washington. Mr. Speaker, at this time, I would like to yield 4 minutes to the cosponsor of this resolution, Mr. KLEIN of Florida.

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman from Washington (Mr. LARSEN) for yielding me time, and I also want to commend him for his leadership on this important issue.

Mr. Speaker, I rise today in support of H. Res. 410, a resolution I introduced with my friend from South Carolina, the Honorable HENRY BROWN, along with the distinguished co-Chairs of the Congressional Boating Caucus, the Honorable GENE TAYLOR from Mississippi and the Honorable CANDICE MILLER from Michigan.

Our resolution highlights the important contributions of the recreational boating community and the boating industry as to the quality of our lives and as to our continued economic prosperity. I urge President Obama to issue a proclamation calling upon the American people to observe July 1 as National Boating Day.

Boating is a famous symbol for south Florida, where I come from, and for other parts around the country. Millions of residents in our community and tourists take to the waters of south Florida to boat, to fish, to dive, to snorkel, and to view scenic tours along our pristine coastline and along our unique intercoastal waterway. Palm Beach County alone has over 40,000 registered boaters. Fort Lauderdale's majestic canals have earned it the nickname ''the Venice of America.''

The significance of the boating community is not only symbolic. The industry is a major economic engine in Florida, responsible for over $2.8 billion in direct sales and for 30,000 jobs Statewide. In my district alone, there are over 34,000 registered boats. The industry produces $193 million, and it employs over 2,000 of my constituents.

As everyone here knows, the contributions of the boating community extend far beyond the Sunshine State. The boating community includes 59 million people and 13.6 million registered boats throughout the United States. In addition, the recreational boating industry provides more than $37 billion in sales and in services to the U.S. economy, and it provides over 300,000 jobs throughout our country.

One need only look at the geographic diversity among members of the Congressional Boating Caucus, of which I am a proud member, to measure the broad influence and contributions of the boating community and of the boating industry. Members come from 33 States, including Tennessee, Pennsylvania, Kansas, and West Virginia.

Clearly, boating is not just a coastal pastime. It is an American pastime. Boating also brings us closer to our natural resources and treasures. I strongly believe that an appreciation for environmental stewardship comes through an interaction with nature. For example, it's hard to comprehend the beauty of our coral reefs until you see it under water with your own eyes through a boat. Once you do, you begin to understand their importance and the need to protect them for the continued health of our oceans.

Boating gives us these cherished opportunities to commune with nature, and it should be no surprise that boaters can be impassioned stewards of the environment, teaching future generations of boaters to have a healthy respect and appreciation for our natural resources.

For these reasons, Mr. Speaker, I urge my colleagues to support H. Res. 410, and I thank the gentleman from Washington again for bringing H. Res. 410 to the floor.

I urge its passage.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from Indiana, Representative SOUDER.

Mr. SOUDER. I thank my friend and colleague from Wisconsin for his leadership on Transportation and for the time to speak on this bill.

As a member of the Boating Caucus, since we first formed this, I am really pleased to be supportive of this resolution. In northeast Indiana, basically, I represent a lot of water with plants and farms in between.

In Kosciusko County, we have 100 lakes. In Steuben County, we have 100 lakes. Along this ridge, one water system heads towards Lake Erie; one water system heads towards Lake Michigan, and the other goes down into the Mississippi Valley. Because of geological potholes basically connected together, sometimes through small dams and sometimes in natural larger lakes, we have the bulk of the lakes in Indiana. It is when the glaciers pulled back. So in this zone, I would guess we may have 40 to 60 percent of the natural lakes in the State of Indiana. Some have been, historically in United States' history, big attractions, not necessarily as big a tourist attraction as in Florida or as in Wisconsin or, for that matter, as in Washington State, but Winona Lake was a big Chautauqua area.

In Kosciusko County, we have a number of State parks on these lakes, and so we're proud to bring in lots of regional tourism and people who enjoy them. They're sometimes lined up to get to the open space on our lakes in Indiana.

Yet, as the number one manufacturing district in the United States—I can't remember the latest figures—I believe we're fifth in the manufacturing of boats. Many of those boats go down to Florida and to the coasts. The inboard-outboard engine and the jet engine were both invented in my district, working with Volvo in Sweden. Many of the larger boat companies are based there—everything from float boats to fishing boats to high-powered speedboats. It is a critical part of our district. It has been a pleasure to work with the boating industry as we work on how to get retail floor plan financing for boats.

We hear a lot right now about GM and Chrysler—the auto companies. I represent Elkhart County, along with Congressman JOE DONNELLY. We've been working to make sure of the RV industry, 58 percent of which is there; but if you'll notice and look carefully at the retail floor plan financing and at SBA and at what they've done through TALF and other things, you'll see it says cars, trucks, RVs, motorcycles, and boats, because the same challenge that we're facing in the auto industry is true for the boating industry, which is how do we make sure there are adequate boats being purchased from manufacturers; how do we make sure there is the financing to keep them afloat, and then how do we make sure of the dealers. If they can only get one-fourth of their normal inventory there, here in this peak season for selling boats, it isn't going to work.

So this is a very unusual time and an important time for the boating industry. Not only are we entering the summer season in the Great Lakes region and in other areas of the country where boating and recreation are at a peak, but it's also a time of survival. It is probably the biggest challenge to the boat manufacturers since the luxury tax nearly sunk them years ago.

So I stand, honored to speak on behalf of this resolution because it's very important that we call to the attention of the American people not only the great pleasures of recreational boating but also the importance of having our boating industry survive.

Mr. LARSEN of Washington. Mr. Speaker, we have no further speakers. So, at this point, I will reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I fully support House Resolution 410, and I urge my colleagues to do the same.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 410, introduced by the gentleman from Florida (Mr. KLEIN), which recognizes the recreational boating community and boating industry for their contributions to the national economy and urges the President to issue a proclamation to observe July 1, 2009 as National Boating Day.

In the United States, the boating community consists of over 59 million people and over 13 million registered recreational boats. The boating community supports over 330,000 American jobs with total wages totaling approximately $10.4 billion a year. There are approximately 1400 boat builders in the United States that construct and repair boats using materials and services from all 50 States. In addition, recreational boating and the boating industry

contribute over $33 billion to the American economy annually.

In my state of Minnesota, there are over 866,000 registered boats—the third largest number of boats of any state in the country. In fact, Minnesota has the most boats per capita of any state: there is one boat for every six people.

Whether it is on the river, a lake, along the ocean, inter-coastal or intra-coastal waterway, recreational boaters support and depend on over 12,000 marinas all across the United States.

Recreational boating is an American pastime. It is a family activity that appeals to all age groups and is a constructive outlet for entertainment. Whether water skiing, snorkeling, fishing, or just relaxing on the water, boating is a perfect reason to turn off the television and put away the video games and to bring families and friends closer together. For these reasons, July 1, 2009, should be established as National Boating Day.

I support H. Res. 410, and I urge my colleagues to do the same.

Mr. LARSEN of Washington. Mr. Speaker, I would urge my colleagues to support House Resolution 410, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and agree to the resolution, H. Res. 410.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL PIPELINE SAFETY DAY

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 484) expressing support for designation of June 10th as ''National Pipeline Safety Day''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 484

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in this country operated by over 3,000 companies;

Whereas these pipelines play a vital role in the lives of people in the United States by delivering the energy we need to heat our homes, drive our cars, cook our food and operate our businesses;

Whereas in the past decade significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas, on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing two 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damages and economic disruption;

Whereas in response to this June 10th pipeline tragedy Congress passed significant new pipeline safety regulations in the form of the Pipeline Safety Improvement Act of 2002 and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006;

Whereas in the past decade the U.S. Department of Transportation's Pipelines and Hazardous Materials Safety Administration, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas even with all these new pipeline safety improvements, in 2008 alone there were still 274 significant pipeline incidents causing over $395,000,000 in property damage and uncounted economic disruption;

Whereas even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents such as the 1994 pipeline explosion in Edison, New Jersey that left 100 people homeless, the 1996 butane pipeline explosion in Texas that left 2 teenagers dead, the 2000 pipeline explosion near Carlsbad, New Mexico, that killed 12 people in an extended family, the 2004 pipeline explosion in Walnut Creek, California, that killed 5 workers, and the 2007 propane pipeline explosion in Mississippi that killed a teenager and her grandmother are still occurring;

Whereas these millions of miles of pipelines are still out of sight and therefore out of mind for the majority of individuals, local governments, and businesses, leading to pipeline damage and general lack of oversight;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a ''National Pipeline Safety Day'' can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of the above-mentioned safety improvements and would be an appropriate day to designate as ''National Pipeline Safety Day'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Pipeline Safety Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use this day to create greater public awareness of all the advancements that can lead to even greater pipeline safety; and

(4) encourages individuals across the Nation to become more aware of the pipelines that run through our communities and do what they can to encourage safe practices and damage prevention.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 484.

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

There was no objection.

Mr. LARSEN of Washington. I yield myself as much time as I may consume.

Mr. Speaker, today I rise to ask the House of Representatives to support the designation of June 10, tomorrow, as National Pipeline Safety Day. There are more than 2 million miles of gas and hazardous liquid pipelines in our country. Pipelines play a vital role in the lives of the American people by delivering the energy we need to heat our homes, to drive our cars, to cook our food, and to operate our businesses.

In the past decade, significant new pipelines have been built to help move oil and gas to refineries and to markets. These pipelines are invisible to most people and, therefore, are out of sight and are out of mind. This can lead to pipeline damage and to a general lack of government oversight.

On June 10 of 1999, a pipeline leak caused a massive explosion in my district in Bellingham, Washington. The rupture released more than a quarter of a million gallons of gasoline into Whatcom Creek. The gasoline ignited, sending a fireball racing down the creek, which killed two 10-year-old boys and an 18-year-old man. The two boys—Stephen Tsiorvas and Wade King—were playing in the creek on a summer day, near their homes, and 18-year-old Liam Wood had just graduated from high school and was fly fishing for trout.

□ 1845

Previous generations certainly ask themselves, Where were you when President Kennedy was shot? But in my district, people literally ask the question and know the answer to, Where were you when the pipeline exploded? It had that much of an impact in my district.

In response to this tragedy and several other pipeline explosions across the country, Congress passed legislation to strengthen pipeline safety regulations. The 2002 Pipeline Safety Improvement Act increased penalty fines, improved pipeline testing timelines, provided whistleblower protection, and allowed for State oversight. In 2006, Congress reauthorized the 2002 law by passing the Pipeline Inspection, Protection, Enforcement, and Safety Act, or the PIPES Act. Since that day in June, we've made significant progress in ensuring the safety of our Nation's pipelines. The frequency of so-called ''high-consequence events'' to pipelines has diminished almost 35 percent in the last 10 years. Due to the integrity management program required by the new law, pipeline operators have made extensive repairs to their pipelines that otherwise would have led to future accidents.

The 811 One-Call program now provides a number that people can call before they dig to make sure that they won't hit a pipeline when they do dig. ''Call 811, the One-Call program.'' And Congress has significantly increased the number of pipeline inspectors in

the field. However, we must remain vigilant. That's why I have introduced House Resolution 484, a resolution to recognize tomorrow, June 10, 2009, the 10-year anniversary of the Bellingham pipeline explosion, as National Pipeline Safety Day. My resolution encourages individuals, State and local governments, and pipeline safety stakeholders to use this day to create greater public awareness of pipelines and pipeline safety. It has the support of Washington State Governor Christine Gregoire, the Whatcom County Council, the Pipeline Safety Trust, the Pipeline Association for Public Awareness, the American Gas Association and the American Public Gas Association.

In conclusion, Mr. Speaker, I do encourage my colleagues to support House Resolution 484.

With that, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself as much time as I may consume.

I would like to express my support for House Resolution 484, designating June 10 as National Pipeline Safety Day, and yield such time as he may consume to my colleague from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, let me thank the gentleman for his generosity with the time.

I rise in support of this resolution, designating National Pipeline Safety Month. Mr. Speaker, pipelines obviously play an important role in our society through the operation of our homes, our businesses, and the delivery of energy to drive our cars, to cook our food, to keep us warm in the winter and cool in the summer. It is an undeniable reality that energy affects all aspects of our lives, and all Americans need it and depend on energy.

That's why it's unfortunate that some in the majority and in the administration, frankly, are proposing this cap-and-trade legislation that many are calling cap-and-tax legislation that would dramatically increase the cost of energy for all Americans, every single American. Estimates say that this bill could increase a cost to a family of four close to $3,000 a year, $2,937 a year, to be exact, and raise electrical rates on families by 90 percent after adjusting for inflation, boost gasoline prices by 74 percent on American families, and natural gas prices by 54 percent. If that were not bad enough, it would also put American businesses at a huge competitive disadvantage with their competitors from other countries that don't pursue that kind of legislation, be it China or India.

Now let's take a look at what some key players in the administration have recently stated about this legislation, some facts. For example, Peter Orszag, as CBO director and currently as the OMB director, testified to the Ways and Means Committee on September 18, 2008. He said, ''Decreasing emission would also impose costs on the economy. Much of those costs will be passed along to consumers in the form of higher prices for energy and energy-intensive goods.''

Mr. Orszag's written testimony stated that the average annual household cost was $1,300. That's for a 15 percent cut in CO_2 emissions, which, by the way, happens to be 80 percent less than the cut sought by this administration.

Another fact. On March 17, 2009, Energy Secretary Steven Chu, testifying before the Science Committee said, ''The cap-and-trade bill will likely increase the cost of electricity.''

Another fact I would like to bring up today, Energy Secretary Steven Chu said advocating adjusting trade duties as a ''weapon'' to protect U.S. manufacturing, because otherwise, again, U.S. manufacturing would be put at a huge disadvantage. He said establishing a carbon tariff would help ''level the playing field'' if other countries haven't imposed mandatory reductions in carbon emissions; again, referring to the fact that it would put our industry at a huge, huge disadvantage. Again Mr. Chu said, ''If other countries don't impose a cost on carbon, then we will be at a disadvantage,'' and he went on to say, ''and we would look at considering duties to offset that cost.'' But the legislation doesn't have those in the bill.

Again, what we are looking at then is, the United States will impose a self-inflicted wound to put our industry and our country at a huge disadvantage, increasing costs of energy to all consumers in this great country of ours at a time in particular when everybody is hurting.

Last month on May 21, the current CBO director testified before the House Budget Committee and said, ''CBO has been very clear that a cap-and-trade system or a carbon tax would raise the price of carbon emissions, and the cost would ultimately be borne by households.'' Again, it's not rocket science, Mr. Speaker. And again, ''It's also widely understood that if we raise the price of carbon emissions and our trading partners do not, then that creates an additional challenge for carbon-emitting industries.'' Those are his words. I added that part about the rocket science, to be fair; but those are his words.

So it's fitting that we are now here talking about pipelines and energy. I just hope that we don't forget the big picture as well and that we don't impose this huge cost on our consumers and those who use gasoline and turn on lights, like everybody does, that manufactures using energy, like every industry does, that we don't put them at a huge disadvantage.

Mr. LARSEN of Washington. Mr. Speaker, I am sure the parents of the three young men who died in the explosion would be very interested to hear the thoughts of the gentleman from Florida on energy.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I believe this resolution highlights the need to properly maintain pipelines and encourages the development of pipeline safety programs. I support the passage of this resolution and urge my colleagues to do the same.

I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I want to thank Mr. PETRI and Mr. MICA as well as Mr. YOUNG, Mr. OBERSTAR, and Ms. BROWN for all their help in putting this resolution together and getting it to the floor today. I urge my colleagues to support House Resolution 484.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 484, introduced by the gentleman from Washington (Mr. LARSEN), which expresses support for designating June 10th as "National Pipeline Safety Day".

Pipelines have a critical place in our national infrastructure. The national pipeline network of over 2.2 million miles efficiently delivers gasoline, natural gas, oil, and other essential energy products across the country each day. However, because of the volatile nature of the products they deliver, if pipelines are not properly cared for, or they are carelessly tampered with, there can be serious consequences.

That is what occurred in 1986 in Mounds View, Minnesota, when a Williams pipeline ruptured. Vaporized gasoline combined with air and liquid gasoline flowed along neighborhood streets. About 20 minutes after the accident occurred, the gasoline vapor was ignited when an automobile entered the area. Fire spread rapidly along the path of the liquid gasoline, killing a woman and her daughter and severely burning another victim. According to accident investigators, there were known deficiencies in the cathodic protection applied to the first 10 miles of the pipeline and Speaker, I rise today in support of H. Res. 484, introduced by the corrosion to the weld seams. Employees also had failed to shut-off the manually operated gate valve until one and half hours into the spill.

According to the National Transportation Safety Board (NTSB), had the valve been remotely operable or had remote-operated valves been installed on the line at the time of the accident, the pipeline could have been shut down by the dispatcher soon after the failure was detected, thereby decreasing substantially the amount of product released into the neighborhood. Ignition of the fuel may not have been prevented; however, the extent and severity of the damage could have been reduced.

The NTSB first identified the need for rapid shutdown of failed pipelines to limit the release of product following a pipeline rupture in a 1970 study, entitled "Effects of Delay in Shutting Down Failed Pipeline Systems and Methods of Providing Rapid Shutdown". Since then, a number of accidents that highlight the need to reduce the release of hazardous gases or liquids have occurred. In 1995, the NTSB recommended that the Department of Transportation's Research and Special Programs Administration (RSPA) expedite requirements for rapid shutdown of failed pipeline segments on high-pressure pipelines in high-consequence areas.

However, RSPA failed to act on the NTSB's recommendations, opting instead to further study the issue. That prompted Congress to pass the Accountable Pipeline Safety and

Partnership Act of 1996 (P.L. 104–304), which required the Secretary of Transportation to assess the effectiveness of remotely operated valves and to prescribe standards, within two years of enactment, for installation of the valves based on that assessment. The regulations were not issued until 2001—too late for the victims of the 1999 hazardous liquid pipeline explosion in Bellingham, Washington.

The June 10, 1999, explosion caused the release of about 237,000 gallons of gasoline into a creek that flowed through Whatcom Falls Park in Bellingham, Washington. The gasoline ignited, sending a fireball about 1.5 miles down the creek, which took the lives of two 10-year-old boys, Stephen Tsiorvas and Wade King, and an 18-year-old young man, Liam Wood. Eight additional inhalation injuries occurred, a single-family residence and the city of Bellingham's water treatment plant were severely damaged, and the wildlife in Whatcom Creek was completely destroyed.

Investigators found, among other things, that Olympic Pipe Line had no remote-operated shut off valves on the line, which could have prevented the release of hundreds of thousands of gasoline and the loss of three young lives. Following the Bellingham accident, RSPA ordered the pipeline company to install an automatic check valve just downstream of the rupture location so that the volume of product released would be limited in the event of a future pipeline rupture in that area. Again, a case of too little, too late.

Pipeline accidents, such as the ones in Mounds View and Bellingham, are not isolated incidents. According to the Pipeline and Hazardous Materials Safety Administration (PHMSA), which now oversees the safety of our nation's pipeline infrastructure, 2,888 significant pipeline incidents occurred between 1999–2008, resulting in 173 fatalities, 632 injuries, and $2.7 billion in property damage.

In response to these incidents, Congress passed the Pipeline Safety Improvement Act of 2002 (P.L. 107–355), which increased penalties for violations of safety standards; developed qualification programs for employees who perform sensitive tasks; strengthened pipeline testing requirements; required government mapping of the pipeline system; established a public education program for communities that live around pipelines; and enhanced whistleblower protections.

In 2006, Congress furthered these pipeline safety efforts by passing the Pipeline Inspection, Protection, Enforcement, and Safety Act (P.L. 109–468), which required development of an integrity management program for distribution pipelines; implemented long-standing NTSB safety recommendations on the installation of excess flow valves, development of hours-of-service standards for pipeline employees, and adoption of safety standards for Supervisory Control and Data Acquisition (SCADA) systems; and increased pipeline inspection and enforcement personnel.

Despite these significant measures, much work remains to be done. PHMSA has not implemented many of the mandates from the 2006 Act. Over the next several months, as we look to reauthorization of the pipeline safety program in fiscal year 2011, we will work with PHMSA to ensure full implementation of the Act

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 484.

Mr. LARSEN of Washington. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and agree to the resolution, H. Res. 484.

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.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Ms. WATERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 502) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 502

Whereas the month of June is recognized as National Homeownership Month;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments;

Whereas homeownership can be sustained through appropriate homeownership education and informed borrowers; and

Whereas affordable homeownership will play a vital role in resolving the crisis in the United States housing market: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month;

(2) recognizes the importance of homeownership in building strong communities and families; and

(3) reaffirms the importance of homeownership in the Nation's economy and its central role in our national economic recovery.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

Ms. WATERS. Madam Speaker, I yield myself as much time as I may consume.

I am proud to be a cosponsor of this legislation which recognizes June as National Homeownership Month. As Chair of the Subcommittee on Housing and Community Opportunity, I am indeed committed to good public policy that will assist citizens to realize the American dream of homeownership. I would like to thank Representative GARY MILLER for his continued leadership on ensuring that this resolution comes to the floor every year. This is the seventh time that he has introduced this resolution, and I appreciate his commitment to America's homeowners. Preserving homeownership is more important today than ever before, with foreclosures reaching record levels and millions more Americans struggling to stay in their homes. Homeownership has historically been the single most important wealth-building tool available to families in this country. However, homeownership, as we know it, is at risk. The foreclosure crisis has all but erased the gains we have made in increasing homeownership rates, especially for minorities; and the gains those families thought they had achieved through increases in home equity have also diminished as now 20 percent of homeowners owe more on their homes than they are worth.

The combination of unemployment, unsustainable and predatory mortgages, and uncooperative mortgage servicers has created a perfect storm of record rates, of loan defaults and foreclosures. According to the Mortgage Bankers Association, a record 12 percent of mortgages are either in default or in foreclosure. According to the Center For Responsible Lending, 6,500 foreclosures occur each day in the United States. By the end of 2009, there will be 2.4 million families in foreclosure. We must keep families in their homes, and this Congress and the administration have developed programs to do just that. For example, the Making Home Affordable program, announced by President Barack Obama in March, builds on legislation I introduced at the beginning of this Congress to end this unending avalanche of foreclosures.

Despite the commitment from the administration and Congress to reduce foreclosures, mortgage servicers have been reluctant to modify troubled loans. In fact, NeighborWorks recently found in its survey of housing counseling agencies that servicers are generally uncooperative. They take up to 60 days to respond to requests and frequently lose important documents. In order to be true to the spirit of National Homeownership Month, I call on all mortgage servicers to fully participate in the Making Home Affordable program and to work with families to maintain their ownership.

Vulnerable homeowners are also threatened by scam artists who offer to

rescue or help struggling homeowners stay in their homes for an exorbitant fee that must be paid up front. They often deliver either nothing or a higher payment than the homeowner was paying before contacting these companies. The Federal Trade Commission has begun to crack down on these scammers, and I support these efforts.

Prospective homeowners are also caught up in this economic crisis. Because they have no other home to sell, first-time homebuyers have the ability to help stabilize housing prices and neighborhoods. Housing experts are saying that now is the time to buy, but many first-time homebuyers are finding themselves locked out of the housing market. Many families who would otherwise be buying homes now lack the required down payment. Fortunately, the recently enacted $8,000 tax credit for first-time homebuyers is now being monetized so that these homeowners can use it to pay closing costs or to assist with their down payment.

America's homeowners face many challenges this month and will face many more this year. This resolution demonstrates this Congress' commitment to assisting them and first-time homebuyers in achieving the American dream of homeownership.

□ 1900

I urge all of my colleagues to support this important resolution.

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

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the month of June is recognized as National Homeownership Month. On June 3, 2009, I introduced this bipartisan resolution with 12 of my colleagues, including the ranking member, and I would like to thank MAXINE WATERS. As I recall, you have been here every time on the floor speaking with me. You are an ardent supporter of housing. You understand the benefit of that to communities and how it really helps people who need homes.

We are in a tough time, but we need to acknowledge the importance of homeownership in building strong communities and families. Owning a home is a fundamental part of the American Dream and is the largest personal investment most families will ever make.

For millions of American families, homeownership provides an entry into the middle class, and is a key to building wealth. Moreover, in addition to providing financial benefits to individuals, homeownership also helps strengthen communities. Homeowners have a greater stake in the success of their local schools, civic organizations and churches.

We have recently experienced significant upheaval in the U.S. housing market which has affected the entire economy. My home State of California in particular has been heavily impacted by the mortgage crisis, with thousands of families losing their homes. Despite all of this occurring in the current housing market, we need to remember that homeownership has historically been the single largest creator of wealth for most Americans.

As someone who has been involved in the housing industry for more than 35 years, I have seen my fair share of housing downturns. From these experiences, I have learned that at a time of stress, it is important to ensure that liquidity continues to flow to the housing market in order to keep the markets functioning.

The loan limit increases for FHA and GSEs included in enacted law are finally providing affordable, safe mortgages for homeowners who were previously forced to resort to risky loans that impaired their ability to keep their home.

Additionally, I have also cosponsored the Homebuyer Tax Credit Act, which was introduced by my fellow Southern Californian, KEN CALVERT, to bring stability to the housing market and encourage responsible homeownership. Congressman KEN CALVERT's bill would expand the homebuyer tax credit provisions included in the enacted stimulus bills. During these economically challenging times, it is more important than ever to provide tax relief to hardworking families.

In the first quarter of 2009, the homeownership rate was 67.3 percent. It has become more difficult for many people to retain homeownership today. Many families are trying very hard just to be able to make their house payment each and every month.

In the past we have seen downturns in the seventies, eighties and nineties. This is probably the most significant one I have ever seen. At this point in time we need to acknowledge that supporting homeownership is a worthy goal of this Congress, and I urge my colleagues to join me in supporting this resolution by voting ''yes.''

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

Ms. WATERS. Mr. Speaker, I would like to request of my colleague that we join in a little colloquy prior to going to our closing.

Representative MILLER, I know that you have been involved with real estate and housing and development and you understand a lot about the housing markets. And while we have identified that there certainly are problems we have been going through, a crisis with foreclosures and a kind of a meltdown, I am extremely hopeful that we are going to be able to stabilize this housing market and that we can continue to encourage our families to seek homeownership opportunities.

I think we see some indications of the banks getting stronger and being able to pay back money that the United States citizens have invested in the banks in order to stabilize this housing market. But I would like to have your opinion: Based on your expertise and your involvement for so many years, do you think that we are beginning to have a turnaround?

Mr. GARY G. MILLER of California. Well, you have worked very closely with me over the years on dealing with conforming loan limits in high-cost areas for Freddie and Fannie, and in California we almost felt like stepchildren for years. The limits were so low that people in California could not be able to use them to buy a home, and they were forced into riskier loans that many times you and I fought hard to change.

We have raised the GSEs and the FHA loan limit in California and are helping a tremendous amount of people refinance their homes, or people who need to sell a home and people buying a home be able to get into the marketplace at probably at least 100 basis points cheaper than they would be able to get into a jumbo loan.

I don't know if it is over, Maxine. I really wish I could say it was. I remember back in the early eighties when the prime went to 21.5 percent. You remember that. As a developer, I was paying a 24.5 percent interest rate for construction projects I had, and if anybody could even get a loan for 12 percent, they would buy a house at that point in time. But you couldn't get it.

I hope we are doing what is right, providing liquidity in the marketplace to encourage people to take advantage of the deals that are out there today. But you see more and more lenders having to foreclose on homes, and they are putting them on the marketplace. In fact, I have a bill right now that Chairman FRANK is going to be bringing up before the committee that allows banks, instead of forcing those homes on the marketplace, they can lease those homes for up to 5 years, and that way you get a lot of these distress sales off the marketplace.

Hopefully we can find a reasonable bottom at that point in time and the market will start to come back. But you have such a glut of foreclosed properties on the market today that it keeps driving values down further and further, and that makes it more difficult for people to be able to stay in their home, because many times they owe more than it is worth.

So hopefully we can get together, and we have done many of these things in a bipartisan fashion, and create a structure that will create a bottom and get us out of this. I am looking forward to that.

But I am really thankful to you for your help and your cooperation and your support for the housing market. You have a passion for that, as I do, and I know SPENCER BACHUS does and Chairman FRANK does also, and hopefully working together in a bipartisan fashion we can find a bottom and move the American people in a positive fashion forward.

Ms. WATERS. Thank you very much. I do appreciate your comments, and I value them because of your experience.

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

Mr. AL GREEN of Texas. Mr. Speaker, it is with great enthusiasm that I support H. Res 502, recognizing June as National Homeownership Month and the importance of homeownership in the United States.

Since the founding of this great nation, homeownership has been fundamentally tied to the American Dream. However, the right to own land or a home has not always been an inclusive one—for many generations homeownership was denied to communities of color and women. While we have taken great strides to rectify past injustices, much remains to be done, which reflects the importance of this resolution.

Owning a home represents much more than a roof and walls to protect one's family from the elements, or a space to raise a family. A home is the single most valuable asset one can own, and the wealth it can generate over time is crucially important for rising out of poverty. This reason alone, reflects the irrevocable damage that the foreclosure crisis is inflicting on our communities.

The bursting of the housing bubble and the economic crisis have resulted in the loss of countless American homes; countless dreams have been disrupted, and countless Americans are now struggling to deal with the ramifications of the actions of greedy, dishonest businesspeople more focused on personal gain than on truly honoring the dream of homeownership.

We now find ourselves at a critical point in American history. The housing and financial markets are undergoing fundamental changes; and while the Administration and this legislative body continue to work to implement programs to sustain homeownership, we must not forget those of us who are still working to realize the dream of owning their own home.

I firmly believe that homeownership should be a dream realized by every responsible American, and believe that we should continue to work to provide opportunities to make those realizations possible.

Mr. GARY G. MILLER of California. I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and agree to the resolution, H. Res. 502.

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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1886, PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009, AND PROVIDING FOR CONSIDERATION OF H.R. 2410, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–143) on the resolution (H. Res. 522) providing for consideration of the bill (H.R. 1886) to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes, and providing for consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CELEBRATING THE LIFE OF MILLARD FULLER

Mr. CLEAVER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 385) celebrating the life of Millard Fuller, a life which provides all of the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 385

Whereas Mr. Millard Fuller, as the founder of Habitat for Humanity and as a dedicated citizen, displayed extraordinary commitment, selflessness, and benevolence throughout a lifetime of philanthropy and goodwill;

Whereas Mr. Fuller, despite achieving financial success by which he could live out the rest of his life in well-earned comfort, instead chose to devote himself to a cause greater than himself, abandoning his fortune for a life of service;

Whereas this commitment was most profoundly manifested in the establishment of Habitat for Humanity in Americus, Georgia, an organization whose core principle was, in Millard Fuller's own words, ''To make it socially, morally, politically and religiously unacceptable to have substandard housing and homelessness'';

Whereas Habitat for Humanity has, since its founding in 1976, and with the help of countless volunteers, constructed over 300,000 homes for 1,500,000 of the world's less fortunate, providing hope that would otherwise be lost and promise that would otherwise lay unrealized;

Whereas Habitat for Humanity's success has left an enduring mark of progress on the world, an achievement facilitated by Millard Fuller's leadership and commitment to a higher ideal, to a more empathetic and noble world, and to a vision of what can be achieved when a united people extend their hands in selfless service;

Whereas Mr. Fuller's life has been previously and deservedly honored by President William Jefferson Clinton, who awarded him the Nation's highest civilian honor, the Presidential Medal of Freedom in 1996; and

Whereas Millard Fuller passed away on February 3, 2009, leaving behind a loving wife, Linda Fuller, a proud family, and a world filled with inexhaustible gratitude: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the life of Millard Fuller, a life which provides all the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man;

(2) honors Millard Fuller for three decades of leadership and service through Habitat for Humanity, and the millions he and his organization have inspired to embrace a passion for the good and the just; and

(3) urges the people of the United States to recognize and pay tribute to Millard Fuller's life and legacy of service by carrying on his vision for a kinder, gentler world, following the example he so emphatically set.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLEAVER) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise this evening to recognize and celebrate the life of Mr. Millard Fuller, the founder and strength behind one of our Nation's most well-known and beloved nonprofit institutions.

Mr. Fuller led Habitat for Humanity from its founding in 1976 until 2005. He was an amazing man who was able to turn a simple idea into a global housing juggernaut serving over 100 countries. Through his leadership, Habitat for Humanity has created affordable homes for more than 300,000 families and 1 million people, families that otherwise would have remained in substandard housing.

So, Mr. Speaker, I think that it is appropriate for this body to pass this resolution for a gentleman who certainly is worthy of having this recognition.

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

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 502, celebrating the life of Millard Fuller, founder of Habitat for Humanity. Millard Fuller, along with his wife, Linda, founded Habitat for Humanity in 1976.

Habitat for Humanity operates as a nonprofit Christian housing ministry. Working together with local affiliates, Habitat provides safe, decent and affordable housing for people of all backgrounds. Since its founding, Habitat for Humanity has built more than 300,000 homes worldwide in 3,000 communities and provided housing for more than 1.5 million people.

Habitat for Humanity provides needy families with an opportunity for homeownership. The average cost of a Habitat home in the U.S. is $60,000. Habitat for Humanity sells homes at no profit to Habitat homeowners. In order to purchase a home, a Habitat homeowner

must invest hundreds of hours in sweat equity into building not only their Habitat house, but houses for others as well. A Habitat homeowner is also responsible for making a down payment and monthly mortgage payments.

Habitat for Humanity is able to finance its operations through mortgage payments made by Habitat homeowners, donations and volunteer labor. Habitat also accepts government funds, so long as they have no conditions that would violate Habitat principles.

In my State of California, Habitat for Humanity has worked tirelessly to provide housing for needy Californians. Thousands of people have a decent place to live because of the work of many volunteers and the generosity of thousands of donors.

Mr. Speaker, Habitat for Humanity is an organization that deserves to be honored. I urge my colleagues to join me and vote ''yes'' on this resolution.

I reserve the balance of my time.

Mr. CLEAVER. Mr. Speaker, I yield 7 minutes to my colleague and friend, the gentleman from Georgia, Mr. SANFORD BISHOP.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Speaker, it often takes loss to remind ourselves of our unwavering appreciation and unfaltering gratitude for those few extraordinary people who, despite their ability to enjoy tremendous success and reward for themselves, instead commit their energies and talents to the betterment of the world.

Millard Fuller of Americus, Georgia, was one of those extraordinary few. He passed away February 2nd, leaving behind a wife and family, but, more importantly, a legacy that is all the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man.

Throughout his life, Millard Fuller's talent and passion were put on display in no small number of ways. He grew to be a great entrepreneur, founding a marketing company that made him a millionaire before he was 30 years old. He was a great lawyer and headed the Southern Poverty Law Center in Montgomery, Alabama. He was a great Christian, one who walked away from his hard-earned wealth to pursue a life of service and philanthropy through the founding of the tremendously successful Habitat for Humanity.

Millard led the organization for more than three decades, and through the application of what he called the ''economics of Jesus,'' helped to provide over 300,000 homes to the destitute and downtrodden across the globe.

However, more than any of these things, Millard was a great man. His selflessness serves as an inspiration to people throughout the Nation and all across the world.

Born to a grocer in Lanett, Alabama, Millard refused to allow his modest beginnings to define the course of his life. Although he attained great fortune from his tireless efforts as a businessman, he soon found that in order to live a life of fulfillment, he had to dedicate himself to a simple life of devotion and service to a higher purpose.

□ 1915

He traveled to Africa in order to observe what he could do to improve the lot of the impoverished. He became a staunch advocate for aid to Africa's poor and traveled the United States for assistance in his efforts for Africa.

After moving to Americus, Georgia, which is located in the Second Congressional District of Georgia, which I'm proud to represent, Millard and his supporters founded what would become the most visible and effective manifestation of his desire to make a difference, an organization dedicated to providing housing and support for the poor, Habitat for Humanity.

For more than 30 years, Habitat for Humanity, with the help of countless volunteers, ranging from the average citizen to former President Jimmy Carter, built hundreds of thousands of homes for the world's disadvantaged. Its mission has reflected a simple philosophy best expressed in Millard's own words. He said, ''We want to make it socially, morally, politically and religiously unacceptable to have substandard housing and homelessness.''

In 1996, President Bill Clinton recognized Millard's dedication by awarding him The Presidential Medal of Freedom.

In 2005, Millard also founded the Fuller Center for Housing, a nonprofit housing ministry dedicated to eliminating poverty housing worldwide by providing the structure, guidance and support that communities need to build and repair homes for the impoverished among them.

It is my great honor to sponsor H. Res. 385, which celebrates the life of Millard Fuller and the impact that he had on so many. As this resolution is voted on today, let us seek to emulate Millard Fuller's passion for the good and the just and his selfless spirit of a better, gentler world.

I urge my colleagues to support this resolution to honor the life and the memory and the legacy of Millard Fuller.

Mr. GARY G. MILLER of California. Mr. Speaker, in closing, you have to admire an individual who applies Christian principles to his life. He didn't just talk good. He didn't just tell a story, he created good and he created a life for many people.

There's nothing like looking in the eyes of an individual or a family who is moving in a new home, especially when the family was involved in that home, building that home, and helping build homes for other people. You have to admire him for what he did, and all the individuals in this country and other countries who give of their time, their talent and their resources for the betterment of humanity.

And at this point in time, I would ask for an ''aye'' vote on a man who deserves it.

I yield back the balance of my time.

Mr. CLEAVER. Mr. Speaker, let me just agree with my colleague, who talked about the living out of beliefs.

I read a story in one the newspapers today which I thought was one of the most theologically unsound things I've seen or read recently. It compared the times President Obama and President Bush said the name ''Jesus,'' as if there is something that is magically going to happen as a result of calling the name. And I think we are going into a slippery slope when we begin to compare people by how they call the name of their deity.

But in the case of Millard Fuller, he acted out his beliefs. And we believe in, at least my religious tradition, that there can be no faith, measurable faith, unless there are works. And we say faith without works is dead. And so you see today on the political scene, a lot of talk about religion, but after all is said and done, there's almost always more said than done. And so we have reason to stand up and celebrate Mr. Fuller, who put his faith into action.

I never had the opportunity to work on more than two Habitat homes, and I really hate the fact that I've not been able to do more. But I appreciate the fact that former President Jimmy Carter has become one of the most ardent supporters of Habitat for Humanity and has actually worked on tens and tens of homes, not only in this country, but around the world.

And by the organization's 25th anniversary, tens of thousands of people like President Jimmy Carter were volunteering with Habitat, and more than a half million people were living in Habitat homes. I am proud to count myself among the numbers of Habitat volunteers, and I'm also proud that I have the opportunity to speak in favor of Millard Fuller, a prolific writer, authoring 10 books, and a man who put his faith in action.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLEAVER) that the House suspend the rules and agree to the resolution, H. Res. 385.

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.

HONORING THE U.S. BORDER PATROL ON ITS 85TH ANNIVERSARY

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 498) honoring and congratulating the U.S. Border Patrol on its 85th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 498

Whereas in the early 20th century, control of the border was sporadic and piecemeal, and included mounted guards, Texas Rangers, and military troops;

Whereas Supervising Inspector Frank W. Bershire wrote to the Commissioner-General of Immigration in 1918, ''If the services of men now being drafted cannot be spared for this work, it may be that the various departments vitally interested would give favorable consideration to the formation of an independent organization, composed of men with out the draft age. The assertion is ventured that such an organization, properly equipped and trained, made up of seasoned men, would guard the border more effectively against all forms of lawlessness than a body of soldiers of several times the same number . . .'';

Whereas the prohibition of alcohol and numerical limits placed on immigration to the United States by the Immigration Acts of 1921 and 1924 further exposed our inability to control our borders;

Whereas in response to this urgent need the Labor Appropriations Act of 1924 officially established the U.S. Border Patrol with an initial force of 450 officers to help defend our borders;

Whereas over the past 85 years the border patrol has undergone enormous changes, but their primary mission has remained the same, to detect and prevent the illegal entry of persons into the United States;

Whereas since 1998, the Border Patrol has seized more than 15,567,100 pounds of marijuana and more than 189,769 pounds of cocaine nationwide;

Whereas the border patrol is on the front line of the U.S. war on drugs, having seized more than 14,241 pounds of cocaine and more than 1,800,000 pounds of marijuana in fiscal year 2007;

Whereas in the wake of the attacks of September 11, 2001, the border patrol has taken on a new mission as part of the U.S. Customs and Border Protection agency, with the priority mission of preventing terrorists and terrorist weapons from entering the United States;

Whereas the U.S. Border Patrol today is our Nation's first line of defense against many threats, patrolling 8,000 miles of international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico;

Whereas the mission of the agency says, ''We are the guardians of our Nation's borders. We are America's frontline. We safeguard the American homeland at and beyond our borders. We protect the American public against terrorists and the instrument of terror. We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel. We serve the American public with vigilance, integrity and professionalism.'';

Whereas the Border Patrol has adopted a clear strategic goal, to establish and maintain operational control of the border of the United States;

Whereas this strategy consists of five main objectives, establishing substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the ports of entry, deterring illegal entries through improved enforcement, detecting, apprehending, and deterring smugglers of humans, drugs, and other contraband, leveraging ''Smart Border'' technology to multiply the effect of enforcement personnel, and reducing crime in border communities and consequently improving quality of life and economic vitality of targeted areas;

Whereas today over 18,800 agents risk their lives in pursuit of these objectives;

Whereas the Border Patrol recognizes 104 official line of duty deaths in service to their country;

Whereas the U.S. Border Patrol has spent past 85 years keeping this country safe from threats like terrorists, illicit drugs, weapons, and criminals;

Whereas the Border Patrol Inspectors of the past and the Border Patrol Agents of today perform their duties on foot, in automobiles, by horse, and in boats;

Whereas today the Border Patrol uses state of the art technologies to aid in the performance of their duties; infrared cameras, remote video surveillance, unattended underground sensors, and ground radar support their National Strategy;

Whereas they use canine teams to detect both humans and narcotics at immigration checkpoints as well as in daily operations;

Whereas their Special Response Teams and Tactical Unit are specially trained for domestic and international emergencies and they have Search, Trauma, and Rescue teams, which provide humanitarian and rescue capabilities, performing countless rescues every year; and

Whereas the Border Patrol is also supported in their mission with air and marine assets and personnel from CBP Air and MarineNow, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the Border Patrol's goals and objectives;

(2) expresses its gratitude to the U.S. Border Patrol for its commitment to protecting the United States; and

(3) congratulates the Border Patrol and its exemplary workforce on 85 years of service to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LORETTA SANCHEZ) and the gentleman from Indiana (Mr. SOUDER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

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

There was no objection.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in strong support of House Resolution 498, honoring and congratulating the United States Border Patrol on its 85th anniversary, and I yield myself as much time as I may consume.

As the chairwoman of the Committee on Homeland Security Subcommittee for Border, Maritime and Global Counterterrorism, I have been fortunate enough to visit the border several times to see firsthand the good work of the Border Patrol. I have seen it, not just on the southern border with Mexico, but also that with Canada.

These dedicated men and women patrol America's borders, often in harsh climates, in isolated conditions, under dangerous conditions, in order to keep our Nation secure.

Representatives of Customs and Border Protection, the Border Patrol, and its agents have also testified many, many times before our committee about the challenges they face, particularly the Border Patrol's rapid growth and its evolving mission in recent years.

I don't know if a lot of you remember, but just a few years back, our Border Patrol was only 450 people. Today it numbers almost 19,000, and it's on track to grow to 20,000 agents by the end of next year.

When it was founded, the Border Patrol's sole mission was to prevent persons and contraband from entering our country illegally. But, in particular, in the wake of the attacks of September 11 of 2001, the Border Patrol is also charged, it is our front line, with stopping terrorists and their weapons from entering our country.

In the early days of the Border Patrol, agents patrolled our borders without the benefit of modern technology. But today they have sensors, cameras, in addition to their traditional ''sign-cutting'' or their tracking skills, which they still use in some of the mountainous areas, especially out there in the Arizona and California desert. And through all these changes, the Border Patrol and its agents have maintained a steadfast commitment to serving our Nation.

I commend the Border Patrol and all the agents who have served honorably under the Patrol's proud 85-year history. It is certainly fitting that the House of Representatives is marking this anniversary today with this resolution.

And finally, Mr. Speaker, I congratulate Mr. TEAGUE, the gentleman from New Mexico, for offering this fine resolution, and I urge all of my colleagues to give it their support.

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

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

I rise in support of H. Resolution 498, celebrating the anniversary of the Border Patrol and honoring their service.

The Border Patrol was established in the Immigration Act of 1924, and celebrated its 85th anniversary just recently on May 28, 2009.

The Border Patrol is one of the most public faces of the Department of Homeland Security. For those who aren't familiar with the differences, the Border Patrol covers the areas between the ports of entry as opposed to the ports of entry. The 18,000 men and women in green work every day along the borders and coastlines of the United States, often in some of the most rugged and challenging terrain.

I have this outsized map here that the Marfa sector of the Border Patrol had given me from Texas. And this is just one small section of the border, but I wanted to use it to illustrate a few points. Marfa, Texas, is one of the more, let's just say, rural parts of America, which is why it was featured in ''No Country for Old Men,'' ''There Will Be Blood,'' because it was such a kind of an undeveloped area.

The area at the bottom on the point is the big bend of Texas that you see. That's Big Bend National Park. Those mountains in that area, the Chisnos, are about 7,000 feet. A lot of people think our border is just flat and that it would be very easy to see all the problems coming through, but, in fact, it's very mountainous.

The far northwest edge of this map, in the western side of the Marfa sector, is Presidio. Presidio is a point of entry. That point of entry, for example, it's called Presidio because it was a fort, and that's where General Pershing, for example, chased Pancho Villa across. There's no other legal point of entry for hundreds of miles as you go across that border through Big Bend and up until the far side, which is near Lake Amistad and Del Rio sector. These areas are very vulnerable to penetration by any number of things.

And a lot of times the Border Patrol, as well as illustrating that the National Park Service has a huge chunk there, huge chunk over in other parks, that this border is not simple, and that when people say, Can't you just put a couple of thousand agents there and control the border, well, no, it is an incredible challenge.

During my time in Congress, I have had the opportunity to visit almost every Border Patrol sector on the north and south borders. There's 2,000 miles on the south, 4,000 miles on the north. The challenges are diverse, and the criminal element seeking to exploit our open borders are inventive and have significant resources. Drug smugglers are using helicopters, ultralight aircraft, fast boats, and something as simple as coyotes, forcing illegal aliens to carry 50-pound loads of drugs on their back to bring in contraband. The challenge is endless and the mission is critical.

In the 6-plus years that the Border Patrol has been in the Department of Homeland Security, their agency has doubled in size. Congress has provided authorization funding for hundreds of miles of fencing and vehicle barriers, which combined, total over 600 miles. Efforts to provide additional technological resources to the Border Patrol through the SBInet program, that should, when complete, provide an additional capability to detect and respond to illegal entry.

A sign that the efforts to gain operational control of the border are working is the growing drug cartel violence in Mexico. Nearly 8,000 people have been killed in drug-related violence in Mexico. It's a tragic situation, and it is absolutely critical that we continue to support and strengthen the Government of Mexico, headed by President Calderon.

At the same time, we must further strengthen our own border security efforts, and cannot be dependent on another nation doing that.

The Border Patrol's years of honorable service have not been without loss. To date, 104 agents have lost their lives in duty to their country. Additionally, hundreds of assaults, from rockings to Molotov cocktails to threats on their lives occur every year to our Border Patrol agents.

□ 1930

As we celebrate the 85th anniversary of the Border Patrol, it is important to remember and honor the agents who have paid the ultimate sacrifice in defense of our country. Luis Aguilar is the most recent who was run over by a drug smuggler trying to flee. As the guards of our borders, the Border Patrol is an important layer of security and often the last line of defense in preventing dangerous people and goods from entering the United States and infiltrating the U.S. communities.

The Border Patrol cannot let down their guard as criminal organizations are continually looking for vulnerabilities in our security to bring in contraband. The consequences of a drug load that slips through the layered defense are significant. According to the Department of Justice, in 2007 almost 32 percent of high school seniors used marijuana in the past year and 5 percent had used cocaine. The vast majority of these drugs are smuggled across our borders.

The reality of post-September 11, 2001, is that terrorist organizations may also seek to exploit openings along our borders to smuggle operatives or potential weapons. In the week since their anniversary, May 28, the Border Patrol has apprehended six alien gang members and four convicted sex offenders, seized three guns, six trailers carrying contraband, including one with 40 illegal aliens; seized 16,609 pounds of marijuana, five vehicles and an ultralight aircraft. And my favorite is about 6 a.m. last Sunday, agents spotted an individual on a surf board approximately 200 yards offshore paddling north of the international border in Imperial Beach. The surfer was holding a blue duffel bag. He released it as agents approached. Soon after, the blue duffel floated ashore and was inspected by Border Patrol agents and had five packages of marijuana with an estimated street value at $75,000. They're creative, if nothing else, and our Border Patrol has to be creative and persistent in response.

I urge my colleagues to vote in favor of this resolution and to honor the Border Patrol, express support for their important mission and pledge support to enhance their capabilities to gain operational control over our border.

[From www.cbp.gov, Mar. 23, 2009]

85 YEARS OF PROTECTED BY

Thursday, May 28, 2009, will mark the 85th anniversary of the United States Border Patrol. Founded in 1924, the U.S. Border Patrol was established in El Paso, Texas, and Detroit, Michigan. The Purpose: To combat the illegal entry of aliens, contraband, and the flow of illicit liquor from Mexico and Canada into the United States. The U.S. Border Patrol is steeped in a long and rich history that is passed down to each new recruit as they begin their careers at the academy. The newly organized El Paso Border Patrol Station was assigned 25 Patrol Inspectors, many of whom were recruited from the ranks of the Texas Rangers. Today, The Border Patrol boasts over 18,000 agents, in 20 sectors, and 164 stations around the nation.

Under the authority of the Immigration Act, approved by Congress on May 28, 1924, the Border Patrol was created as a uniformed law enforcement branch of the Immigration Bureau. This prompted the establishment of the El Paso Border Patrol Sector on July 1, 1924. It was the height of Prohibition in the United States, and organized crime was a growing concern, as the mafia controlled a majority of the alcohol being smuggled into the United States. As a result, liquor smuggling from Mexico and Canada became a well organized, thriving industry. The opportunity to earn substantial sums of money became a temptation for many illegal aliens that were willing to enter the United States carrying a few crates of contraband.

It wasn't long before gun battles began to erupt between Border Patrolmen, and smugglers attempting to avoid arrest. In February 1927, El Paso Sector experienced one of the bloodiest months for the agency. As old newspapers report, during the entire month, there had not been a 24-hour period of time without a gunfight between smugglers and Patrol Inspectors. These gunfights added to the renown of the Border Patrol, as patrolmen gained a reputation for winning most of these shootouts.

Almost immediately after the establishment of the El Paso Station, a need was seen to have officers at outlying locations. Other stations soon opened within the sector. The Border Patrol began to grow, as the situation along the border was steadily deteriorating. As the prohibition era reached the peak of its infamy; lawlessness and violence became more common along the water borders of the Detroit Sector. Several Detroit Sector Patrol Inspectors were killed in the line of duty during this period, as smugglers attempting to bring contraband across the border resorted to violence to protect their cargo from the Border Patrol Inspectors.

Eighty-five years later, the Border Patrol has evolved into the finest law enforcement organization in the world. On a daily basis, the Border Patrol is confronted with a large number of threats that would never have been conceived of at the time of the agency's inception. Criminal organizations have evolved as well, adopting a wide variety of weapons and technology to aid them in their efforts to enter the United States while smuggling human cargo and other contraband. Since 9–11, the agency has had to adapt yet again, to our nations newest threat; terrorism. The U.S. Border Patrol has proven over its long history that its men and women are up to the task ahead, and stand ready at our nation's borders.

The U.S. Border Patrol will be hosting several events for the 85th Anniversary, including a Headquarters celebration honoring all of the men and women, past and present, who have made the Border Patrol what it is today.

I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I now yield 3 minutes to my good friend, Mr. SILVESTRE REYES from the great State of Texas who, by the way, has probably over 30 years of experience in the Border Patrol Agency.

Mr. REYES. Mr. Speaker, I thank the gentlewoman from California for yielding me time, and I also want to thank you for your support of the men and women of the United States Border Patrol and the important work that you

do through your chairmanship and the subcommittee that deals with border issues.

Mr. Speaker, I rise today in strong support of House Resolution 498, a bill that honors and congratulates the United States Border Patrol on its 85th anniversary. And I also want to thank my good friend and neighbor, HARRY TEAGUE from New Mexico, the gentleman that has sponsored this legislation, for his support of the United States Border Patrol men and women. And the ranking member as well, thank you for your support. I think that the men and women of the United States Border Patrol do incredible work.

The United States Border Patrol has a unique and rich history that began on May 28, 1924, when Congress passed the Labor Appropriations Act which officially established the U.S. Border Patrol in El Paso, Texas, and Detroit, Michigan. Established during the height of Prohibition in the United States, the initial 450 patrol inspectors were not only charged with preventing the entry of undocumented immigrants into the United States but were also responsible for combating the entry of illicit liquor from Mexico and from Canada.

Eighty-five years later, the Border Patrol has evolved to include almost 19,000 agents in 20 sectors and 164 stations around our country. The brave men and women of the Border Patrol are currently responsible for securing 8,000 miles of our international borders, both with Mexico and Canada and the coastal water around Florida and Puerto Rico. Since 9/11, the Border Patrol has been on the front lines in our national strategy to detect and apprehend terrorists and their weapons as they attempt to illegally enter the United States.

Before coming to Congress, I served for 26½ years in the U.S. Border Patrol. For half of that time, I was a Border Patrol sector chief, first in McAllen, Texas, and then in El Paso, Texas. As the only Member of Congress with a background in border enforcement, I am keenly aware of the invaluable work that these brave men and women perform for our country each and every day. We have a lot to thank them for.

In these times of heightened security, the U.S. Border Patrol and those agents are not only vital in helping to protect our country from terror threats and illegal entry of drugs but they also apprehend and deter human smugglers and bring them to justice. Oftentimes these agents are the first people to respond in humanitarian situations in the desert by providing first aid, food, water, and shelter to people that have gotten in trouble because of the heat and the distance that they're forced to travel in remote areas. Border Patrol agents perform countless rescues every year and provide critical training to law enforcement, both at home and abroad.

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield the gentleman 30 more seconds.

Mr. REYES. Mr. Speaker, the U.S. Border Patrol is vital to our Homeland Security strategy and has evolved into one of our country's finest law enforcement organizations. I'm a proud cosponsor of Mr. TEAGUE's resolution in honor of their 85th anniversary. I urge all of my colleagues to support this bill, and I thank the men and women of the United States Border Patrol for working each and every day to keep us safe.

Mr. SOUDER. I continue to reserve.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I now yield 2 minutes to the gentleman who authored this particular resolution, the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Speaker, I rise today in support of H. Res. 498, a resolution honoring and congratulating the U.S. Border Patrol on its 85th anniversary. This bill shows our support for the men and women who have served and are currently serving in our Nation's Border Patrol, and I encourage my colleagues to vote with me in support of this resolution.

The Border Patrol has undergone incredible changes over the past 85 years. They have grown from an initial force of 450 to over 18,800 agents today. They have learned to deal with new threats such as terrorists and weapons of mass destruction. And they have adapted ground-breaking technologies—such as infrared cameras and unattended underground sensors—to better face the challenges confronting them.

But despite these changes, their primary mission has stayed the same: to detect and prevent illegal entry of persons into the United States. As we all know, doing this is no easy task. They must patrol over 8,000 miles of international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico. They are our first line of defense against many threats, including terrorists, illicit drugs, weapons, and criminals; and they perform admirably at these tasks.

Since 1998, the Border Patrol has seized more than 15 million pounds of marijuana and 189,000 pounds of cocaine. Most importantly, border agents have very dangerous jobs. They risk their well-being every day on our behalf. In 85 years, 104 Border Patrol officers have lost their lives in the line of duty. In my district, the Border Patrol has an especially active presence, the El Paso Border Patrol sector, which covers all of New Mexico, covers 262 miles of border and employs over 2,600 agents. In fiscal year 2008 alone, they made over 30,000 apprehensions and seized over 87,000 pounds of marijuana.

Also in my district, in the town of Artesia, we have the Federal Law Enforcement Training Center at this facility which covers over 220 acres of space.

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

Ms. LORETTA SANCHEZ of California. I yield the gentleman an additional 30 seconds.

Mr. TEAGUE. The Border Patrol agents, along with the other Federal agents, get the training they need to better perform their duties and adapt to the new challenges facing them.

In closing, the functions of the Border Patrol are more important today than ever. We have given them an incredibly difficult task and the brave men and women of the Border Patrol deserve the full support of Congress in achieving their goals.

I would like to thank Congresswoman SANCHEZ, Chairman REYES, Chairman THOMPSON, Congressman MCCAUL, and Majority Leader HOYER for their leadership in helping bring this resolution to the floor.

Again, I urge all of my colleagues to join me in support of this resolution.

Mr. SOUDER. Mr. Speaker, I yield myself the balance of my time.

First, I want to thank my friend and chairman of the subcommittee, Ms. SANCHEZ, who's been an excellent leader of our subcommittee and we work together closely on many things, not just noncontroversial bills like today. I thank Mr. TEAGUE for his leadership and my long-time friend, Mr. REYES, also the chairman of the Intelligence Committee, not only for his work in Congress but his work with the Border Patrol.

And again and most personally, today I want to thank every agent, every Border Patrol agent in America for helping protect us, as well as Chief David Aguilar for his leadership and further service. It sometimes gets a tad boring, sometimes it gets a little hot. On the Canadian border, sometimes it gets a little cold. It isn't exactly the most exciting job in America at all times, but what each of these agents does is extremely important to the safety of our Nation.

It may not be quite politically correct right now to talk about terrorism, but in fact it is a key part of our first line of defense in the border, and the Border Patrol is a key part of that. And we haven't had a terrorist attack on our soil since 9/11, partly because of our men and women in green.

It may not be quite politically correct right now to talk about stopping illegal immigration; but quite frankly, the safety of our Nation, the integrity of American citizenship requires legal, orderly entry. This isn't to say how many there should be, what type of immigration law we should have, but requires an orderly, legal process. So do many American jobs require this.

And it may not be quite politically correct right now to talk about stopping illegal drugs, but in doing so, the agents of the Border Patrol have made our streets safer, they have helped prevent child and spousal abuse, they have lowered emergency rooms admissions, they have helped people make child support payments by helping them hold their jobs because of illegal narcotics and other things causing them

to lose their jobs or by intercepting them or driving the prices up because of what they intercept.

We're never going to stop all drug abuse. And every Border Patrol agent knows he can't. But what he knows is he can intercept large numbers that would have gone to the streets and the homes of America and would have resulted in huge problems in crime and family safety in America.

So maybe we don't want to call it the war on drugs anymore. Instead we call it a disease, and for those who get addicted, it is a disease. But in fact unlike doctors and nurses who fight cancer, or researchers who fight cancer or people who fight lupus or diabetes, the Border Patrol agents are getting shot at and they die.

So whether we want to call it a war or whatever we want to call it, the individuals who use these illegal narcotics do not wake up one morning and suddenly discover that a heroin needle got put in their arm or that somehow they were snorting crack in their sleep or snorting cocaine in their sleep. In fact, it is somewhat different. And I want to make sure that our men and women of the Border Patrol understand that there is bipartisan support to making sure that we keep our border secure; that we continue to block illegal narcotics; that we continue to block terrorists; and you are our first line of defense on our huge borders, and we cannot thank you enough for risking your lives for the rest of us.

I yield back.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I am prepared to close, and I yield myself as much time as I may consume.

I thank the gentleman from Indiana, my ranking member on the subcommittee that oversees all of the border issues for America. He's been a strong advocate for the Border Patrol as well as for all of the agencies, really, that sit within our jurisdiction. And so I thank him for taking the time tonight to be down here and helping to work on this bill.

You know, the Border Patrol just doesn't work at the southern and the northern border. As was mentioned, we'll see them in Puerto Rico and some other areas, and also we send them to other countries to train people as to the whole issue of border patrol and how to take a look at what's coming in. In fact, in Iraq we've sent several to help to set up some of the border patrol issues out there in that country.

□ 1945

So we have a large group of men and women who come to work every single day, love America, and work very hard on behalf of the American people. And for this reason, Mr. Speaker, I wholeheartedly support House Resolution 498, honoring and congratulating the Border Patrol on its 85th anniversary, and I urge the rest of my colleagues to do the same.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H. Res. 498, which honors and congratulates the U.S. Border Patrol on its 85th anniversary.

Much has changed since 1924, when Congress formally established the U.S. Border Patrol and charged just 450 officers with securing our Nation's borders.

Today, more than 18,000 Border Patrol agents patrol 8,000 miles of international borders with Mexico, Canada and the coastal waters around Florida and Puerto Rico.

Previously, the Border Patrol was responsible only for stopping illegal aliens and contraband from crossing our borders—an enormous challenge on its own.

But in the wake of the terrorist attacks on September 11, 2001, Border Patrol's mission was expanded to include preventing terrorists and their instruments from entering the United States.

One thing has not changed in the last 85 years, however.

The men and women of the Border Patrol continue to risk their lives serving the American public with vigilance, integrity and professionalism.

As Chairman of the Committee on Homeland Security, I have been to our borders and seen firsthand Border Patrol agents serving our Nation, often under very difficult conditions.

That is why I am pleased to support this resolution, in honor of all those helping to secure America's borders today and throughout the Border Patrol's 85-year history.

Finally, Mr. Speaker, I would thank the gentleman from New Mexico, Mr. TEAGUE, for authoring H. Res. 498.

His congressional district includes Artesia, New Mexico, home to the Border Patrol Academy, where thousands of new Border Patrol agents have been trained.

Mr. TEAGUE'S constituents are fortunate to have a strong advocate for that fine facility and for the Border Patrol as an organization.

Again, I urge all of my colleagues to support this very worthy resolution, and join in honoring and congratulating the U.S. Border Patrol on its 85th anniversary.

Mr. AL GREEN of Texas. Mr. Speaker, I join my colleagues in support of H. Res. 498, a resolution honoring and celebrating the United States Border Patrol on its 85th Anniversary.

The United States Border Patrol is a federal law enforcement agency within U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS). The Border Patrol was founded on May 28, 1924 as an agency of the United States Department of Labor to prevent illegal entries along the Mexico-United States border.

The Border Patrol's mission remains as the deterrence, detection and apprehension of illegal immigrants and individuals involved in the illegal drug trade who generally do not enter the United States through designated ports of entry.

Ever since its founding, the U.S. Border Patrol has been there defending our borders and homeland. They were there to prevent Ahmed Ressam, also known as the "Millennium Bomber," from entering this country and killing our citizens with explosives he intended to detonate at the Los Angeles International Airport during the holiday season prior to the 2000 millennium. They were there to apprehend Richard Goldberg, a suspected child molester, after he was arrested in Ottawa, Canada. Goldberg was on the FBI's "Top 10 Fugitive List" and was featured on "America's Most Wanted." Further, just this month, they were there to seize close to $1.5 million in cocaine and marijuana along the Southern border.

The Border Patrol is this nation's first line of defense against many threats. They patrol over 8,000 miles of international borders with Mexico and Canada as well as the coastal waters around Florida and Puerto Rico.

The brave men and women of the Border Patrol work tirelessly to secure and facilitate trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws. They keep our country safe from threats such as terrorists, illicit drugs, weapons, and criminals. Today over 18,800 Border Patrol Agents risk their lives in defense of our country. These brave men and women join thousands of others who have served our country in the Border Patrol over the last 85 years.

America can rest assured that its borders and homeland will be protected by the courageous men and women of the U.S. Border Patrol. I commend the U.S. Patrol on its proud and distinguished history of protecting the United States and strongly urge my colleagues to support this important resolution.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 498.

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.

STATUTORY PAY-AS-YOU-GO ACT OF 2009—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–46)

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

To the Congress of the United States:

Today I am pleased to submit to the Congress the enclosed legislative proposal, the "Statutory Pay-As-You-Go Act of 2009," or "PAYGO," together with a sectional analysis.

The deficits that my Administration inherited reflect not only a severe economic downturn but also years of failing to pay for new policies—including large tax cuts that disproportionately benefited the affluent. This failure of fiscal discipline contributed to transforming surpluses projected at the beginning of this decade into trillions of dollars in deficits. I am committed to returning our Government to a path of fiscal discipline, and PAYGO represents a key step back to the path of shared responsibility.

PAYGO would hold us to a simple but important principle: we should pay for

new tax or entitlement legislation. Creating a new non-emergency tax cut or entitlement expansion would require offsetting revenue increases or spending reductions.

In the 1990s, statutory PAYGO encouraged the tough choices that helped to move the Government from large deficits to surpluses, and I believe it can do the same today. Both houses of Congress have already taken an important step toward righting our fiscal course by adopting congressional rules incorporating the PAYGO principle. But we can strengthen enforcement and redouble our commitment by enacting PAYGO into law.

Both the Budget I have proposed and the Budget Resolution approved by the Congress would cut the deficit in half by the end of my first term, while laying a new foundation for sustained and widely shared economic growth through key investments in health, education, and clean energy. Enacting statutory PAYGO would complement these efforts and represent an important step toward strengthening our budget process, cutting deficits, and reducing national debt. Ultimately, however, we will have to do even more to restore fiscal sustainability.

I urge the prompt and favorable consideration of this proposal.

BARACK OBAMA.

THE WHITE HOUSE, *June 9, 2009*.

SPECIAL ORDERS

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

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

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

AIR FORCE LIEUTENANT COLONEL MARK E. STRATTON, II

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

Mr. POE of Texas. Mr. Speaker, noble sacrifice dominates the character of a man who so willingly dedicates his life for others. There are none who understand that any better today than the men and women in our U.S. military. They personify the very essence of what it means to be an American.

Today, under the morning sky at Arlington Cemetery, myself and other Members of Congress—ROB WITTMAN from Virginia, JO BONNER from Alabama, and Senator SESSIONS from Alabama—joined several hundred other family members and friends as a 21-gun salute and ''Taps'' was played for United States Air Force Lieutenant Colonel Mark E. Stratton, II. The somber silence of the grave sites was broken with this tribute.

Colonel Stratton trained as a navigator on an Air Force KC–135. In his honor, one of these massive aircraft flew low and slow over Arlington Cemetery, over the flag-draped coffin of one of Air Force's finest. He gave his life helping the Afghan people to know dignity of a life lived in freedom.

He was assigned to the Joint Staff at the Pentagon here in Washington, D.C. and he served as the commander of the Panjshir Provincial Reconstruction Team in Afghanistan. On May 26, 2009, Mark died near Bagram Airfield of wounds that he sustained from an improvised explosive device, what we call an IED.

Mark had strong Texas ties. He graduated from Texas A&M University in December of 1991 with a degree in political science. And while at Texas A&M, he was a member of Squadron 1 in the Corps of Cadets. He received his commission through the Reserve Officer Training Corps in 1992. He has numerous Air Force commendations, including the Purple Heart and the Bronze Star.

He is remembered by friends as a man of unquestionable character and loyalty. He was a patriotic individual who exemplified the spirit of the American airman.

Lieutenant Colonel Gil Delgado, Mark's former roommate at Texas A&M, described Mark as a man who passionately loved God, his family, his friends and his country, and it showed in everything Mark did.

Through his heroic work in Afghanistan, Mark lived a life helping other people. His time was spent building roads and clinics, schools and canals for the Afghan people. He was an ambassador for the American spirit. He described the job to family and friends as the best he had ever had in his entire career. When he was killed, Mr. Speaker, the villagers in Afghanistan had a memorial service in his honor.

Mark held a deep sense of tradition. Just a few weeks prior to his death, Mark made a special effort to share his Texas Aggie spirit with the Afghan friends that he had met. Mr. Speaker, each April 21, the day Texas gained independence, Aggies from Texas A&M observed what is called Aggie Muster. This occasion is where all Aggies gather in all parts of the world to honor Aggies who have died the previous year.

Even though Mark was the only Aggie within 100 miles of his forward operating base, he convinced the Panjshir Provincial Governor and his security detail to join him atop a nearby mountain to observe the very special occasion of Aggie Muster. One Aggie Air Force colonel and Afghan villagers paid tribute to Americans who died the previous year; that must have been a sight to see.

Texas Aggies have a long tradition of military service. In fact, during World War II, Texas A&M produced over 14,000 officers, more than came from West Point or Annapolis combined. Mark was a proud Texas Aggie.

Mark is survived by his wife, Jennifer, and their three children, along with his mother, stepfather, and his brother, Michael. Mark's late father and namesake served as an Army captain in the Vietnam War. His stepmother, Debby Young, lives in southwest Houston. Mark's brother, Michael, and stepbrother, Steven, also live in the Houston area.

A great testament to Mark's life is the lives he forever changed through his work; every structure, every canal and road well traveled. Every school Mark helped build will offer generations of Afghan children the opportunity that comes from education. Every clinic he helped build will be a place where sickness will be cured, where human suffering is relieved, and where lives are being saved every day.

Mark has left a noble legacy as he has come to the end of this Earthly journey. It is for others now to pick up the torch he used to light a way for the Afghan people in the rugged mountains and deserts of this remote nation.

Mr. Speaker, it has been said, ''The legacy of heroes is the memory of a great name and the inheritance of a great example.'' Next year, on April 21, at Aggie Muster, Lieutenant Colonel Mark Stratton's name will be called. His name and life will be remembered by Aggies and other grateful Americans and by his Air Force buddies. But no doubt the people of Afghanistan will also remember the man from America, the Air Force colonel who built their schools, their water wells, and their villages. And maybe those villagers will return once more to that mountaintop and pay tribute to this American hero, Lieutenant Colonel Mark Stratton.

And that's just the way it is.

EQUAL RIGHTS FOR HEALTH CARE ACT—TITLE 42

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

Ms. RICHARDSON. Mr. Speaker, I rise today to introduce H.R. 2744, the Equal Rights for Health Care Act—Title 42. The concept of equal rights is a pillar of our Nation and the reason why so many immigrate here to the United States.

Indeed, the U.S. was founded on the principle that all Americans should have the inalienable rights of life, liberty, and the pursuit of happiness. In order to enjoy this blessing of life and liberty, however, one must be healthy, and that means they have the benefit of equal treatment and research.

For example, men and women have different symptoms when it comes to heart disease. Unlike men, most women do not experience chest pain. Instead, 71 percent of the women report

having flu-like symptoms, and patients, doctors, and researchers need to make sure that emergency attendants, tests, and prescription drugs are informed about the differences that we might have.

H.R. 2744, the Equal Rights for Health Care Act—Title 42, will prohibit discrimination in health care services and research programs that receive Federal funding based upon sex, race, color, national origin, sexual orientation, gender identity, or disability status.

Civil rights laws have historically been a powerful mechanism for effecting necessary change in the United States. Each law represents a national commitment to end discrimination and to establish a mandate to bring the excluded into the mainstream. These equal rights laws ensure that the Federal Government delivers on the Constitution's promise of equal opportunities so that every individual has the right to develop his or her talents. Health care should be no exception.

In 1971, only 18 percent of women, compared to 26 percent of men, had completed 4 years or more of college. In 1972, the title IX amendment was introduced by Representatives Edith Green of Oregon and Patsy Mink of Hawaii. In 1980, I attended the University of California, Santa Barbara, where I played on the women's basketball team. I witnessed firsthand that there was a difference between playing on the women's team and the men's team. For example, for women, we had to travel in two or three vans to go to all of our away games, where the men were allowed to fly on a plane. You might say why is that something that was important? Well, we lost instruction time, we had time in general lost, preparation was lost, and recuperation was lost. That's why title IX was so important.

In 2007, we celebrated the 35th anniversary of title IX, which assured the women's right to education equality. And the U.S. Department of Education showed that 56 percent of all women, compared to 44 percent of men, now have achieved 4 years or more of college. So title IX has been working.

Federal law prohibits discrimination across a wide array of public policy arenas, none more than when you consider the difference between voting, public education, and now what we should do in health care.

H.R. 2744, the Equal Rights for Health Care Act—Title 42, seeks to have the same effect on the health care community. Despite access to health care, patients are not always in geographic proximity to medical facilities that can provide the consistent care that is needed.

According to the Centers for Disease Control and Prevention, the age-adjusted death rate for all cancers for African Americans in 2001 was 20 percent higher than Caucasian Americans. In 2002, the percentage of Hispanics and Latinos who were 65 years or older and received adult immunization shots was only 47 percent, as compared to 70 percent of Caucasians.

In 2000, the infant mortality rate among Native Hawaiians was 60 percent higher than Caucasians.

□ 2000

And the rate of leg amputations as a result of diabetes is four times greater of African Americans who receive Medicare than their counterparts, Caucasians.

A list of disparities can go on and on, and so we must put an end to this inequality. Therefore, I have introduced H.R. 2744 so that Congress can take another step towards equal rights, and I look forward to my colleagues on both sides of the aisle joining me.

I'm proud to have a long list of diverse organizations that are supporting this legislation, groups such as the Family Equality Council, the Families United States of America, and, lastly, the National Minority Quality Forum.

I urge all my colleagues to support this legislation that ensures that equal services once and for all will also extend to health care as well, from diagnosis to treatment, and it's a part of the fast-growing health care debate. It's important that a statement of beliefs is made when we reform health care. Equality must be a founding principle, and we must insist that as health care debates move forward, we take the time to ensure that all Americans have the same rights. Let's move forward on title XLII as we did in title IX.

The SPEAKER pro tempore (Mrs. HALVORSON). 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.)

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

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

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

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

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT 111TH CONGRESS

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

Ms. ZOE LOFGREN of California. Madam Speaker, I submit for publication the attached copy of the Rules of the Committee on Standards of Official Conduct for the U.S. House of Representatives for the 111th Congress. The Committee on Standards of Official Conduct originally adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 10, 2009, and made revisions to conform with House rules pertaining to the Office of Congressional Ethics on June 9, 2009. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

RULES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, ADOPTED FEBRUARY 10, 2009, AMENDED JUNE 9, 2009, 111TH CONGRESS

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

RULE 1. GENERAL PROVISIONS

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 111th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

RULE 2. DEFINITIONS

(a) ''Committee'' means the Committee on Standards of Official Conduct.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigate,'' ''Investigating,'' and/or ''Investigation'' mean review of the conduct of a Member, officer or employee of the House of Representatives that is conducted or authorized by the Committee, an investigative subcommittee, or the Chair and Ranking Minority Member of the Committee.

(e) ''Board'' means the Board of the Office of Congressional Ethics.

(f) ''Referral'' means a report sent to the Committee from the Board pursuant to House Rules and all applicable House Resolutions regarding the conduct of a House Member, officer or employee, including any accompanying findings or other supporting documentation.

(g) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule

19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(h) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(i) ''Adjudicatory Subcommittee'' means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(j) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(k) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(l) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(m) ''Member'' means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

RULE 3. ADVISORY OPINIONS AND WAIVERS

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice, including reviews of requests for privately-sponsored travel pursuant to the Committee's travel regulations; develop general guidance; and organize seminars, workshops, and briefmgs for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) Requests for privately-sponsored travel shall be treated like any other request for a written opinion for purposes of paragraphs (g) through (l).

(1) The Committee's Travel Guidelines and Regulations shall govern the request submission and Committee approval process for privately-sponsored travel consistent with House Rules.

(2) A request for privately-sponsored travel of a Member, officer, or employee shall include a completed and signed Traveler Form that attaches the Private Sponsor Certification Form and includes all information required by the Committee's travel regulations. A private sponsor offering officially-connected travel to a Member, officer, or employee must complete and sign a Private Sponsor Certification Form, and provide a copy of that form to the invitee(s).

(3) Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file a Traveler Form or Private Sponsor Certification Form may be subject to civil penalties and criminal sanctions pursuant to 18 U.S.C. 1001.

(g) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(h) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(i) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(m), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(j) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto. Upon request of any Member, officer, or employee who has submitted a written request for an opinion or submitted a request for privately-sponsored travel, the Committee may release to the requesting individual a copy of their own written request for advice or submitted travel forms, any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion or travel letter issued to that individual in response. The Committee shall not release any internal Committee staff work product, communications or notes in response to such a request, except as authorized by the Committee.

(k) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(1) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(n) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(o) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

RULE 4. FINANCIAL DISCLOSURE

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) Any Financial Disclosure Reports filed by Members of the Board of the Office of Congressional Ethics that are forwarded to the Committee by the Clerk shall not be subject to paragraphs (d) through (q) of this Rule regarding Financial Disclosure Statements filed pursuant to Title I of the Ethics in Government Act of 1978. The Office of Congressional Ethics retains jurisdiction over review of the timeliness and completeness of filings by Members of the Board as the Board's supervising ethics office.

(d) The Chair and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a non-incumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(e) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(f) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(g) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(h) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(i) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence

relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(j) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(k) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(l) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(m) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(n) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(o) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(p) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(q) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

RULE 5. MEETINGS

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or subcommittee may waive such time period for good cause.

RULE 6. COMMITTEE STAFF

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

RULE 7. CONFIDENTIALITY

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House. This rule shall not prohibit the Chair or Ranking Minority Member from disclosing to the Board of the Office of Congressional Ethics the existence of a Committee investigation, the name of the Member, officer or employee of the House who is the subject of that investigation, and a brief statement of the scope of that investigation in a written request for referral pursuant to Rule 17A(k). Such disclosures will only be made subject to written confirmation from the Board that the information provided by the Chair or Ranking Minority Member will be kept confidential by the Board.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) Except as provided in Rule 17A, the Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking

Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

RULE 8. SUBCOMMITTEES—GENERAL POLICY AND STRUCTURE

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

RULE 9. QUORUMS AND MEMBER DISQUALIFICATION

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is the respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, the Chair shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

RULE 10. VOTE REQUIREMENTS

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adopting or amending of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adopting a recommendation to the House of Representatives that a sanction be imposed.

(7) Adopting a report relating to the conduct of a Member, officer, or employee.

(8) Issuing an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

RULE 11. COMMITTEE RECORDS

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

RULE 12. BROADCASTS OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(c) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(d) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

RULE 13. HOUSE RESOLUTION

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

RULE 14. COMMITTEE AUTHORITY TO INVESTIGATE—GENERAL POLICY

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, undertakes an investigation;

(4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony;

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(6) a referral from the Board is transmitted to the Committee.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

RULE 15. COMPLAINTS

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, ''Signed and sworn to (or affirmed) before me on (date) by (the name of the person)'' setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the ''complainant'');

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged

violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

RULE 16. DUTIES OF COMMITTEE CHAIR AND RANKING MINORITY MEMBER

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

RULE 17. PROCESSING OF COMPLAINTS

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within 5 days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information relevant to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

RULE 17A. REFERRALS FROM THE BOARD OF THE OFFICE OF CONGRESSIONAL ETHICS

(a) The Committee has exclusive jurisdiction over the interpretation, administration, and enforcement of the Code of Official Conduct pursuant to clause 1(q) of House Rule X. Receipt of referrals from the Board under this rule does not limit the Committee's discretion to address referrals in any way through the appropriate procedures authorized by Committee Rules. The Committee shall review the report and findings transmitted by the Board without prejudice or presumptions as to the merit of the allegations.

(b)(1) Whenever the Committee receives either (A) a referral containing a written report and any findings and supporting documentation from the Board; or (B) a referral from the Board pursuant to a request under Rule 17A(k), the Chair shall have 45 calendar days or 5 legislative days after the date the referral is received, whichever is later, to make public the report and findings of the Board unless the Chair and Ranking Minority Member jointly decide, or the Committee votes, to withhold such information for not more than one additional 45–day period.

(2) At least one calendar day before the Committee makes public any report and findings of the Board the Chair shall notify in writing the Board and the Member, officer, or employee who is the subject of the referral of the impending public release of these documents. At the same time, Chair shall transmit a copy of any public statement on the Committee's disposition of the matter and any accompanying Committee report to the individual who is the subject of the referral.

(3) All public statements and reports and findings of the Board that are required to be made public under this Rule shall be posted on the Committee's website.

(c) If the OCE report and findings are withheld for an additional 45–day period pursuant to paragraph (b)(1), Chair shall—

(1) make a public statement that the Committee has decided or voted to extend the matter referred from the Board on the day of such decision or vote; and

(2) make public the written report and findings pursuant to paragraph (b) upon the termination of such additional period.

(d) If the Board transmits a report with a recommendation to dismiss or noting a matter as unresolved due to a tie vote, and the Committee votes to extend the matter for an additional period as provided in paragraph (b), the Committee is not required to make a public statement that the Committee has voted to extend the matter pursuant to paragraph (b)(1).

(e) If the Committee votes to dismiss a matter referred from the Board, the Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c) unless the Committee's vote is inconsistent with the recommendation of the Board. A vote by the Committee to dismiss a matter is not considered inconsistent with a report from the Board that the matter is unresolved by the Board due to a tie vote.

(f) Except as provided by paragraph (g):

(1) If the Committee establishes an investigative subcommittee respecting any matter referred by the Board, then the report and findings of the Board shall not be made public until the conclusion of the investigative subcommittee process pursuant to Rule 19. The Committee shall issue a public statement noting the establishment of an investigative subcommittee, which shall include the name of the Member, officer, or employee who is the subject of the inquiry, and shall set forth the alleged violation.

(2) If any such investigative subcommittee does not conclude its review within one year after the Board's referral, then the Committee shall make public the report of the Board no later than one year after the referral. If the investigative subcommittee does not conclude its review before the end of the Congress in which the report of the Board is made public, the Committee shall make public any findings of the Board on the last day of that Congress.

(g) If the vote of the Committee is a tie or the Committee fails to act by the close of any applicable period(s) under this rule, the report and the findings of the Board shall be made public by the Committee, along with a public statement by the Chair explaining the status of the matter.

(h)(1) If the Committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on a matter referred by the Board under paragraph (b)—

(A) The Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c), except that if the recommendation of the Board is that the matter requires further review, the Committee shall make public the written report of the Board but not the findings; and

(B) The Committee shall make a public statement that it is deferring taking action on the matter at the request of such law enforcement or regulatory authority within one day (excluding weekends and public holidays) of the day that the Committee agrees to the request.

(2) If the Committee has not acted on the matter within one year of the date the public statement described in paragraph (h)(1)(B) is released, the Committee shall make a public statement that it continues to defer taking action on the matter. The Committee shall make a new statement upon the expiration of each succeeding one-year period during which the Committee has not acted on the matter.

(i) The Committee shall not accept, and shall return to the Board, any referral from the Board within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate.

(j) The Committee may postpone any reporting requirement under this rule that falls within that 60–day period until after the date of the election in which the subject of the referral is a candidate. For purposes of calculating any applicable period under this Rule, any days within the 60–day period before such an election shall not be counted.

(k)(1) At any time after the Committee receives written notification from the Board of

the Office of Congressional Ethics that the Board is undertaking a review of alleged conduct of any Member, officer, or employee of the House at a time when the Committee is investigating, or has completed an investigation of the same matter, the Committee may so notify the Board in writing and request that the Board cease its review and refer the matter to the Committee for its consideration immediately. The Committee shall also notify the Board in writing if the Committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities by the end of any applicable time period specified in Rule 17A (including any permissible extension).

(2) The Committee may not request a second referral of the matter from the Board if the Committee has notified the Board that it is unable to resolve the matter previously requested pursuant to this section. The Board may subsequently send a referral regarding a matter previously requested and returned by the Committee after the conclusion of the Board's review process.

RULE 18. COMMITTEE-INITIATED INQUIRY OR INVESTIGATION

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established. The Chair and Ranking Minority Member may also jointly take appropriate action consistent with Committee Rules to resolve the matter.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an investigation into such person's own conduct shall be considered in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e)(1) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

(2) Not later than 30 days after a Member, officer or employee of the House is indicted or otherwise formally charged with criminal conduct in any Federal, State or local court, the Committee shall either initiate an inquiry upon a majority vote of the members of the Committee or submit a report to the House describing its reasons for not initiating an inquiry and describing the actions, if any, that the Committee has taken in response to the allegations.

RULE 19. INVESTIGATIVE SUBCOMMITTEE

(a)(1) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(2) The respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from participating in the inquiry pursuant to Rule 9(e).

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chair of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or subcommittee member designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or relevance of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its inquiry.

(e) Upon completion of the inquiry, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

RULE 20. AMENDMENTS TO STATEMENTS OF ALLEGED VIOLATION

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the

date of that notification to file an answer to the amended Statement of Alleged Violation.

RULE 21. COMMITTEE REPORTING REQUIREMENTS

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

RULE 22. RESPONDENT'S ANSWER

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

RULE 23. ADJUDICATORY HEARINGS

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from serving on the subcommittee pursuant to Rule 9(e).

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the

subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other relevant evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the relevant provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

RULE 24. SANCTION HEARING AND CONSIDERATION OF SANCTIONS OR OTHER RECOMMENDATIONS

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

RULE 25. DISCLOSURE OF EXCULPATORY INFORMATION TO RESPONDENT

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

RULE 26. RIGHTS OF RESPONDENTS AND WITNESSES

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not

provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(i) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing the respondent of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

RULE 27. FRIVOLOUS FILINGS

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

RULE 28. REFERRALS TO FEDERAL OR STATE AUTHORITIES

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

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 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 Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

(Mr. PAULSEN 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. MCCLINTOCK) is recognized for 5 minutes.

(Mr. MCCLINTOCK 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. OLSON) is recognized for 5 minutes.

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

THE 30-SOMETHING WORKING GROUP: HEALTH CARE

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

Mr. MURPHY of Connecticut. Madam Speaker, I thank you and Speaker of the House PELOSI for allowing the 30-Something Working Group, which has been empowered by the Speaker's office, to come down to the House floor every so often and share with our colleagues here in the House really some of the burning questions of our constituents out there, especially those that affect younger individuals and younger families, and to talk about how this House, under new leadership with a new face in the White House, is rising to answer those questions and meet those challenges.

We'll put this poster up at the end of the hour as well, but we are always eager to hear feedback from people who want to know more about the 30-Something Working Group. Madam Speaker, thanks to members of your class, we have a number of new members of the 30-Something Working Group and they've been coming down and joining us occasionally in these hours. We're glad to have Mr. ALTMIRE with us and hopefully some guests to join us this evening as we try to focus our discussion this evening on an issue of just incredible importance to our constituents. That is the issue of health care for all Americans.

We sit at a moment of great economic peril for this country and the people that we represent. There is not an hour or minute, frankly, that goes by when we are back in our districts where we're not talking to a family or to a shop owner, to a factory worker, to a small business man about the difficulty that they face in this economy. It's getting harder and harder to keep businesses open. It's getting harder and harder to hold onto your job. And for the now 9½ percent of Americans that are out of work, it's getting hard to find a way back into the workforce.

For those of us who believe that now is the time to pass not incremental health care reform but major structural health care reform, we support that not just because we think that it's a moral imperative, as the richest Nation in the world, that we shouldn't be the outlier in the global health care system by which we still stand as the only country in the industrialized world that has such a high percentage of our citizens without access to our health care system; not just that, as the country which claims to be the leader of the free world, we still sit in a country where children go to bed at night sick because their parents can't afford a doctor; but because we believe that it's part and parcel of how we start to get this economy back on firm footing again.

For families out there that have seen their wages remain flat over the last 5 years and have seen the percentage of their income dedicated to health care costs grow exponentially, they didn't

figure out that this economy was in trouble last fall when the banks collapsed. They knew it long ago. For our auto companies that have been struggling for a very long time to compete competitively on a global stage when $1,500 of every car that they sell is attributable to health care costs, $1,500 more than their competitors in Japan or Germany, they knew that the health care system was dragging this economy down long before last fall. And for small- and medium-sized businesses across this country who have seen their premiums dedicated to keep their employees insured grow by 10 or 12 or 14 percent a year, far outpacing the similar increase in revenues coming into their coffers, they knew that health care was weighing this economy down long before the newspapers discovered that this economy was in crisis and in trouble last fall.

If we really want to emerge from this recession stronger than ever, if we really want to be competitive in the global stage, if we really want to recognize the strength of this economy lying in the hundreds of thousands of 2- and 5- and 10- and 20-person businesses out there in each and every one of our districts, then we have got to fix our health care this year. And we can't just do it with a Band-Aid here or there, pardon the pun. We've got to do it with real reform that at the same time lowers the cost of care and expands access to more people. I happen to think that it should be a right as a matter of being a citizen of the United States that you should get health care, but I recognize that the only way that you do that is by lowering the cost of care across the board.

We spend twice as much as all of the other industrialized nations on health care, essentially, maybe a little bit less than twice as much, for a system that still leaves 50 million people uninsured. We can get access for everybody out there as long as we start spending less or, at the very least, that we start controlling the rate of growth.

So I think we are going to talk about all these things tonight as the 30-Somethings come to the floor. We are going to talk about health care, health care reform as a moral imperative, as a matter of conscience for this Nation. We're going to talk about it as an economic imperative, and we're going to talk about it both from the context and the perspective of getting care to people that don't have it today and trying to lower the cost of care so that all of us, whether or not we have it or don't have it, don't continue to pay for a system that far too often provides very expensive care without having accompanying results.

So I'm glad to be here on the floor today with a good friend who has joined here for a number of Special Order hours, Mr. ALTMIRE. Ms. BALDWIN has joined us as well.

I'm glad to yield the floor to Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman for yielding.

I cannot think of a bigger issue to be dealing with right now. We have so many issues that this Congress is dealing with. Certainly energy, education, this enormous mountain of debt which we have accumulated over the years, all of these issues are critically important, and all of them are issues that this Congress is going to deal with. The issue of health care is an issue that impacts our national debt. We cannot dig our way out of this hole. We cannot achieve structural surplus like we had in the 1990s. We can't ever even approach that until we deal with the skyrocketing cost of health care.

This is an issue that affects every American in this country very directly. It affects every family and it affects every small business in the country in ways that other issues that we deal with don't on a daily basis.

So what we are talking about here tonight and what this Congress is doing over the course of this summer as we put together this health care reform bill is the three legs of the stool, as the gentleman pointed out, making sure that we find a way for every American in this country to gain access to our system and get affordable health care, making sure that we bring down the costs for everyone. Because we talk about the 47 million Americans who don't have any health insurance right now. They get treated. They show up at the emergency room, and they get their health care. It's certainly not the most cost-effective way. It's probably not the most efficient way, and it's probably not the best way for them to get health care, but they'll end up in the system somewhere. And as the gentleman knows, those of us who have insurance pay for them. They get covered. They get their treatment. But the cost shift that takes place is the reason why an aspirin costs $10 when you go to the hospital.

It's very easy to demagogue this issue if you're in it for political reasons, to say, well, here's what they want to do: They want to take your money and give it to those people who don't have health insurance because 87 percent of Americans in this country have health care. We spend a lot of time talking about those who don't, but 87 percent of Americans have health care. Now, they are in many cases one illness or injury away from losing everything, certainly one job loss away, and tens of millions of Americans that have coverage live in fear of losing it for those very reasons. Tens of millions more are underinsured. They have some coverage; they don't have what they need. And in many cases, the insurance companies have people, millions, approximately 2 million people, that are employed in this country specifically to find a way, if you are insured, to make sure that they can deny your claim, to redline you, to find a preexisting condition exclusion, to find a reason why they shouldn't have to pay your claim. Now, that's another of the issues. Lastly is quality. So you have cost, you have access, and you have quality.

We have in many ways the best health care system anywhere in the world, and the challenge that we have in putting this bill together is we want to preserve what works. We want to say to the 87 percent of Americans who have health care, if you like your plan, if you enjoy the health care plan that you have and you want to keep it, we're not going to touch it and you can keep it. But if you want another alternative, we're going to find you another alternative. And if you have too much out-of-pocket costs, you're not satisfied with the situation that you have, we're going to give you another alternative. But we want to preserve what works in the current system. We want those who have health care to be able to keep it. And we want to make sure that our medical innovation, our technology, our research, which far exceeds anything available anywhere else in the world, is preserved. We want to fix what doesn't work and we want to preserve what does work.

So we are going to increase quality. And we're going to talk about, tonight, ways we are going to do that, the approaches we are going to take. We are going to increase access, bringing everybody into the system, which helps us all. And we're going to do access, we're going to do cost, and we're going to do quality improvements in this bill, all the while preserving what works in the current system.

And the gentleman used an example of how we're already paying for health care, something I mentioned earlier. Those who are afraid to bring new people into the system because they fear that this is going to increase their own costs, well, what I talk about when I have town meetings about health care is, again, they're already paying for people who don't have health insurance in a variety of ways. When that individual shows up at the emergency room, the cost shift takes place because the person without insurance gets their treatment and somebody else pays for it. Those of us who have health insurance pay for it. That's why an aspirin costs $10.

I had knee surgery many years ago, and to make sure that they operated on the right knee, they put a black magic marker that said ''L'' on my left knee. When we got the bill, I saw that that black magic marker to put that ''L'' on cost $20. That's because of the cost shift that takes place. Now, that's one example. Every American who's had to deal with the health care system has a similar example. If everybody is covered and everybody is in the same risk pool, we're not going to have that type of cost shift that takes place. But that's only one example of how we are paying for it.

The gentleman talks about $1,500 of the price of every car made in this country is due to health care costs because American manufacturers have to pay for health care for their employees

and other countries don't have that burden in the manufacturing sector.

□ 2015

So we're starting at a $1,500 disadvantage for that one product. Think about the supply chain. Think about the way goods and services end up in a consumer's hands. Think about the distribution from the person who manufactures it—from the company that manufactures it—to the people who distribute it, to the people who stock the shelves, to the people who operate the stores, to the people who run the cash registers. At every segment of that supply chain, there is a health care component to that. That company, that business is paying, in many cases, health care for their employees. That is what we're paying for.

So, when you hear about people who don't have insurance and when you hear about the skyrocketing costs of health care, think about that part of it as well, not just what your copayment or your premium or your deductible is. Think about how every sector and every segment of our lives is impacted by that.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. ALTMIRE. I will.

Mr. MURPHY of Connecticut. I want to just put an example to one of the points you made here, which is this cost shift that happens. You talk about the folks who don't have insurance or who are underinsured. They get it, right? We have universal health care in this country. You've just got to wait until you're so sick that you end up in the emergency room until you get it.

In fact, President Bush, while he stalled on health care for 8 years, famously remarked, you know, don't worry about the uninsured—I'm paraphrasing—because they'll get health care when they need it. They just have to show up to emergency rooms.

Well, I've told this story maybe even on this House floor before. I told it 100 times back in Connecticut. When we were debating health care reform in the State legislature, I'll never forget a woman who came and testified before us. She told this story:

She said, you know, I was working. I was employed, but my employer didn't provide health care, and I didn't make enough to go and get it on my own. I think she might have had some kids, and she had gotten them insured, but she hadn't had insurance herself. She started noticing over the course of a couple of weeks that she had a real pain in her foot. The pain would sort of get worse, and then it would get better. She knew that she should go see a doctor, but she knew that a couple of things were going to happen: one, she was going to be billed a pretty exorbitant amount for the visit; two, she was going to have to go into the pharmacy and have to probably pay for some antibiotic to treat it. She was savvy enough to understand that, when she did that, she was going to pay the highest cost in the whole system. If you were uninsured, you were going to pay top dollar for that visit, and you were going to pay top dollar for that drug. You don't get the benefit of the bulk purchasing that the Federal government gets through Medicaid or through Medicare or that the insurance companies get through similar programs.

So, one night, she finally decides the pain is just so unbelievable that she can't stand it anymore, and so she goes to the emergency room. She gets to the emergency room too late to save her foot. She has a foot infection that has gotten so bad that she has to have it amputated. For her, that is a life-changing event. Her life is never going to be the same. She is never going to be the same person or the same mother. She is going to have to deal with the disability for the rest of her life just because she didn't have the money or the coverage to get some simple antibiotics that would have treated that foot infection. That just doesn't make sense in the richest country in the world.

Think about it from just a cost perspective. I don't know how much that surgery cost, but it was in the thousands of dollars, I am sure. She didn't have the money to pay for it. Maybe she got billed for it, but probably, more than likely, it just sort of got sucked into the unreimbursable cost by that hospital and got picked up, essentially, by the taxpayers in subsidies for that hospital or by those people who had the insurance, through higher insurance rates, in order to help the hospital to compensate for the people like that woman who didn't have care.

So we paid for that surgery. You and I paid for a surgery that didn't have to happen. There is a woman walking around now with her life fundamentally altered simply because she didn't have access to insurance. Sometimes people need to hear these examples, Mr. ALTMIRE, of what it really means when somebody only has health care when they get so badly sick or ill that they show up in emergency rooms.

Mr. ALTMIRE. I thank the gentleman.

That is just one example, and we're going to deal with a lot of policy options over the next several months. To talk about just one related to what the gentleman is talking about, prevention and wellness is something that everyone can agree has to be an important component. We have to incentivize doctors and hospitals and our health care system more generally to keep people healthy and to keep people out of the system and not wait until the last minute when a situation develops like the one the gentleman talked about.

In western Pennsylvania, where I'm from, I'll just talk about one disease which is near epidemic proportion. That's diabetes. In some cases, it's preventable. In some cases, it's not. For every individual whom you can put on a program of wellness and can prevent diabetes from taking place or, at minimum, delay its onset, you're changing that person's life for the better. You're making a material difference in the life of that person and of his family. You're also, in a more global sense, saving money for the health care system. If you take that one person times the entire country and the entire group of people for whom you can delay the onset for not just diabetes but for any affliction which one may later get in life, you can prevent injuries if you keep people healthy. For the weekend warriors and so forth with joint injuries, with arthritis and its onset, these are very costly diseases to treat, and they can be debilitating in many cases, but they can be prevented or they can, at least, be made better in many cases.

So this is the type of thing that we want to incentivize in our health care system for which, right now, there is no incentive. Under our current reimbursement in health care, we reimburse based on the number of times one shows up to a doctor's office. Their incentive is also for you to be sick. They make more money the more often you go to see them. We want the reimbursement system to be based on keeping you healthy and on keeping you out of the system, reimbursing based on the quality of care provided, not on the volume of services provided. So this is one example of the policy option that we are considering.

I would be delighted to yield to the gentlewoman from Wisconsin at this time.

Ms. BALDWIN. Well, I thank the gentleman.

I also want to appreciate my friend and colleague, Congressman MURPHY, for bringing us together on this really critical issue.

You know, health care for all is the issue that brought me to politics in the first place, and it's certainly the issue that keeps me here. I join my colleagues tonight on the floor to affirm our fight that we must complete comprehensive health care, meaningful and affordable comprehensive health care reform, this year. We can no longer afford to wait for health care reform.

There was a recent report from the very respected Robert Wood Johnson Foundation that projects, if Federal reform efforts are not completed, that within 10 years the cost of health care for businesses could double, that the number of uninsured Americans could reach 65.7 million and that middle income families would really be the hardest hit. They would bear the brunt of our inaction.

I represent a district in south central Wisconsin. Last month, I had the opportunity to gather and to meet with a number of stakeholders in my community. I got a chance to hear from diverse perspectives—from public and private urban and rural health providers, from patient advocates, from insurers, from businesses, and from labor. I always find it extremely helpful to hear divergent viewpoints and to get new suggestions as we prepare to write this bold, new legislation.

No matter what their particular perspectives in this debate are, their main message was very clear, that the system is broken and that we have to fix it. Some would argue that we really don't even have a system intact anymore.

I want to share just three quick stories from constituents, from Wisconsinites, that really symbolize what is broken in our health care system, that being the unaffordability of individual markets, the insurance discrimination based on preexisting conditions, and the struggles of small businesses. I really think it's important that we, as Americans and as Members of Congress, hear these stories. Our constituents, using their own words and telling their powerful and compelling stories, make the best case for health care for all and for the actions that we must take. So I'm just going to share with you excerpts of three letters that I've received.

One is from Jean from Rio, Wisconsin. Jean writes, ''My husband, Steve, has worked hard his whole life, but as of last year, he has not been able to find work because of the downturn in the economy. Neither of the jobs that I have held have offered me health insurance. We have relied on insurance that we purchased in the individual market, which costs nearly $10,000 a year and has a $5,000 deductible, meaning that we pay out of pocket for basic doctor visits, screenings and prescriptions.

''Twenty years ago,'' Jean writes, ''Steve became very ill, and in the intervening years has developed multiple brain tumors that require extensive treatment and care. We eventually realized that he has recurring tumors due to a neurological disease and should be screened on an annual basis. Unfortunately, insurance does not cover these $13,000 procedures, and we cannot afford to pay that on an annual basis. We can only hope and pray that more tumors are not developing. It is just so infuriating that, in this wonderful country, we cannot get wonderful medical care.''

Lorraine from Port Washington, Wisconsin, writes, ''When my husband filled out an insurance application in July of 2002, he was asked if he had ever been diagnosed or treated for cancer in the past 5 years. He replied, 'No.' He had never been diagnosed with cancer nor operated on nor treated for cancer. What he did have was basal cells—small carcinomas—which are never malignant and have to be removed from most blue-eyed blonds in the course of getting older.

''When my husband was diagnosed with bone marrow failure disease, the insurance company denied any coverage for his medical care, citing a preexisting condition. We were left with over $125,000 in medical bills. My husband has now passed away, and I am just thankful that I am not in complete financial ruin.''

Sally, from Madison, Wisconsin, writes me to say, ''I've had my own law office for 29 years. I employ two full-time employees and one part-time employee. I provide health care benefits for our small firm, but I have faced an annual increase in premiums of 12 percent, forcing me to pass on higher cost-sharing to these three employees. One employee has diabetes and also extends coverage to her husband, who is a dairy farmer without health insurance coverage. Because of their high medical costs, it would have been very difficult for me to find new health insurance without facing even higher rates. Health insurance is becoming steadily less inclusive and more difficult to keep—and it's no wonder that, in today's economy, families count health care costs as one of their top pocketbook issues.''

Madam Speaker and colleagues, these stories illustrate why affordable, quality health care for all is so important and is so necessary. Universal coverage is both a moral and an economic imperative if we are to succeed in the 21st century. For the first time, I firmly believe that health care for all is within our grasp. We must act now.

Again, I want to thank my colleagues, my friend Congressman MURPHY and my friend Congressman ALTMIRE, for taking this fight up and for bringing us together to address this important issue.

Mr. MURPHY of Connecticut. Thank you very much, Ms. BALDWIN. I'm always amazed at how articulate your constituents are. It really is amazing to hear the stories firsthand because, as Mr. ALTMIRE mentioned and as one of your constituents mentioned, there is an entire industry out there that is dedicated to trying to stop people from getting care. That's what you get when you build in the type of profit motivation that we have and the pressure on shareholder return. We treat health care and the economy around it just like we treat, basically, every other industry out there. I think there are a lot of us here who believe that there is something fundamentally different about health care than the auto industry or the cereal industry or the widget industry and that, when the consequences of somebody's not being able to get that product is life or death, maybe we should have some different rules that govern it. Maybe there is no problem with having some incentive built in for innovation, for success and for all the rest. Maybe there should be a limit to that, and there should be some constraints on the system.

□ 2030

So I thank you for joining us, and please stick around for a little while.

Mr. ALTMIRE, you are talking about the three pedestals here of access, cost and quality. I think it's just important for us to talk for a second about how we sort of have an assumption in this country that the more money you spend, the better care you're going to get, right? And what we have found, as we sort of surveyed one particular segment of the country to the next, is that isn't necessarily the case, that spending more money and just having more health care doesn't necessarily deliver better health care. There are great surveys from Dartmouth University and other places that show that, actually, if you can better coordinate care, if you can get physicians talking to each other, if you can get primary care doctors doing more work up front, you can spend more money on preventive health care, as you talked about, that you can get better health care out there. So one of the things when we talk about controlling cost is trying to actually get people to have a decrease rather than an increase in utilization. I think it will be a big central part of our discussion here about how we do that.

There are very interesting ideas about how you try to encourage providers to work together, about how you invest more in primary care. But a subject that we have talked about on this House floor, which is going to be fundamental to this discussion, is giving those physicians and hospitals the tools to do that. The only way that you can try to get doctors talking to each other about complicated patients, the only way that you can try to really empower the consumers themselves to take more ownership over their own health care is to make sure that they have the ability, as physicians or providers, to track those patients through the system or, as a consumer of health care yourself, to track your care as you move through the system. Technology is really the key to that, and we have already taken a great step forward on that issue through the stimulus bill. There is $19 billion in the stimulus bill dedicated to building out the world's best, most connected, most highly technologically advanced health care information system so that as an individual walks into the emergency room, that that treating physician can immediately figure out what his medical history is, what tests he's already had, what's been ruled in, been ruled out relative to the illness that they present with. We can save billions of dollars just by having better information in the system. I am so glad that our President had the foresight to see those savings down the line by investing money in the stimulus bill to get that technology out as quickly as possible so that it can be a platform for those savings. There are going to be a thousand different ways that we talk about to save money in this system, and we know that that's how we get access. But I don't think any of it is going to be possible, Mr. ALTMIRE, without that investment in technology, something that you talk a lot about.

Mr. ALTMIRE. We have talked about that, and I do think that the money that was in the stimulus plan and then money in the succeeding budgets, which we're also going to make a priority, is going to make a big difference.

Health care is the only major industry in the country remaining that has not gone to an interconnected, interoperable computerized system. And I would ask my colleagues to think about the fact that—the gentleman's from Connecticut, and I'm from Pennsylvania—if we go to San Diego, and we put our bank card in the machine, we can pull up all of our financial records in a safe and secure way and never think about privacy or any type of intrusion. You just take for granted that that's going to work. But if you show up on that same trip at the emergency room in San Diego, well, they don't have any of your records. They don't have your history. They don't have your family medical history. They don't have your allergies. They don't have any of your imaging, your x rays and so forth. And they're going to ask you half a dozen times when you're there, what are you allergic to, and can you fill out these forms and, most importantly, how are you going to pay, what's your insurance? But if we were to go to a system, like every other industry in America has, where you have an electronic health record that goes with you everywhere you go and has your family history records, your personal medical history, your allergies, and yes, all your insurance information, then when you show up at the emergency room, they're not going to have to ask you half a dozen times. They're going to be able to get right down to the business of treating you for whatever the reason is you find yourself in that situation. We have to make sure that as we move forward as a country, we reward those who have already taken matters into their own hands. There are a lot of major health systems in this country from coast to coast that have spent hundreds of millions of dollars of their own money to make this a reality, to connect their own systems. The problem that we have in implementing this is, if you're a wealthy community and you have a system that's making a lot of money, a hospital system, you can afford to do that. But if you're a rural physician, a health care provider in central Pennsylvania or anywhere in this country 80 miles from the nearest hospital, you can't afford hundreds of thousands of dollars to upgrade your computerization to interconnect your records with the nearest hospital. It's just something you can't even consider, and that's where this money is going to go. We're going to move towards having an interconnected system in this country to resolve some of the issues that the gentleman has talked about. We're not going to allow it to get to the point—with the Department of Defense, for example, which has a wonderful health care information technology system, and the Department of Veterans Affairs, which also has a wonderful health care information technology system; but there's one problem. They literally cannot communicate with each other. What they do is, if you're one of the brave servicemen or -women who are serving our country as part of the Department of Defense, you're a part of their program, and they have all of your medical records; but when you leave the military and become a veteran and enter the VA system, under the current system, the Department of Defense sends a PDF file by e-mail to the VA, and somebody has to open up that file. They can't manipulate it in any way. They have to type by hand your entire career's medical history—if you've been there for 30 years, think about what we're talking about—into the new system for the VA.

Now Secretary Shinseki and Secretary Gates have announced that moving forward, they're going to merge the systems for the new people who enter the military. So moving forward with the newer generation of our military men and women and our veterans, we're not going to have this problem. But for the millions who have served up to this point, it's not interoperable. They cannot communicate with one another.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, scale it down. There are thousands of hospitals, some of which are in the State of Connecticut, that have competing systems, even within their own hospitals, that don't talk to each other. There are hospitals that have one electronic records system for their emergency room and then one electronic medical records system for their in-patient unit. So the same thing that happens as you move from active service out to be part of the veterans health care system works within a matter of days in a hospital setting. When you come in and present to the ED, you then aren't on the same record system when you move over to the in-patient unit. Now that is because we do not have a sort of nationally agreed-upon platform for how systems communicate with each other. And a lot of hospitals say to themselves, well, I have got one really good system for emergency rooms, and then I want to buy this other really good system for in-patient care. We have got to have some national standards that basically say to any hospital or physician's office that's buying into a records system that you can be guaranteed that you are going to get a system that presents you with all the data and tools that you need and will be able to communicate with everybody else. In fact, there's no way that we're going to spend that stimulus money without some national standards to guarantee that that happens. But as a sort of preview as to how politicized and how politically charged this debate can become, when we were debating that portion of the stimulus bill, which really is a commonsense investment in information technology, something that there should be no reason why Republicans and Democrats should disagree. I don't want to put words in Mr. BURGESS mouth. He is a Republican Member from Texas. He comes down to the floor very often to talk about the crisis in our health care system, and he talks in a very articulate way about the need to upgrade our information system. So there's a lot of potential agreement on this issue between Republicans and Democrats. But it didn't stop the sort of right wing in this country from going out and spreading lies that this investment in information technology was the Federal Government's attempt to have a Big Brother takeover of health care, and this was the Federal Government reaching in and controlling all of your health care information and knowing everything about every illness that you've had or prescription drug that you're on. It's the furthest thing from the truth. We're just simply trying to standardize private health care investments that have been made by hospitals and doctors across this country. But I think it speaks to how difficult this debate is going to become. There is a group of folks out there who are either just ideologically opposed to having the government have any role in health care, or folks who are part of the status quo who are making their fortunes off of health care today that don't want the rules of the game changed. Even when it comes to what should be fairly noncontroversial issues, like investments in information technology, I mean, my God, you know, it's boring to say, right, but it's so important. It's just not that controversial. We're still going to find a lot of people on the outside that are going to fight us on this issue, as they will on many others, Mr. ALTMIRE.

Mr. ALTMIRE. There are many issues that are just like that, as the gentleman knows; and this gets to the complexity of the bill that we are going to be bringing to this floor and to the other body over the course of the next several weeks. If you look at what we expect, at minimum, the outcome to be on the insurance side, I think everyone would agree that a very likely outcome is going to be the insurance industry will not be able to redline you. They're not going to be able to use pre-existing conditions to exclude you from care. They're not going to be able to do the lifetime limits for people with chronic diseases. Basically, they're going to have to take all comers, and they're not going to be able to set your rates based on your individual health status. I think we would all agree that is a likely outcome to this debate.

Now the insurance industry makes a compelling case, and I think an actuary would tell you that the only way that works is if we find a way to make sure everybody is included in our health care system. You can't just have the sick people or the people who are about to become sick part of the risk pool. You have to have everybody. That's why it's so important that we expand access to the entire Nation, include these 47 million Americans who don't have health coverage, the tens of millions of more that are underinsured

because the only way the risk pool works is if you have the young and the healthy, people who aren't going to use the services right now today to offset the risk for those who are. But as the gentleman indicates, there is still going to be opposition to this concept when we move forward and when we talk about ways to move people into the system that currently don't have access.

One of the ideas that we talk about, which the gentleman from Connecticut is very involved in, is the idea of having a choice for people to join a plan that would compete with the private insurance industry. We hear a lot of talk about how the private sector always does it better than government. They're more efficient. They're more cost effective. The government is too bloated. So I would say to those who make that case, well, then, what are you worried about? What are you worried about the competition from the government if the private sector always does it better than government? The difference in this case, if we do it right—and certainly there are ways you can structure it that wouldn't be the correct way—but if we establish a level playing field for the competition, you are going to have a situation where there's not going to be a profit motive, and there's not going to be any reason for someone to choose that plan who's involved in shareholding and so forth. You're not going to have that. You're not going to have people who are employed to try to deny claims. That might be a difference in the way these plans compete. But if we do it right, it would be a level playing field.

Mr. MURPHY of Connecticut. The gentleman knows that I think this is, for me, critical to reform going forward. I really do think that if you empower consumers to have real choice, that that is one of the ways in which we're going to control cost. Right now when you decide you want health care insurance, if you are a business or an individual, it's a real cloudy picture out there. You don't know exactly what you're buying. You don't know the combination of deductibles and premiums that are going to force costs on you. You can't ever be sure exactly what the benefit plan is, whether pre-existing conditions are covered here and not here. So one of the things that we're talking about that is fundamental to this reform is really trying to standardize the market, creating some national standards for health insurance; that you've got to have this basic benefit package that covers preventive services and real catastrophic care; that you can't discriminate against people that have pre-existing conditions; that you can't have lifetime limits; to basically give people some certainty that when they go out and purchase insurance, that they're going to get insurance, that they're going to get something they can actually use.

□ 2045

So, a lot of us say, well, you know, why not give people the option, if they don't like the private insurers who are inevitably going to take a piece of their premium and pay the CEO a big salary or pay back shareholders or turn it into profit, why not give them the option to purchase a nonprofit, government-issued plan?

Now, Mr. ALTMIRE, you are right, that that only works if that government option, that government health care option, has to finance itself; that it doesn't get a subsidy from the Federal Government to help it compete with the private plans. But if that public insurance option has to pay for itself, just like every private insurance company has to, they collect premiums, pay for care and it all has to be self-financing, then you are exactly right, what is the problem?

If the government is so inefficient, then they will end up having an insurance plan that costs more than the private insurers, and nobody is going to buy that. But if our theory is correct, that by not having the profit motivation that the private insurers have, that they can run a more cost-effective product, then why shouldn't consumers have that choice?

The people in this Chamber who are going to say there can be no public insurance option available to individuals are taking choice away from consumers. I would rather have my 700,000 constituents be able to have as many choices as possible. I want them to decide whether they think that private insurance or public insurance is better for them.

Everybody will answer that question differently. But I think that those of us that are going to be favoring a publicly sponsored health care plan as one of the options for individuals and businesses out there are going to be on the side of consumer choice, and I think if we give consumers that choice, it is going to create a really competitive structure that will end up with some people having public insurance, some people having private insurance, but a real competition by which we lower health care costs, Mr. ALTMIRE.

Listen, I get it. The devil is in the details of making sure that you don't give a little competitive advantage to that public option, but I think that it is really a linchpin of health care reform going forward, if we can get it right.

Mr. ALTMIRE. Think about the competitive advantage that businesses have in this country. Some are able to offer health insurance, some are not. Less than half of small businesses in this country are able to afford to offer health care to their employees.

What we want to create is a system where everyone in America will be covered and every business that chooses to do so will be able to afford to offer that benefit to their employees and to their potential employees to be able to recruit and retain the highest quality worker. That might be a benefit that small businesses would like to offer. We want to give them the opportunity to afford that benefit if they so choose.

But, again, we want to preserve what is working in our current system. We want those who have coverage and like it to not be touched in this. And that has to be a part of this. But for those that want to have another option, those who want to make a change, maybe the family status has changed over time, the plan that you are in doesn't work for you any more, we want to give them as many options as possible, and we want to give them the ability, as the gentleman indicates, to do some comparative shopping, to compare apples to apples, to look at what the costs are for the family situation across the different plans. Right now you are unable to do that.

If you are a Federal employee and you have the Federal Employees Health Benefits Program, it is a little bit easier. That is a plan where you are able to look at some of the paperwork and get on the computer and do comparison shopping. We want every American to have the same ability that Federal employees have today.

I would say to the gentleman, when we talk about this idea of the employers being required in some way to either offer health insurance to their employees or to pay into the system so that those employees will have the ability to make that choice, we don't want to do that in a way, and I want to be very clear about this, we don't want to do that in a way that is going to incentivize employers to say, well, you know what? I will just stop offering health care coverage and all of my employees can go into the plan. That is not what this is about.

We don't want to add one more financial burden to half of the small businesses in the country, the ones I am talking about that are already unable to afford health care. We don't want to add to their financial burden. We recognize that this is a very complicated issue and it is going to be very difficult to achieve these goals.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, we spend so much time with our business community, our chambers of commerce, when we are back home and when they come visit us down here, that we know what the reality is out there.

These folks that right now can't afford to give health care to their employees desperately want to do that. They want to do it first because it is just the right thing. They are members of their community like anybody else is, and they want to be able to provide health care to their employees, whether they have two employees or 40 employees. That is just the kind of people that are out there running small businesses by the skin of their teeth across this country.

But they also need to do it from an economic standpoint. They know that to the extent that they can't offer

health care or can't offer the kind of generous plan that they would like to, they are at a disadvantage against their competitors who can offer that type of health care. They are at a disadvantage against the big employers who can steal their employees away.

So this is really an issue that our small businessmen are waiting to be a part of the solution, and if we can offer them, whether it is through a public option or through lower rates on private plans, a more affordable health insurance option, they are going to take it. They are going to grab it.

You are right, we don't want to set up any incentives where they are going to push people off to the public plan. But we know the majority of folks are going to want to be part of the solution out there, just for reasons of conscience, but also for reasons of their own salvation as a particular business.

Mr. ALTMIRE. And the gentleman hits the nail right on the head, talking about bringing down the costs. That is where we started this discussion. We are going to pass a health care reform bill this year. I am confident in saying that. The public support is there, the support in this Congress is there. We need to certainly finalize the details, and that is going to take some work. But this issue is too important, it is too important to this country, it is too important to families, it is too important to businesses, and it is too important to every individual in this country for this not to become law this year. I am confident that will happen.

We have to bring down the costs of health care. That is why this is so important. We have to bring down the costs for our families, we have to bring down costs for our businesses, and we certainly have to bring down the costs for our government.

As I started our remarks tonight by saying what this is about is the structural deficit over the long term that we have in our budget, and addressing the issues like energy and like education that have led to the skyrocketing deficit and debt that we have over the long term, and the only way you can begin to bring that under control is by bringing down the cost of health care for everyone in this country at every level, both in the private and the public sector. That is what this bill is going to do, that is what this discussion is about.

So, to close it out, I would yield back to the gentleman.

Mr. MURPHY of Connecticut. I thank Mr. ALTMIRE and Ms. BALDWIN for joining us tonight.

Let's make no mistake about this. This is going to be a fight. This is going to be a fight, because to do this right, you are going to have to take on some folks who have gotten real fat over this health care system. You are going to have to take on some ideologues that just don't believe that the government has any role in trying to get health care to people.

There is a polling memo going around Washington written by Newt Gingrich's pollster essentially outlining in 28 pages how you stop health care reform from happening. That is the agenda of a lot of people in this town, a lot of folks on the other side of the aisle, that they do not want health care reform to happen.

Now, some of it is for good, honest policy reasons. I believe it is an incredibly mistaken belief that the private sector can just fix this on their own. They haven't done it for the last 50 years. How can we expect they are going to do it overnight?

Some of it though is very cynical politics. Some of it is due to people that look back to 1994 and the failure of the Clinton health care plan in the 2 years prior, and believe that if folks can stand in the way of President Obama or this Democratic House passing health care reform, that they will gain some electoral advantage out of that.

Now, I hope that is the minority of people that are standing in the way of this bill. But make no mistake, there are people out there who simply see political advantage against Democrats in general or against the President of the United States in stopping health care reform from happening.

Now, they may have succeeded back in 1993. I wasn't here, Mr. ALTMIRE wasn't here, so we can't speak to all the reasons that happened. But that is not going to happen this time. Not because you have got smarter people in the House of Representatives or you got necessarily a better strategy moving forward, but because the American people are not going to stand for the status quo.

They know this economy is tough and they feel more conscious than ever of the fact that they are just one paycheck away from losing their health care and becoming one of the tens of thousands of individuals out there who have been forced into bankruptcy because of health care costs.

The status quo is not good enough for people out there, and despite 28 pages of polling telling the folks on the other side of the aisle how to stop this from happening, I believe that the will of the majority of Americans is going to bring us together to get a good bill passed.

We are here as 30-somethings in the Democratic Caucus talking about that tonight, but I believe that there is going to be a groundswell of public support that is going to force us, both parties, to come to the table and do something, not small, not minor, not temporary, but something big and permanent to fix all of the underlying problems in this health care system, to make sure that more people have it and less businesses are burdened by it.

So, again I would like to thank Speaker PELOSI for once again giving us the opportunity as the 30-something Working Group to come down here tonight, and remind folks that they can e-mail us at 30somethingdems@mail.house.gov. If you have any questions for us, any feedback on what you have heard this evening, www.speaker.gov/30something is where you find us on the Web.

NOT LEARNING FROM HISTORY

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

Mr. AKIN. Madam Speaker, there was a cynical comment that was made by people who take a look at history. They say that one of the things we learn from history is that we learn nothing from history. I don't know that that is universally true, but certainly for our subject for this evening, that will certainly be the theme, that we are not learning very much from history.

We are going to be taking a look at the fruit of fiscal mismanagement, and particularly what is going on in our country in terms of a very, very important number, and that is unemployment. The unemployment numbers have continued to rise, in spite all kinds of assurances that by spending tons and tons of money, that we can turn those numbers around.

The historic connector here that is I think quite interesting is a fellow by the name of Henry Morgenthau. Probably you have not heard of Henry Morgenthau, but he was an important figure in his own day. And here in this Chamber, in this House, Henry Morgenthau met with the Ways and Means Committee in 1939.

Henry Morgenthau was FDR's Secretary of the Treasury and he had 8 years working on a theory that is known as Keynesian economics. He was one of the main architects of Keynesian economics, whose idea was that what the government needs to do is to stimulate the economy. You have heard that phrase over and over, stimulate the economy, and the purpose of stimulating the economy is, of course, to create more jobs.

That is a little bit like grabbing the straps on your boots and lifting up and trying to fly around the room. It doesn't work. And after 8 years of failed experience, these were the words, the very quote of Henry Morgenthau here in this building before the Ways and Means Committee.

He said, ''We have tried spending money. We are spending more than we have ever spent before, and it does not work.'' His words are echoing down through history. ''It does not work, I say. After 8 years of the administration, we have just as much unemployment as when we started, and an enormous debt to boot.''

These are the words coming to us, floating down through history by Henry Morgenthau, the main architect of Keynesian economics. Franklin Delano Roosevelt, the master of the policy of stimulating the economy with big spending.

Maybe we haven't been doing a good enough job on stimulating the economy with big spending, so let's just take a look and see what we have come up here in just the last year or so.

I am joined by a number of my good friends and colleagues who are going to help us in unpacking some of what is in this spending that we have and also going to help talk about this incredible statement that was made by the President last week that, somehow or another, that his administration had created 100,000 to 150,000 new jobs. It is kind of amazing, because all of the actual numbers from the government show that that is not true at all.

□ 2100

So we have quite an interesting evening together. And I'm joined by a good friend of mine from Iowa, Congressman KING, who is here to join us in our conversation tonight. I hope that everybody else will feel comfortable to just tune right in and join us. We're going to have a little bit of fun and take a look at some of the economics. It's a serious picture, but it's an example to us that we must learn from history. It's also an example of the fact that America is on the wrong track.

As we take a look at what's going on with job losses, I think many Americans, Congressman KING, understand the fact that all is not right and that unemployment number jumping up as high as 9-something percent is not acceptable.

I would yield time to my good friend from Iowa, Congressman KING.

Mr. KING of Iowa. I thank the gentleman from Missouri (Mr. AKIN) for pulling this hour together. And I listened to the first flash of illumination of common sense here coming from deep within history of Franklin Delano Roosevelt's administration, his Treasurer, Henry Morgenthau, saying that Keynesian economics does not work.

And so I wanted to add to this, John Maynard Keynes' philosophy that he spoke about during that period of time of the implementation of the New Deal that was presented by FDR, and historians have taught for years that FDR's New Deal saved us from the Great Depression, although there isn't any evidence of that, especially, FDR's Secretary of the Treasury making the statement that Keynesian economics does not work.

Now, Henry Morgenthau was a contemporary of John Maynard Keynes, and Keynes became prominent in the twenties and throughout the thirties and kind of wrapped up his career in the forties. But Keynes described how Keynesian economics worked. He did this himself, and his description was this. He said, I can solve all the unemployment in the United States. All we need to do is go find an abandoned coal mine and go out in that abandoned coal mine and drill a whole group of holes out there, and then take American cash, tamp it down into those holes, and then fill the abandoned coal mine up with garbage and turn the entrepreneurs loose to dig up the money. That would solve all the unemployment in the United States of America.

Now, that doesn't sound very rational when I say this on the floor of the House of Representatives, but that came out the mouth of John Maynard Keynes, who inspired this Keynesian economics and Morgenthau's response.

I yield back.

Mr. AKIN. I just have to kind of wonder what he was drinking when he came up with a theory like that. That's an interesting tidbit of history.

Mr. KING of Iowa. And we didn't have EPA approval either.

Mr. AKIN. He didn't have EPA to put the garbage in the mine. I'm sure he would have gotten in trouble with that.

It's just a treat to have, also, my good friend Congressman LAMBORN who's joining us tonight as well. And we're just getting started now, talking a little bit about this idea that somehow all of this spending that we've been seeing in this last year that we've been here together, this incredible level of spending, is supposed to help with this unemployment problem. And yet, just as Morgenthau would have predicted, we're seeing unemployment going up and the spending just totally out of control.

I yield time to my good friend, Congressman LAMBORN.

Mr. LAMBORN. Well, I thank the gentleman from Missouri for letting me have this time. It's good to join you for a few minutes with this time that you've put together to speak and present to the American people and to have a dialogue between each other what the spending is really costing us. And so far it's not producing jobs. I think we hit 9.4 percent, if I have that correct, of what the latest unemployment figures are.

Mr. AKIN. Just affirming that, reclaiming my time and affirming that number, yes, it is now 9.4 percent. You recall that there was a promise when we got to this great big—they call it a stimulus bill. We call it the porkulus bill. When we got to this porkulus bill, they said, If you don't pass this bill, if you don't do that, why we may have unemployment at 8 percent. And here we are at 9.7 percent, and we did pass the bill. And so the excuse is, well, this thing is really helping us a lot. Well, I sure hope it doesn't help us in that direction too much longer because that was what was supposed to be. But I think you're right. Your number is 9.7.

I yield.

Mr. LAMBORN. Thank you. With that amount, 9.4 percent, which I think is the high point for 25 years, unfortunately it's the high point in unemployment in our country for two and a half decades.

And I just wanted to mention, it's so inconsistent or even hypocritical for the press to say that this is not anything other than an unmitigated disaster. They're falling all over themselves trying to put a spin on this thing saying, Oh, it's really not as bad as it seems. The rate of growth of unemployed people has slowed down, or it's less than we thought it was going to be.

Can you imagine if we were 12 months ago, 24 months ago, when George Bush was President, what the press would have said? They would have said, It's horrible, and the policies are doing this and driving unemployment up.

Mr. AKIN. Just reclaiming my time a minute. What would the press have said if, under the Bush administration, they claimed that they created 100,000 to 150,000 jobs and they didn't have any documentation for that? Say, Where in the world did you get that number, because the numbers that have just come out show that we've lost jobs. It's gone the other direction.

If you had a track record like that—this is just the year, this year. This is starting in February, March, April, this is another March, 14, 28, April, April, May and May, this is just a few months here. And this is what's going on with unemployment. And you're out here and you claim, Hey, we just created a whole lot of jobs. People would kind of wonder, I would think the press corps would say, Wait a minute. Where'd you come up with this 100,000 to 150,000 jobs that he claimed last week that they created? I supposed he'd say, Well, if we hadn't passed this great big porkulus bill, why, by golly, it would be worse. Of course he hasn't learned from Henry Morgenthau.

I yield back.

Mr. LAMBORN. The gentleman from Missouri is correct. It's so inconsistent. If this was the previous President, the press would just be laying right into him. Right now they're giving the President a pass. And it's inconsistent, and I think the American people can see through that.

And Congressman, you also mentioned, what are these phantom jobs out there that were saved? Anyone can claim, well, there's one or two or 300,000 jobs that were saved. I can't document it, but just take my word for it, and the press isn't looking at that either. I just wish the press would do their job of being an honest, objective observer and reporter of what the facts are. And until the press does that, the American people are really not being served well.

Mr. AKIN. Well, reclaiming my time, I think you're right. And I'd like to just take a moment and get into—these numbers are easy for us to rattle off, just off the tip of our tongue, but let's take a look.

First of all, you've got $700 billion in this Wall Street bailout. Now, some of this came under President Bush, and I think the people in this room voted against this thing because it didn't make a lot of sense. Half of it, though, is the beginning of this year, and we keep dumping all this money out, and it's not quite clear what we got for it.

And then we get to this thing here, this economic stimulus which is supposed to be fixing this unemployment problem. And what's going on in this bill?

I've got a few, just choice examples I'll share, but I know others of you here have some examples. We're joined by a number of fantastic Congresspeople, and here's one. This is one here, this is you can't afford a bicycle after purchasing a $1 million home. Okay. This is money for Washington, D.C., part of the stimulus money that's supposed to be helping us with jobs.

Washington, D.C., Department of Transportation will spend $3 million in stimulus money to expand its Smart Bike program. The money will increase the program by five times, from 10 bike racks to 50 bike racks, and from 100 bikes to 500 bikes. Neighborhoods expected to get the new bike racks include Adams Morgan, Columbia Heights, Capitol Hill, Anacostia and Georgetown, where the average single-family home runs at $1.2 million. Boy, now there is an interesting use of money. May be a wonderful thing to do, but I'm not sure what we should be taxing everybody to try to create jobs.

And we've got a lot of other fun examples. I'm joined by my good friend Congresswoman BACHMANN, and Congresswoman BACHMANN is articulate and a good friend to people who care about jobs and care about fiscal sanity.

I yield time.

Mrs. BACHMANN. I thank the gentleman from Missouri for calling this together so that we could call attention to the job losses that are happening all across the United States. It's in your district. It's in my district. It's every one of our districts here that are represented this evening.

And I was absolutely shocked, as I've been watching this play out, of the Federal Government jumping in and taking over private businesses, beginning with Chrysler and then now with General Motors. We're seeing something that we haven't seen. I don't know if we ever have seen anything like this in the history of our country, and I am still livid over the conversation I had today.

Mr. AKIN. Reclaiming my time just a minute, what you just said is so important for people to understand, and that's because we don't have quite the sense of history. We've just heard from one of our other guests just a minute ago that this is a 25-year high in unemployment.

But what you've just talked about is, when the President goes in and fires the president of General Motors and appoints the people a board and decides to rewrite the bankruptcy laws, this is unprecedented. And I think, my good friend, you have a specific example from your district about what this could mean to Main Street America. I wish you'd saw share that with us tonight.

Mrs. BACHMANN. I do. I had met with dealers in my district before from Chrysler, and they looked me in the eye and they said they were just flabbergasted. They couldn't believe that they got a pink slip that they were going to be out of business by the end of the month. All the cars that they had on their lot they'd have to sell. They were going have to wrap up and go out of business by the end of the month. And they told me that they were one of the most successful Chrysler dealerships, not just in Minnesota, but in the Nation. They performed 160 percent better than the top performers in the country. They met all the criteria for staying open for Chrysler, and still they were pink-slipped. No one could understand.

Mr. AKIN. Reclaiming my time, I'm just trying put myself in the shoes of the family who owned that dealership that you're talking about.

Mrs. BACHMANN. This particular family, Congressman, had put $5 million into this dealership just prior to receiving this notice. They were slated to adding another Jeep dealership to the Chrysler business that they already had. Significant amount of money, and they produced tax revenue to the amount of $3 million every year on that 5-acre parcel that they utilized.

Mr. AKIN. Just reclaiming my time, so you have a dealer who's been in business in your town for what, 90 years or something I think you were saying?

Mrs. BACHMANN. This particular dealer had been in the business since the early 1920s. The one that I spoke with today had been in business for 90 years. They were a General Motors dealership.

Mr. AKIN. Ninety years, and their dealership was assessed at, what was the value of it?

Mrs. BACHMANN. There's a recent appraisal done on this dealership, very successful dealership. They have all the debts paid. They own everything outright and clear, and the appraiser said this dealership is worth $15 million.

Mr. AKIN. Reclaiming my time, so $15 million, and then you wake up one morning and you get this thing in the mail and it says your $15 million just basically vaporized, didn't it?

Mrs. BACHMANN. Was worthless. Now the only thing that their dealership is worth today is the underlying property that the building sits on. They put all sorts of money into building their building, which is now free and clear. They worked hard to make sure they could pay for it, and now it's a dealership building. And as most Americans know who are listening to us speak this evening, if you have a dealership building, you can't use it for much else other than a dealership. And trust me, there's no one out there right now who's too interested in buying an old used dealership building because there's not new car dealers going up out there.

Mr. AKIN. So once again we have another projection of this example of Washington thinking they know how to do everything, deciding who's going to be the president of General Motors. All of this money that belongs to our constituents, we're going to dump this money into various companies, and then we're going to try and manage. We can't manage D.C. What makes us think we can manage car companies?

What an example of—and I think there are some other examples of what's going on with some of this spending.

And I see that we're also joined by Congresswoman LUMMIS from Wyoming, I believe. So we've got the West pretty much covered. We've got Iowa covered. We're going to have Georgia in just a minute.

Please join us.

Mrs. LUMMIS. I thank the gentleman from Missouri for pulling us together this evening for this discussion.

In Wyoming, our economy is very much based in the energy industry because we have coal, oil, gas, uranium, wind, solar, biomass, and that is the mainstay of our economy by far.

□ 2115

So as we watch the 350 to 375 very small businesses that are drilling for oil and gas and see the legislation that is coming before this Congress at the behest of the Democratic Party, it will devastate our businesses.

Mr. AKIN. Reclaiming my time, so you're talking about the tax that they're proposing to pay for some of the spending that is that cap-and-tax situation which is going to devastate small business, and small business, of course, is where these jobs are created; is that correct?

Mrs. LUMMIS. Absolutely. I think the Americans have the perception that Big Oil is who is recovering these natural resources; but even those firms hire very small, literally mom-and-pop operations, five and six employees to go out and drill the drilling, to do some environmental compliance, to do the surveying, and to complete those wells, and do the fracturing of the deep seams that are required to cause the gas to flow into a natural gas well. These are very small operators. As I said, in Wyoming alone, over 350 businesses.

Yet what we see on the horizon taxwise through the national energy tax that's being called cap-and-trade would be utterly devastating to those businesses.

Mr. AKIN. Reclaiming my time, what you're doing is making a tremendously important connection. And I think a lot of people do get that impression that all of the jobs in America are General Motors or General Electric or Mobile Oil or whatever it happens to be. But in reality, as one of the most ranking members in small business, what you find is you define small business as about 500 employees or less. Small businesses create almost 80 percent of the new jobs in America.

So what you're saying is exactly spot on to what all of our data shows, and if you're looking at 80 percent of the new

jobs and you're looking here at an increasing level of unemployment, what you should be paying attention to is what are you doing for small business. And what you're talking about is we're doing something that we haven't learned from history. You're going to slap a great big tax on them to cover up all of this spending. And what's going to happen is you're going to dry up the potential of those new jobs that could come from small business.

I appreciate you making that connection.

And I'm going to just jump over to my good friend from Georgia, a medical doctor, but also somebody who has quite a fair amount of passion about freedom and about some of these economic issues as well, my good friend Dr. BROUN from—is it the Atlanta area?

Mr. BROUN of Georgia. No, sir. I live near Watkinsville, Georgia, south of Athens, and I represent northeast Georgia. And I thank the gentleman for yielding.

The chart that you have down there on the floor. If you put the date of this week on the next bar, going back to what Mrs. BACHMANN was just talking about, these dealerships are shutting the doors. Dealerships may have 20 employees, they may have 30 or 40 employees. I've met with a number of them. There is a dealer in my district in Clayton, Georgia, in Rabun County, right up on the North Carolina line, called me this week and he got one of those pink slips. He is a customer of the automaker, and that's what all of these dealers are, they're actually customers. And what is happening is this administration is forcing the Big Three automakers to fire their customers, and that makes absolutely no economic sense.

But this dealer doesn't do any floor planning. In other words, he doesn't have to borrow money from the automaker to put the cars on his lot. He owns them all. He's paid for them all. He owns his dealership. He doesn't owe anything to the carmaker. But they have fired him. And in doing so, this administration has fired all their employees.

So the next bar for all of these dealerships I think is 780-some-odd just this week that are going to be fired—the dealership's going to be fired, thus all of their employees are going to be fired. And that's going to put that bar even higher. And it's just not right.

This is an unprecedented takeover from the private sector by this administration—by the car czar that has been set up by this President—and it is totally unconstitutional, it's totally against freedom, it's totally unprecedented. And it's exactly the same thing that Hugo Chavez is doing down in Venezuela.

So if we could imagine that next bar on that graph, it's going to be even higher than it is.

Mr. AKIN. Reclaiming my time, what I'm hearing you say is—you're a medical doctor. You're not claiming to be some economic expert. You're saying common sense says that this 9.7 percent unemployment that we got right now is not the end of this problem and that the idea of the tremendous level of spending that we're seeing is not going to help. You're agreeing with Henry Morgenthau from 1939 that all of this spending is not going to make this any better. And what's more, a lot of that spending is going to result in more unemployment rather than less.

Is that the bottom line of what you're getting at?

Mr. BROUN of Georgia. If the gentleman will yield, absolutely. That's what's going to happen. You cannot borrow and spend yourself to economic prosperity. And that's what's going on here. We're borrowing too much, we're spending too much, taxing too much, and it's going to cost jobs.

I'm sure we'll come back to discussing what the gentlelady from Wyoming was talking about because there is somebody else that's going to talk a lot of jobs across this country. But we're going down a road that is going to hurt our economy. It's going to cost jobs, as we see an increasing number of jobs on your chart there that are being lost. And unemployment claims, we're going to have more and more of those. And it's really taking away from the future of our children and your grandchildren.

Mr. AKIN. That's the bottom line. I think that's what's gotten us staying here this evening talking about this subject. This is critical. This is a very significant problem.

I would like to jump back to my friend from Iowa, Congressman KING, a gentleman who has run his own private business for many years before he came to Congress, knows a little bit about small business, knows a little bit about taxation and red tape. And he also understands what some of these massive government spending programs in the last year, what these are liable to do in terms of effects on our economy.

Mr. KING of Iowa. I thank the gentleman from Missouri. I started business in 1975, a capital-intensive business with a negative net worth so I had to actually make everything work or it would have collapsed around myself. And I remember prior to that looking for a job. I applied for a good number of jobs. Worked for other people. They worked for me. I had to build a business up a piece at a time, a component at a time.

One of the points that I think would illuminate this when I look at the numbers that are there on the chart: $700 billion on the Wall Street bailout, $787 billion in the stimulus plan. That was going to—and I remind everybody here and including Madam Speaker—if she were paying attention—I would be reminding her that President Obama said that his stimulus plan was going to save or create 3.5 million jobs—and that was just back a couple of months ago right there on the time line where a $787 billion. 3.5 million jobs saved or created. And I thought at the time, How do you measure a saved job? It was there when you started, it was there when you're done the. It's one that your economic plan didn't destroy, but it isn't necessarily one your economic plan saved.

So now we have the White House saying they've saved or created a dinky little 100,000–150,000 little jobs when their endeavor is 3.5 million jobs. And by the way, that number is not out of thin air. That is off of the White House's Web site, WhiteHouse.gov/economy. So those numbers are real.

Another image that flashes to my mind when I hear the gentleman from Georgia talk about Hugo Chavez, I had a flashback about the visitation that took place between our Commander in Chief, leader of the free world, President Obama and Hugo Chavez down in Central America. And I recall that we needed to have a strong message from the President of the United States that would embrace Colombia and ask for a vote on the floor of this House as was agreed to under those terms. We didn't get that meeting, but we got a glad-handed, big smiley happy face meeting between Hugo Chavez and President Obama.

And I remember the image that flashed in my mind. One of them is Hugo Chavez could declare our President to be El Diablo at the podium of the United Nations and say, The smell of sulfur still lingers from yesterday. And those anti-American people laughed and cashed our checks. And just a few months later we have President Obama glad-handing with Hugo Chavez. And when I saw that image, I realized that the great nationalizer of the industries in Venezuela who had just nationalized a rice plant that belongs to a good Minnesota company named Cargill was standing there smiling next to President Obama who was the greatest nationalizer of all, who has since nationalized two of the three largest carmakers in the world—General Motors and Chrysler—and we've watched the nationalization of our financial institutions, our insurance industry. The list goes on and on.

The free market system from top-down is being swallowed up and nationalized instead of privatized.

And I would also make this point that our President today was elected at least in part because he challenged President Bush and criticized President Bush for going into Iraq without an exit strategy. This President has declared that he doesn't want to own or manage Fannie Mae, Freddie Mac, the financial institutions, the insurance agencies, or the automakers of America. But he has engaged in all of that without an exit strategy.

I call upon President Obama to come up with an exit strategy to divest the Federal government and the taxpayers from this private sector industry that have been so nationalized that he makes Chavez look like a piker.

And I yield back.

Mr. AKIN. That's really quite a summary of where we are. What we're getting at is this disease that struck the Washington area just one year or two ago. It's bailout fever, you know. And we got into this idea that we're going to bail everybody out—at least if you're big and important. If you're a small business, you're going to go bankrupt. If you're a car dealership, you go bankrupt and you lose $15 million in one day. But we're going to bail out all of these, and in the process, what's going on in unemployment? Is this nationalizing of businesses such a good idea? I think there are a lot of people having some very extreme second thoughts.

This was not going to happen if we voted for that great big porkulus bill. I'm on the Armed Service Committee. When you say $787 billion, that's more than my paycheck. I tried to figure out how much money is that. And the biggest thing we deal with in any committee is aircraft carriers. These are big things. If you ever get on an aircraft carrier, you could play a game of football on the deck of one. They're really big, and they cost a ton of money. We have 11 in our total fleet. They cost about $3 billion a piece.

So if you take a look at what happened to us in the first 5 weeks after we've been told that President Bush is spending way too much money, we put this bill in place—this was the trimmed-down version—on this floor we voted for $870-something billion. That would be over 250 aircraft carriers anchored end-to-end. I couldn't even imagine. You could make a highway across them. That's how much money that's in this package alone.

That's not the Wall Street bailout, and that's not this appropriations bill that's full of goods. That's not this international monetary bailout that they're talking about doing where we're going to take defense money and give it to foreign countries, put it in a fund so that Chavez and the Iranians and other people can take defense money out of the United States away from our taxpayers so that they can fund their governments, and we're talking about doing that. We're wondering why in the world do we have this unemployment. I think we're making some big mistakes economically.

I would like to jump back over to my very good friend Congresswoman BACHMANN who, by the way, is a great articulator of free enterprise principles and does a wonderful credit to Minnesota.

We're delighted that you're here, and please chip in and join in.

Mrs. BACHMANN. I thank the gentleman from Missouri.

And I'm very concerned again about these motor takeovers from the Federal Government. One thing that I am very concerned about, a story came out today where there's been approximately 1,500 letters that have gone out to GM dealerships.

One story that came out today, there is a dealership that I know of that applied to their Democrat Senator to appeal for help so that they could stay open. That Senator was able to arrange a meeting between the dealer and the officials at GM. We all know GM is now Government Motors because it's owned by the American people. It's been nationalized. There is no private corporations the way we used to think of GM. Now, the main stockholder is the American Government. So this Democrat Senator who was applied to for help was able to secure a meeting with General Motors and a car dealership, and they were able to get their dealership back.

□ 2130

Well, that's great, that's wonderful.

There is also another article I saw today where a constituent had contacted one of the representatives, a Democrat representative here in this Chamber, Representative BARNEY FRANK. BARNEY FRANK was able to go and talk to the right people and get this dealership back open. Is that what we have come to in this country, that rather than a private business with a private contract with another private corporation, they're no longer able to work out their agreements because, as columnist Michael Barone has called, he said, Now we've moved into the realm of gangster government. We have gangster government when the Federal Government has set up a new cartel and private businesses now have to go begging with their hand out to their local—hopefully well politically connected—Congressman or their Senator so they can buy a peace offering for that local business. Is that the kind of country we are going to have in the future?

When I was on the phone today for over an hour with one of my local dealers, the very first thing out of her mouth was this, she said, This is the most un-American thing I have ever seen in my life. I can't believe that I lived to see the day that my country would come to this point where, having my dealership for 90 years, I get a letter FedExed to me that tells me I have until Friday to sign this document to not only give up my company that was made worthless—worth $15 million, made worthless overnight—now GM is demanding that she hand over her customer list, her service customer list to GM. Why? GM most likely will use those customer lists, they will give it to her former competitors. What is she getting for this? What is her remuneration? She had the rug pulled out from her and from her husband. They virtually lost everything overnight to what? To what Michael Barone calls a gangster government.

We need to call this for what this is, my colleagues. We need to call this for what this is. Call it out. The American people need to get outraged and figure out that it could be them next. No business is safe when you see the administration appoint czars—car czars, wage czars—there's over 20 czars that have been appointed. And what do those czars do? They bypass the Congress. We are the people's elected representatives; we have been bypassed.

We now have an imperial presidency where the President has appointed various czars reporting directly to him. And now he is reaching into the confines of private businesses and overnight rendering them virtually worthless—unless, unless they have a special tug, a political tie to a local Democrat Congressman. Is that what we've come to? And I yield back.

Mr. AKIN. Well, I just appreciate the lady's passion and strong support for the concept of freedom.

You know, what we're really talking about here is, what is the job of the government? And we have come to a point where we have actually elected people who have forgotten this basic concept, and that is, the government that can give you anything you want can also take away everything from you, including your freedom.

And that is the great danger of this insidious creeping bureaucracy where the Government inserts itself into all kinds of different businesses. The Founders would have been outraged at what you've just described. And even people from not so many generations before us would say, that is impossible, that could never happen in America.

Mrs. BACHMANN. If the gentleman would yield, the Founders went so far as they began a revolution over a stamp tax, over a stamp tax. This is the actual outright taking of someone's personal property. And the Founders were unwilling to pass the Constitution without the Bill of Rights. And as the gentleman knows, the Bill of Rights was to protect individuals, people, not to protect government, but to protect people from the encroachment of big government upon their leaders. And the Fifth Amendment guarantees the right of your personal property. Big government cannot come in, they are prohibited from coming in and taking your personal property without just compensation. Here is a perfect example of violation of these citizens' Fifth Amendment rights.

Mr. AKIN. You are absolutely right. And we have seen other examples of it; the decision in Connecticut where some local municipality decided to trample the Fifth Amendment, just walk right in and take somebody's private home in order to make a strip mall so they could tax the strip mall. And the Supreme Court jumped to the defense of the local government saying, that's just fine. And they just ignored the Fifth Amendment.

And so we see this continuously growing government. And if you take a look at where we are spending money, it is just absolutely amazing. And here is an example. This is a town that is supposedly almost bankrupt—I think it's Pawtucket, Rhode Island, if I remember right. The city on the verge of

bankruptcy spends $550,000 in stimulus money for a skateboard park. Now, what in the world is the Federal Government doing with bicycle racks in D.C. in million-dollar neighborhoods, skateboard parks somewhere else. We're putting it all in here and claiming somehow it's going to make unemployment better, and yet the numbers are going nuts. The President, it seems—what's going on with the White House Press Corps? He claims they've just created 150,000 jobs, and yet you see the data going, we're already at 9.7 percent.

And it's my understanding, when you jump to the next big tax we're talking about, they want to be like Spain. And Spain has the enviable 17.5 percent unemployment. Is that where we're going? How long is this going to go before the American public says enough already; it's time to change this big spending?

If you want to see this thing graphically, this is a little bit chilling. This is historic budget imbalance. These are the different years of the Presidents. These years over here are President Bush. And those of us here that are Republicans, we didn't like the fact that President Bush was spending too much money. This is deficit spending. This is a budget imbalance. But take a look. When we were kids, didn't you have to go—what was it, first grade, what thing doesn't fit the pattern? Take a look at this year. Take a look at this budget imbalance that we're talking about. You think that's not going to affect jobs? You don't think that means the government is going to get its nose into all kinds of people's business? That's what we're concerned about.

I would like to go to my good friend, Congresswoman LUMMIS from Wyoming. You know, the thing I like about Wyoming and the Western States? You have a sense of freedom and a little bit of a sense of property ownership and you have a sense of small business. And I appreciate that perspective. Please join our conversation.

Mrs. LUMMIS. I thank the gentleman.

In Wyoming, we have had surpluses in our budget for the last 7 years, and it is because of the explosive growth in the production of energy. It has made our unemployment among the lowest in the Nation. In fact, there were times during the last 7 years that we have had, statistically, zero unemployment. Incredible. While I was running for this position, I stopped at a fast-food place to get an iced tea late at night, and they offered me a job and my daughter a job at this fast-food place because they are so much in need of employees.

Wyoming is unique in that regard, and it is because we are producing domestic energy. And there are new discoveries of domestic natural gas all over the United States. The Balkan in North Dakota is fantastic. It is producing wealth for people who have been farming at that very narrow margin of profitability, 0 to 4 percent, for years.

Mr. AKIN. Well, wait just a minute. You're talking about we're creating jobs and wealth and all this, and the government is not doing it? Oh, my goodness. That's a novel idea; the government is not coming in and telling you how to run everything.

Mrs. LUMMIS. Not only are we producing the cleanest burning hydrocarbon that there is, natural gas, but we are doing it in a way that makes us less dependent on foreign energy. And what we are seeing in this Congress are policies that will actually make us more dependent on foreign energy at a time——

Mr. AKIN. Let me just stop you there because what you said is very, very important. You are finding sources of natural gas—one of the cleanest burning fuels that we know, in terms of hydrocarbon-type fuels anyway—and you are finding that, which is making it so that you have plenty of jobs in Wyoming, you are not doing it with a lot of government help, and yet the government is going to try to create policies to make us more dependent on foreign energy. What would that be? I would suppose that one way to do that would be to tax your natural gas, because if that's taxed, then the foreigners have a better chance of getting business here. Is that where you're going?

Mrs. LUMMIS. And to the gentleman from Missouri, we are also proposing in this Congress to tax drilling costs, to raise the taxes on the brackets, to do away with the death tax, to put the recovery of natural gas under the Safe Drinking Water Act. Virtually every time I turn around, almost every day here, we are doing something that will impair our ability to produce our own natural resources.

And it's not just in Wyoming, there have been these fabulous new finds of natural gas that run up both sides of the Appalachian Mountains all the way from Pennsylvania clear to the Southern States. All of those States could have new natural gas production, the cleanest burning hydrocarbon, that reduces our need for foreign energy, that reduces the out-migration of jobs, it keeps them here, it grows them here. It grows revenue for those States.

I can tell you, as our State treasurer in Wyoming for 8 years, we had, just off interest income off State investments, the largest source of income for our State's general fund from one source, interest income off State investments. And all of those State investments, every one of them, came from severance taxes on oil, gas, coal, uranium.

Mr. AKIN. Isn't that something? Well, you are an energetic Congresswoman from an energetic State. And it's encouraging to hear that we do have those supplies of energy here.

It is ironic, I think, that when you take a look back at the history of the Department of Energy, it was created so that America could be energy independent. And they have added many, many jobs to the Department of Energy, and yet we have become more and more dependent on foreign energy. And if we had more people like you in this Congress, I think that would change, and we would see that we would be getting back to good old American energy of a lot of different types. And we would let the marketplace, and not the government, make the choices as to which type you are going to use in each State.

My good friend from Georgia, Congressman BROUN.

Mr. BROUN of Georgia. Congressman AKIN, I appreciate you yielding.

I wanted to come back to something that you said that I think the American people need to understand very clearly. The President has talked about looking to Spain as being the model of this energy tax—I call it tax-and-cap because it's about taxes, it's about revenue for the Federal Government, it's about getting more revenue to socialize medicine and other things to nationalize, all of the business and industry that is already being nationalized, and even more. But in Spain, I would like to confirm something. It is my understanding, if you would, please, sir, it's my understanding in Spain, when they put on their tax-and-cap or cap-and-trade policy a number of years ago, they touted it as creating green jobs.

Mr. AKIN. I think they call them subprime jobs now, but go ahead, Congressman.

Mr. BROUN of Georgia. Well, the point is, they talked about creating green jobs. Just recently, one of their—I think it's members of Parliament—was over here talking to the Conservative Opportunity Society. And he told us—I don't recall if you were there, Mr. AKIN, or not—but he said for every single green job that was produced in Spain they lost 2.2 jobs. The green jobs that were created were temporary jobs; the jobs that were lost were permanent jobs, industrial jobs. And that's what I kind of recall. Is that correct?

Mr. AKIN. Reclaiming my time, that was exactly what he said. And actually, that made common sense to me because when you go back to this Keynesian economic scheme, what they would argue would be, Hey, we just took all this tax money and we hired these people; so when we hired somebody, we created a job; so, therefore, we had a net. We just hired someone to increase the job by one.

And what the economist found was, when you take that tax money out of things, what happens is, when you took the tax money away to hire the one person, you lost 2.2 jobs over in the private side. So that ratio seems to kind of follow the economic principle that when the Federal Government—yes, you can have the Federal Government take a whole lot of money and hire a lot of people to dig holes in the ground, or whatever, but when you do it by taking that money away from the private sector, you are killing those small businesses, which is a source of where you're generating a lot of these jobs. So I think that is where he was going.

Mr. BROUN of Georgia. If the gentleman would yield back just a half second. I want to go back to the outrage that my dear friend, MICHELE BACHMANN from Minnesota, was showing us. The American people should be outraged. And the American people can call a stop to this. We can't. We, as Republicans, have offered alternative after alternative. Wall Street bailout; we offered an alternative, and President Bush, Henry Paulson, the leadership in the House and Senate wouldn't accept it. The nonstimulus—as you call it porkulus bill; I call it the nonstimulus stimulus bill—we offered alternatives. The leadership in this House were obstructionists and wouldn't allow us to have an open hearing and discuss it.

□ 2145

The omnibus appropriations, we had alternatives. We have had alternatives for all this. They call us the Party of No, n-o, but really we are the Party of Know, k-n-o-w, because we know how to help stimulate the economy. We know how to create jobs, and you do that through small business and give the money back in ways to create an environment where small business can create jobs. As the gentleman from Missouri so aptly told us just a few minutes ago, small businesses is where those jobs are created. It's about 85 percent of them. But we have offered alternative after alternative. And this what I call ''tax-and-cap'' legislation has been estimated it's going to cost America, that somewhere between 1.7 to 8 million jobs are going to be lost. In my district in northeast Georgia, we have got in multiple counties right at 14 percent unemployment.

Mr. AKIN. You're talking about millions of job loss as a result of this new tax that's being concocted here.

I would like to recognize another doctor who has joined us. We have got some doctors out tonight, and my good friend Dr. BURGESS, I want to recognize him. What we have been talking about is this incredible trend in unemployment and also the trend of excessive spending.

I would be happy to have your perspective, Doctor.

Mr. BURGESS. I thank the gentleman for yielding. I was watching in my office and heard this discussion, and I did want to come over and say just a few words.

Of course, you're correct. We had a report in our Joint Economic Committee last Friday about the current unemployment rate in excess of 9 percent. Of course, we spent $878 billion in February of this year. The President told us that was what we had to spend in order to prevent the unemployment rate from going in excess of 8 percent. Clearly we have seen that number already exceeded. And then we heard at the beginning of this week that because of those numbers, the President was going to accelerate the pace of spending, accelerate the pace of distributing the stimulus money. We weren't spending fast enough was our problem.

Now, of course, Mr. Speaker, I know the comments need to be directed to the Speaker's chair, but I would remind the Speaker that none of us in this room, in fact, no Republican, voted for in favor of that stimulus bill last February.

Mr. AKIN. Reclaiming my time for a moment, in a way that's a little bit unusual, isn't it? There are usually a few Democrats who will vote differently than their party or a few Republicans who will vote differently. In this case, though, on this great big porkulus bill, every single Republican voted ''no.''

Mr. BURGESS. You're absolutely right. Every single one of us did a gut check and said this is not what I came to Washington, DC, to do. It's not what I came to accomplish.

One of the things I wanted to share with the gentleman and share with the House tonight, my hometown newspaper, the Dallas Morning News, runs a column every Sunday by a columnist named Scott Burns, a respected economist. Scott Burns this Sunday was quoting an economist in Austin, Texas, Lacy Hunt. Lacy Hunt, going back to the Great Depression, said, and I am quoting here: ''Irving Fisher saw it first. The man who may have been the greatest American economist wrote about the debt-deflation theory of the Great Depression in 1933. He saw that excess debt controls nearly all the economic variables.'' He went on to say: ''Think about it for a minute. It's a very powerful statement. Excess debt controls nearly all of the economic variables.''

What does that mean? That means we cannot control the unemployment rate. That means almost everything is out of our grasp because of the massive amount of debt that we have accumulated. And on Monday of this week, the President said he wanted to accelerate the pace of spending because we weren't getting that money out the door fast enough. Again let me reiterate, excess debt controls every other economic variable. It was true in 1933. I suspect the same is true today.

He goes on to say, Scott Burns, ''It means that the government stimulus won't do much. Basically you can't borrow your way out of excess debt.'' I think every Member on the floor here tonight has recognized that at one time or another.

And then the final point that he made: ''The only thing that will allow recovery is the passage of time.''

Fortunately, Congress is not in control of that, and time will pass at a set rate regardless of what we think that it will or won't do.

Mr. AKIN. Reclaiming my time, I want to get what you're saying because I think this is important. You're saying there is a relationship between this tremendous level of debt that we are building and the unemployment numbers. In other words, when you have a whole lot more debt, particularly debt with spending, and, of course, spending is causing the debt, you're going to have bad trouble with unemployment. Is that what this economist is saying, gentleman?

Mr. BURGESS. Precisely correct. And I thank the gentleman for yielding back.

We are in a period of prolonged economic underperformance is the other statement they go on to make. It will essentially be a lost decade. We will recover, but the operative factor will be time and not actions. That is something that most people do not want to hear.

Again, excess debt controls almost every other economic facet. You cannot spend your way out of this problem. The unemployment rate went up. The correct response is to not shove more money out the door. The correct response is do what you can to get control of that spending and begin to erode the debt, begin to put the debt on a glide path to reduction. That's where the recovery will come, and that will take time. There is no other way around that.

But, again, I thank the gentleman for yielding. I think this is a wonderful discussion that you've had tonight. I thank you for bringing this to the attention of the American people.

Mr. AKIN. I appreciate the doctor from Texas bringing some wisdom here and some economic common sense. And certainly I think most people know intuitively these things are connected. If you spend a whole lot, eventually you're going to go into debt and then the debt is going to influence things. And in this case, I am an engineer by training, not a medical doctor, but it's almost like drawing a vacuum economically in the economy. So those small businesses that we are just hearing about like out in Wyoming, those small businesses don't have the money they need to invest to drill a well or whatever it is; so the main engine of job creation just dries up. So what you are doing is almost like either starving or dehydrating your economy because the government is just becoming so oppressive and expansive in everything that it is trying to do. And as we heard eloquently expressed from the gentlewoman from Minnesota, the story about what happens when the Federal Government starts to get into the business of running car things. I am picturing there is going to be somebody possibly listening into our discussion that's going to be a cartoonist, and they are going to think about the automobile that is going to be designed by the U.S. Congress, and they are going to have an interesting caricature of what the engine and the wheels look like and how big it is and all kinds of things. There is probably already a YouTube being created or something along those lines. But it's not a pretty picture of having the Federal Government running our business in our private sector. And the genius of our

country is to make that distinction, and we are blurring it badly and it's going to cause a lot of trouble.

I am going to yield to my good friend Congressman KING from Iowa. Please join us.

Mr. KING of Iowa. I thank the gentleman from Missouri for yielding.

There are a couple of points that linger in my mind. One of them is to add to the points that the gentlemen from Georgia and Missouri were making about Spain, and I concur. For every green job created, it cost 2.2 jobs in the private sector because it starved capital, but also each of those green jobs created cost $770,000 to generate that job. So it was a massive cost in capital.

I want to throw another point into this in a brief way, a teaser in a way. The cap-and-trade component of this legislation that's impending to be driven through this House floor yet this month of June, we have experience with that here in the House of Representatives. When Speaker PELOSI was elected and received the gavel, she declared that this Capitol complex would be carbon neutral. So she ordered that the generating plant that provides the electricity that illuminates this room when she allows the lights to be on would be changed from coal generation over to natural gas under the auspices of this idea that natural gas isn't a hydrocarbon, which we know can't be upheld by an engineer or a doctor or a layperson. But in any case, she ordered the switch over to natural gas, doubled the cost of the electricity, and still found out we were not carbon neutral but we're still emitting a surplus of CO_2 into the atmosphere, so went on the Board of Trade and purchased $89,000 worth of carbon credits, the very central commodity that is at the middle of the cap-and-trade discussion that's going to be presented on the floor of this House, $89,000 for carbon credits to offset the CO_2 emissions that are going off into the atmosphere so we can light this Capitol complex. And I chased that back down and found out that some of that money went to no-till farmers in South Dakota. Presumably they had still been farming in South Dakota. It didn't change their behavior. And some of that money also went to a coal-fired generating plant at Chillicothe, Iowa, that had received a government grant to burn switchgrass. I went there and looked at that. They hadn't burned any switchgrass in 2 years and got a check anyway. That's how cap-and-trade will work in the United States of America. If we can't get it right in Congress, we are not going to get it right in America.

Mr. AKIN. I appreciate that vivid example of more wasted time. I am going to yield again to my good friend Congresswoman BACHMANN from Minnesota.

Mrs. BACHMANN. Last weekend my family sat down and we were watching the commercial movie ''Titanic.'' And as I was listening to Dr. BURGESS from Texas talk about the debt and the burgeoning debt load that the United States takes, once the ice gash came in the side of the Titanic, which we all remember was called the ''unsinkable Titanic,'' we think of the United States. Nothing can possibly sink the United States. We will always be a superpower. But one thing that has kept us a superpower has been freedom, free market economists. We are in the process of watching the deconstruction of free market economists before our very eyes, something we have never seen. But as the ice ripped that hole in the Titanic, water started being taken on, and the engineer came out and brought the blueprint of the Titanic. Water came into the first chamber, spilled over to the second, spilled over to the third, and by the time it filled up so many chambers, it was over. It was impossible to resurrect that ship.

That's, I think, Mr. AKIN, what you have been bringing before this body this evening. You've been showing to the American people that at a certain point when we have such excessive levels of spending that in turn leads to such excessive level of taxation that in turn leads us to excessive levels of borrowing that at a certain point we wonder what that tipping point will be if the United States will not be able to recover.

We do have an alternative, as Dr. BROUN said. We have a positive alternative that next quarter we could already see growth in our economy. But this plan that President Obama has put forward is the kind of plan that we could watch last night, or last weekend on TNT in the movie ''Titanic.'' If we follow that plan that President Obama has put before us, we know what that outcome will be and a lot of very innocent people may go down with that ship.

Mr. AKIN. I very much thank Congresswoman BACHMANN and the other great guests that we have had tonight. I thank you for this little symposium on freedom and the need to have the Federal Government restrained to its proper limits.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY of Georgia. Madam Speaker, for the next hour, I am going to be joined by a number of my colleagues on the Republican side of the aisle, and most of them are members of the GOP Doctors Caucus, and we are going to spend time, Madam Speaker, talking about health care reform. Certainly that is the number one thing that's on our plate as we go through these next 6 weeks leading up to the August recess. And, of course, as the President has outlined his desire to have a health reform bill on his desk for signature sometime in mid October of this year, whether or not that can be done remains to be seen. There are a lot of thoughts out there as to how to approach this, but we feel that it's very important as physician Members. I think there is something like 339 years of clinical experience combined in this GOP Doctors Caucus. About 15 of us are health care professionals who have actually practiced in the field, if you will, most of us involved just in clinical medicine, what I like to refer to, Madam Speaker, as meat-and-potatoes medicine. Not research at some high academic institutions but actually seeing patients every day in the office, in the operating room, in the delivery room. And so I think we have a perspective that we would like to share with Members on both sides of the aisle.

Earlier in the evening, Madam Speaker, we heard from the 30-Something Group on the Democratic majority side. They were very articulate, very well spoken, but I think very wrong in some of the ideas that they have in regard to a government default plan, and we will talk about this during the hour.

□ 2200

I have been joined by a couple of my colleagues, Dr. John Freeman, the doctor from Louisiana; and Dr. PAUL BROUN from Georgia.

I would like to yield time to my colleague from Louisiana at this point.

Mr. FLEMING. I thank my friend and fellow physician and colleague, Dr. GINGREY.

You made reference to the 30-Something Democrats, and I watched that debate, that discussion with great interest because, to be honest with you, with 32 years of medical practice and also owning businesses for nearly as long, when I hear this discussion about how a public plan can work, I really try to view that and try to understand that; but I always come out totally mystified with how this sort of thing could ever work.

And to clarify the debate, basically Congress right now is looking at three different options. One is a total single payer nationalized health care system, Medicare for all. One would be a private system for all, which is what we, on the Republican side, back. And then the other is a public and private system that are competing with one another. So I really watch with great interest our colleagues on the other side—none of whom are physicians, I might add—talk about how this could be a great deal, a great success, where you have a public system that's competing with a private system, somehow that's going to drive cost and prices down, and we're going to get a dividend from that.

Well, what I would do is point out to my colleagues, let's look at Medicare today and Medicaid as well, both government-run systems. Both of them are running out of money rapidly, the budgets are exploding and expanding, and they are living off the fat of the

private system. Today we know—in fact, a recent survey, a study came out showing that the average subscriber to private insurance spends an extra $1,000 a year to support the Medicare and Medicaid system. We also know that a lot of that support comes by way of the uninsured who are routed through the emergency room, who don't have any coverage; and if you think that the Medicare recipients pay for that, forget it. That's not happening. Who is paying for that is the taxpayer and those who subscribe to private plans.

So right now the systems that exist, Medicare and Medicaid, are, for the most part, supported not by premiums and not even fully by the taxpayers, but are supported by those who pay premiums into private plans. So if you expand Medicare to where everyone is eligible for a Medicare-type plan, who in their right mind is going to stay on private insurance when they know that they're going to have to pay increasing size premiums in order to get the same level of care that those on Medicare, who are largely supported by taxes, are going to get?

What ends up happening is you lose that critical mass of those under private insurance, and so private insurance then becomes only an afterthought, a sliver of the economy. So what you're left with is a giant public system, a Medicare that's much bigger than what we have today. Incidentally, I will remind those that today, as it stands, Medicare will run out of money within 10 years, as it is. It's unsustainable as it is. Now if we grow it into a much bigger system, where are those cost savings going to come from?

I will yield back in a moment, but I just want to bring out the fact that no one has ever been able to show that a government-run system, particularly a health care system, but any government-run system in which the economy is being controlled in some way has ever controlled cost. And even today we know that health care costs are going up twice the rate of inflation.

Mr. GINGREY of Georgia. I want to apologize to the gentleman. I referred to him as Dr. John Freeman. Actually, it's Dr. JOHN FLEMING, a family practitioner from the great State of Louisiana. And it reminds me, the reason I did that, Madam Speaker, is because Dr. John Freeman was one of my classmates in medical school and also one of my co-residents in my OB/GYN training back in Georgia. I think Dr. John Freeman practiced his entire career in Boone, North Carolina; and I hope Dr. John, wherever he is, is doing well, if he happens to be tuning into C-SPAN tonight.

I wanted to say before yielding time to my colleague, Dr. PAUL BROUN, a fellow physician and family practitioner from the Athens and Augusta areas of Georgia, there was a letter sent from the National Coalition on Benefits within the last couple of days, addressed to the leadership of the House and Senate, House Speaker NANCY PELOSI, House Minority Leader JOHN BOEHNER, Senate Majority Leader HARRY REID, and Senate Minority Leader MITCH MCCONNELL, talking about the strong opposition to a public plan. I don't have time to stand here and read the names of all of these firms, but just to mention a few: Wal-Mart Stores, Xerox Corporation, Wellpoint Incorporated, Weyerhaeuser Company, National Restaurant Association, Bank of America, National Association of Health Underwriters, CIGNA Corporation, Chrysler LLC, Nike. I could go on and on. That's just maybe 5 percent of the number of companies that are a part of this National Coalition on Benefits that are so opposed to this idea of a public plan, which our colleagues, the 30-Something group, just an hour ago touted so strongly.

At this point, I would like to yield to my good friend and colleague from Georgia, Dr. PAUL BROUN.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY, for yielding.

I think the American people need to look at what President Obama said as a candidate and go back to what Dr. FLEMING was talking about just a few moments ago about the options. Republicans are offering options because certainly we need to do something about health care financing. People are hurting. Health care expenses have gotten too high. Medicines are too high in the drugstore. Doctor bills are too high. Doctors are actually earning less money today. When I was practicing full time prior to coming to Congress, I was making in real dollars less money than I did 20 years ago and seeing as many or more patients. We see the whole health care system being strained tremendously. But candidate Obama talked about giving the American public options, a public versus private option. He said, if you like your current insurance, fine. Stay there. But as Dr. FLEMING was talking about just a few minutes ago, what President Obama is actually offering us is a reduced-price health care financing system that's going to take away people's choices. It's going to take away their ability to choose their doctors. It's going to take away their ability to choose the hospital, what medicines that they have. It's going to delay them being able to get needed procedures, surgeries, delayed in getting x rays that are needed, ordered by their doctor. It's going to take the choices away from the patient, and it's going to put those choices in the hands of a Washington bureaucrat. I don't think the American people want that. I'm not sure that they understand yet what we're talking about tonight in our second opinion, that government-run health care is not going to give them the choices that they're used to today. They're not going to be able to stay in their private plans because they're going to be priced out of the market. They're going to have to go to that government-sponsored plan that is going to markedly narrow their choices.

What it's going to do is it's going to kill people because, as we saw in the stimulus bill, there is a new program set up in the Federal Government to look at cost effectiveness and comparative effectiveness, comparing the effectiveness of health care decisions. Age is going to be one of the measures of how those decisions are going to be made.

□ 2210

We already see this happening in Canada. We already see it happening in all the socialized health care systems around the world. When people have celebrated a few birthdays and are getting what growing up down in Georgia folks talked about being ''long in the tooth,'' a little white haired, as I am turning to be, then what happens in those government-run health care systems is they just deny the procedures, deny the tests, deny the care that the people need to stay alive, and people just die.

Now, in Canada, a system that many tout, many on the other side in the Democratic Party tout the Canadian system and others, if you are a certain age and need a kidney transplant, you just don't get it. If you need bypass surgery, if you are a certain age, they will put you on the list, but you never get off the list. You just die. If you need medications, you are denied those. If you have cancer treatment that is needed, you just don't get those.

We in this country, with the health care that we as physicians can give, we have made marked strides since I graduated from the Medical College of Georgia in how people survive various forms of cancers.

I think Dr. ROE is probably going to talk about breast cancer, because he very eloquently talks about that frequently, but our breast cancer survival rates in this country are extremely good. In other countries, where they have socialized medicine, people die, and there is very poor long-term survivability of that disease. Heart disease, diabetes, you can go down the list of all these chronic diseases.

In socialized health care systems, as this administration and the leadership in this House and the Senate across the way want to take us, it is going to take away people's choices. They are not going to be able to get the care that they desperately need to stay alive, and it is just the wrong thing to do.

Dr. GINGREY, I just congratulate your efforts in trying to bring these things out to the American public, and I appreciate your being one of the cochairman of the Doctors Caucus and helping the American people to understand the direction that we are being led by this leadership, the liberal leadership in this House and the Senate, because it is not going to be in the best interests of the American public, and it is actually going to create a financial collapse, as Dr. FLEMING was talking

about, that is going to be exacerbated, and people are going to be exasperated because of this rationing of care, taking away their choices, and some Federal Government bureaucrat in Washington, DC is going to make those health decisions for them. It is not going to be their doctor, it is not going to be their family and it is not going to be the patient, and it is the wrong thing to do.

I thank you for yielding.

Mr. GINGREY of Georgia. Reclaiming my time, I thank the gentleman.

Before yielding to our colleague from Tennessee, Dr. ROE, a fellow OB–GYN physician, I just want to say to my colleagues on both sides of the aisle, Madam Speaker, that what we are about is trying to work in a cooperative way on both sides of the aisle and offer our expertise, to say to our colleagues, and there are some health care practitioners on the majority side as well, and we have reached out to them and made ourselves available, we want to be at the table.

Unfortunately, Madam Speaker, we are not at the table. We haven't been enjoined, if you will. But we still hope, we still have hope that that can occur, because we do have some ideas, I think some very good ideas, in regard to bringing down the cost of health care, making it more accessible, making it more portable, making it available to everybody, and that would include people who are currently considered high risk, maybe even considered uninsurable, or if they can get insurance it is because they can afford to pay three or four times the normal standard rate, which many, many cannot.

So we want to talk about some of those things tonight, and we will get back to that.

At this point I yield to my colleague from Tennessee, Representative ROE.

Mr. ROE of Tennessee. Thank you, Dr. GINGREY and also Madam Speaker. It is good to be here tonight to discuss a very important, and I believe, Dr. GINGREY and Madam Speaker, probably from a social standpoint, the most important issue that we will discuss, and probably this health care debate is the most important one since the mid-sixties when Medicare was voted on.

Just to give you a little background, I am a native Tennessean, practiced medicine in Johnson City, Tennessee, in that region for 31 years, and really saw a tremendous change in the health care delivery system from 1970 when I graduated from medical school until the current. I really marvel myself at the miracles that occurred.

I recall when I was in medical school when St. Jude's Children's Hospital had just opened, it hadn't been there long, and the death rate among childhood cancers was 80-plus percent. Today, over 80 percent of those children survive and live and thrive.

We are having a debate on what kind of system best fits America and its personality, and I will share with you some things we have learned in Tennessee about a public and a private system.

What I hear when I am out talking to people is that, number one, they are worried about the cost of care. They are worried about the availability of it. And there is another whole discussion that we haven't had, which is accessibility.

As we age, as the medical population and caregivers age, there is going to be a huge problem of accessibility in this country. We are already seeing it in our own communities, where in the next 7 years we will need 1 million more registered nurses in America. In the next 8 to 10 years there will be more physicians retiring and dying than we are producing in this country.

Well, you know, that is not sustainable. You cannot maintain the quality of care that we have grown to expect and the medical advances we have grown to expect without practitioners. That is an entirely different issue, not part of this debate, but indeed very much a part of this debate.

In Tennessee, about 14 or 15 years ago we had Medicaid. We got a waiver to try a managed care system. Back in the eighties and nineties, managed care was going to be how we were going to control the ever-escalating health care costs. So it was a wonderful idea to try to provide care to as many Tennesseans as we could at as low a cost as we could.

What we did was we hastily put a plan together, as we are doing right here in this Congress right now. The most astounding thing I have ever heard in my life is in 60 days, or less than that, we are going to vote on a health care plan that affects every American citizen, 300 million of us. And your health care choices, as you know, are very personal choices. They are between you and your physician and your family.

So the plan was a managed care plan, and it was a very rich plan. It provided a lot of care for not much money, and for some people no money. What happened was that people made very logical choices. About 45 percent of the people who ended up on TennCare actually had private health insurance, but dropped it. Why did they drop their care? Well, you had a plan, this TennCare plan, which was cheaper, but provided more coverage, so therefore people made again a very conscious decision.

The problem with the plan is, as with every public plan so far, is it does not pay the cost of the care. That cost has been shifted over to the private sector. So when you look at your health insurance costs going up each year, you are paying or supplementing, a tax really, on your private health insurance premiums caused by the increased usage of the public plan.

In Tennessee, for instance, the TennCare plan covered about 60 percent of the cost of actually providing the care. If everyone in Tennessee had the TennCare plan, most providers would lock the door, throw the key away and walk away because they couldn't pay their bills. Medicare, another plan that we have, pays about 90 percent of the cost, and our uninsured pay somewhere in between.

Now, what I think will happen with this public plan is that once again, because politicians are involved in designing the plan, what will happen is more and more and more things will be promised about what will be covered in the plan, but when it comes to paying for it, and if we have time we can get in and discuss the Massachusetts plan a little bit, what will happen is you will have a Medicaid plan that doesn't pay the cost, you will have a Medicare plan that doesn't pay the cost, and you will have a public funded ''competitive'' plan that is subsidized by government but doesn't pay the full cost of the care, meaning more and more costs will be shifted on to the private payers.

□ 2220

Well, what will happen over time, I think, is that, again, individuals first, small businesses, 20, 30, 40, 50 in the business will say, We just can't afford this private continually escalating cost of private health insurance. And what will happen then is more will be shifted to the public plan, and over time you'll end up with a single-payer system. And a lot would say, and I've heard it argued here on the House floor, Well, so what? What's wrong with that? We have a government-run, one-payer health care system. What's the problem with that? Everybody has coverage. Well, everybody has a health insurance card, but that doesn't necessarily mean you can get health care. Don't confuse a plastic card that says you have coverage with actually getting care.

Well, what do I mean by that? Well, let me give you an example.

When President Clinton had his heart attack, he went to the hospital, had a heart attack. He was operated on several days later, I think 3 or 4 days, and probably the reason, in my opinion, he probably got a blood thinner that took a few days to get out of his system. And he was operated on and went home.

Had he had that heart attack in Canada, they would have said, Mr. Clinton, you can go home and in 117 days, that's the average amount of time it takes to get a bypass operation in Canada, you can come back and get your bypass operation.

Two weeks ago, I was in Morristown, Tennessee, talking to a physician there who is Canadian. His father began to have chest pain. I won't go through all the details about how long it took him to get a treadmill, how long it took him to see a cardiologist. Anyway, 11 months later, the man got—his left anterior descending coronary artery was 90 percent blocked, and he finally survived and got a bypass operation. I do not believe the American people are going to put up with that type of health care system. We are not.

The other thing that I think that's been so astonishing to me, and I know Dr. GINGREY and Dr. FLEMING, you have seen this, and Dr. BROUN also, are the medical advances. When I graduated from medical school, we had one cephalosporin antibiotic, one. That's a type of antibiotic we use in infection. There probably are 50 today.

There were about five antihypertensives, high blood pressure medicines, three of which caused severe side effects. I mean, it was almost better to have the high blood pressure than take this medicine. Today there are over 50, and the side effects have been reduced dramatically. People do so much better.

So there are a lot of reasons, and we can go to it, and I'm going to yield back some time now, Dr. GINGREY and Dr. FLEMING, for comments. And I have some other comments about a single-payer system. It's a good idea, as you pointed out a moment ago, to try to cover as many people as we can in this Nation as inexpensively as we can, and I agree with that.

I yield back.

Mr. GINGREY of Georgia. Well, I thank the gentleman. And before yielding back to Dr. FLEMING, I wanted to say to my colleagues, Madam Speaker, that we are the party of a second opinion. And, of course, tonight we are talking about health care reform, but it could be an energy bill, a comprehensive, all-of-the-above approach to solving our energy problems and any other issue. But none really at this point in time is more important than solving this health care problem.

And the bottom line is to, again, to lower the cost of health care, to make it accessible to everyone within their financial reach. And there are so many things that we can do short of, Madam Speaker, turning this over to the Federal Government to run what may be like they run Amtrak or the post office or, indeed, the Medicare program. And I don't think that that's what people really want and expect. We can do better than that. And there are a number of issues in particular that we could talk about in detail if we had more than just an hour, Madam Speaker.

But clearly, this idea of electronic medical records, I think, is a way eventually to save money. I think the money that we put in the stimulus package, $19 billion to provide grants, I've got a piece of legislation that would help physicians purchase hardware and software and a maintenance program that's specialty specific, whether it was my specialty of OB/GYN or Dr. FLEMING's specialty of family practice or a general surgery specialty program produced by a company in my district called Greenway where you have, as part of that electronic medical record program, you have algorithms set up of best practices that are developed not by a government bureaucrat, Madam Speaker, but by that very specialty group, those men and women, those leaders of that specialty society that want to do what is best and they want the best outcome at the lowest possible cost. They want to get paid a fair amount for their services, of course.

And, in fact, with an electronic medical records system, they're more likely, Madam Speaker, especially under the Medicare program where you have something called evaluation and management code and intensity of care that you bring, doctors, I think, tend to undercode because, Madam Speaker, they're petrified that some inspector general is going to come along and demand to see 10 charts out of their 10,000 and nitpick and find some few, two out of 10,000 where they overcoded, and first thing you know they're not participating in the Medicare program and maybe even they're facing a jail sentence.

So electronic medical records would—I don't know how much money, my colleagues, it would save, but I know that it would lead to a better practice of medicine based on best principles. We wouldn't need to have some comparative effectiveness institute, kind of like the Federal Reserve Board, telling doctors what they should do and not do, when it's time to operate, what medication to prescribe. We would have those best practices as part of an electronic medical records system. We could cut down on duplication of testing.

People could be in Timbuktu, and with that little card smaller than our voting card, they, Madam Speaker, they could take that card, even in a country where they don't speak the language, or maybe they come to the emergency department comatose and can't speak any language, you reach in their pocket, pull out that card, swipe it, just like we would our voting card, and there's the entire record. We know what they're allergic to. We know what medications they're on. We know their past medical history, and we give them the best and most effective, cost effective, safest medical care.

Mr. ROE of Tennessee. Would the gentleman yield?

Mr. GINGREY of Georgia. I'll be glad to yield to the gentleman.

Mr. ROE of Tennessee. Just a point right here. You were making an excellent point, Dr. GINGREY, about why you don't want the Federal Government to come between a patient and a doctor.

A veteran can go to an emergency room, have an electronic medical record at the VA, can show up somewhere in an emergency room, let's say, in our area we have a VA Hospital in Johnson City, and let's say he lives in Mountain City, Tennessee. He shows up there and the doctor in the emergency room at Mountain City does not have access to his VA record, to his electronic record that they have at the VA. Now, I think we can do better than that, and that's going on right now.

So that veteran who's up there with, maybe he's an elderly veteran, a World War II veteran with a very complicated medical history, that emergency room doctor is flying by the seat of his or her pants, and I think we can do better.

And again, the health care decisions should be made between a patient and a doctor. And I don't want to let the private insurers off the hook here. You and I know this, and Dr. FLEMING, also.

I remember one of the last cases I did in practice before I retired to run for Congress, I spent almost as much time on the phone with a private insurer trying to get the case approved as I did actually doing a major surgical procedure. Now, that's the ridiculous item of the day when you do that, when you're not providing care to someone, you're arguing with a bureaucrat at the private health insurer.

I yield back.

Mr. GINGREY of Georgia. Reclaiming my time, those stories are just all too familiar, and it's a shame that that time is wasted when it can be better spent with the patient.

I wanted to mention too, Madam Speaker, the issue of medical liability reform. Now, for a number of years—I've been here 7, this is my fourth term, and every year I have introduced medical liability or tort reform modeled after the system that was adopted back in the late seventies in California. The acronym for that bill is MICRA, but it has worked. It has stabilized the malpractice insurance premiums in that State. Yes, they've gone up somewhat because of inflation, but compared to other States that don't have that reform where there is a limitation on a claim, a judgment for pain and suffering, noneconomic, and where there is the elimination of this joint and several liability and there is collateral source disclosure—and I could go into some of the weeds of it.

□ 2230

But, obviously, we have not been able to pass that. When we Republicans had the majority in this House, we would pass it every year, Madam Speaker, in the House; but so many attorneys who are Members of the United States Senate would block that.

Well, why can't we come together again in a bipartisan way and say, look, we can agree that part of the cost of medicine, cost of health insurance is the fact that medical practitioners order so many unnecessary—and in some cases, Madam Speaker, harmful—tests, draw too much blood, get an MRI one day and a CAT scan the next day and a standard x ray the next day because they're trying to cover the possibility that someone would say, Why didn't you order this, or why didn't you order that?

Lord knows we've gotten to the point now where everybody who shows up in the emergency department anywhere across these great 50 States with a headache is going to get a $1,200 CAT scan instead of a blood pressure check and an aspirin and a ''come back to my office in the morning.''

So this is an area in which we could clearly come together in a bipartisan

way and hash out. Well, if the California version of tort reform is not acceptable, how about a medical tribunal, a group of independent people looking at the claim and saying whether or not it has merit?

There are so many things that we could do. And I've got a few more ideas, Madam Speaker, that I want to talk on, but I do want to refer back to Dr. FLEMING and hear from him because I know he's got a lot of things he wants to share with us.

I yield to Dr. FLEMING.

Mr. FLEMING. I wanted to tone down on the debate a little bit more.

Again, we heard the 30-something Group Democrats talking about the debate earlier, and one said something very interesting. It really caught my ear. He said that the debate is basically Democrats want health care reform, Republicans do not want health care reform.

Now, I have spoken on this floor, as you know, Dr. GINGREY and Dr. ROE as well, and I've heard you speak many times; many Members of our conference have spoken; I've spoken a number of times throughout the district. I've listened to everyone from Speaker Gingrich to many others. I have yet to hear one Republican say that he is against health care reform.

So I want to remind my colleagues on the other side of the aisle that the only way we're ever going to solve our health care problems—which make up about 20 percent of our economy—we must have an honest debate. And framing the other side into a position that really doesn't exist is not going to get us there. In fact, I would say that we really agree, from what I can understand, on 90 percent of the discussion.

We all agree that we should do away with pre-existing illness; we all agree that we should have portability; we all agree there should be a hundred percent access to care; we all agree that we should lower the cost of care. I can draw you a great list. There is really, when you get down to it, only one thing we disagree with, and that is we feel that a private system, private industry—even if it's paid for by the Federal Government—in many cases does a much better job in terms of quality of care and customer service and a much better job of controlling costs.

This is proven time after time.

Compare our economy with a socialistic economy and you see every time that we provide much better products and services and at a much better price than those countries do.

So, really, the only disagreement is who is actually controlling the care. And, of course, I submit to you that a government-run system is a real problem. And I will tell you where I learned this.

When I was in the Navy as a physician, I noticed in the first year that the commanding officer of the hospital sent out a call and said if there is—this is budget time of the year—and if there is anything that you think we could ever want in this hospital, wink wink—meaning, think of something; dream of things—put it on a list, because if we don't preserve that budget the way it is, then our budget will be cut next year. And that, my friend, is the way government works. If you don't force it into the budget, if you don't make sure and protect your territory, it won't be there next year. Somebody will cut into it. And that's really the way government works.

And I will give you an example, a real-life example of how we will never be able to get rid of waste, fraud, and abuse from our health care system if it's run by the government.

Think about this: we have to throw out a wide net, which is very expensive. We may capture a few offenders out there. Because it would have to be a criminal act, we would have to prove that they really did it on purpose; and then at the end of the day we would have to prosecute them with a lot of dollars; and then we may get one person, and we may get a few dollars. That's the way you get rid of fraud and abuse in a government system.

In a private system, much different. You have a physician or some other provider in a health care organization that's privately run, and if his practices are not the best practice and he's not practicing in a cost-effective way, that shows up on a graph; and often, of course, you go to that provider and you reeducate, and you have him work with colleagues, and you get him back to the protocols. And if that doesn't work, then you fire him. Easy problem to solve. It doesn't require all of that—there is no crime involved. So you can work in the most effective way possible.

Mr. GINGREY of Georgia. Reclaiming my time, I think that the gentleman has certainly hit the nail right on the head in regard to this, and we could go back to what we talked about earlier in regard to electronic medical records, which would be specialty specific—the information, of course, would be available for any provider who is seeing the patient.

But in regards to best practices, as the gentleman was talking about, and these algorithms, I mean, doctors, let's face it, they're busy. They're operating; they're delivering babies. They don't have time, nor can they afford every 4 months going to a continuing medical education course. A lot of times they have to do that online. And it is hard to keep up.

But with electronic medical records, this would help them keep up. It would absolutely help them order the right tests, give the best outcomes. And as Dr. FLEMING pointed out, if they're in a single specialty group of eight surgeons and one in the group is not getting the information the others are getting, that information is available internally and externally. And you kind of police your own.

I want to give—I think he just asked for 1 minute—my good friend, DANA ROHRABACHER, is going to be on the floor in the next hour. He asked for a minute, and I yield to him.

Mr. ROHRABACHER. As we are making fundamental decisions about things such as health care, which is so important to our country and important to each and every citizen, we should keep in mind the fundamental differences that you are bringing up tonight between a government-controlled health care system and an individual-controlled health care system, where the individual basically controls a great deal of the resources that he or she depends upon for his or her health or the health of their family as compared to having those resources totally at the command of the government. And the one word that comes to mind is politicalization of what's happening and what could that possibly mean in health care.

Let me give a little suggestion that if we have government-controlled health care, we're going to have illegal immigrants involved in the system. Our Democratic colleagues, as good-hearted as they are, cannot get themselves to say ''no'' to providing health care benefits to illegal immigrants. If we provide the type of operations that we want for our own people—heart operations and various things that are very expensive operations for health care—to be granted to illegal aliens, you can expect that it will, number one, bankrupt the system; but, number two, we will have illegal aliens coming here from every part of the world. And, in fact, one of the problems right now is that we already provide too much health care for illegal immigrants.

□ 2240

That issue alone should be a red bell for everyone out there saying, Do I really want the government to control health care and make the decision and give part of the money to an illegal immigrant?

Mr. GINGREY of Georgia. Well, reclaiming my time, and I thank the gentleman for his contribution in regard to that.

When you look at that number of 47 million who do not have health insurance, according to the Census Bureau, Madam Speaker, probably as many as 10 million of them are illegal immigrants. Now, they're not entitled, so to speak, to health insurance. That's not to say that you might not have a situation of extreme compassion if an illegal immigrant is admitted through one of our emergency departments and they are absolutely in the throws of a fatal illness, maybe it's a young, otherwise healthy person with congestive heart failure or congenital malformation that is resulting in an inability to sustain their blood pressure and they are on the verge of death, they would get the care in that hospital—in any hospital I think across the United States.

Mr. ROHRABACHER. And no one argues with that.

Mr. GINGREY of Georgia. Yes. Of course not. They would get that care to save a life, of course we would. But the gentleman brings up a good point. And I did want to point out the segue into that number of 47 million.

It is estimated that maybe 18 million of those 47 million are making more than $50,000 a year, and many of them just choose, of their own volition—maybe they're 10 feet tall and bullet proof, 20-somethings, 30-somethings, have the Methuselah gene, they think, and don't spend much money on health care, and they just elect not to put the $200 a month payroll deduction or whatever it is. And maybe they have their own escrow account or their own health savings account. I think it's a bad decision, I think it's a bad bet, but a lot of people do that.

And you can't really force them, I don't think, unfortunately, in this Democratic plan, Madam Speaker. What the President is talking about is to have a mandate on the employer. If they are above a certain number of employees and if they don't provide health insurance for their employees, then they have to pay a tax or pay a percentage of their payroll into this connector; and individuals are absolutely required to sign up for health insurance, or if not, they have to pay a tax. I mean, that is not the American system. We want to encourage young healthy people to get health insurance.

And I want to make one point before I yield back to either one of my two colleagues. The insurance industry can help in a great way by looking at this. Let's say, take an example, a 22-year-old young man, newly married, newly employed, is not really convinced that paying for health insurance on a monthly basis is to his advantage, but he does it anyway. And he puts in whatever the cost is for a family premium and his portion of that payment month after month, year after year, with the same company maybe 15 or 20 years. During the course of that time, Madam Speaker, envision this, that individual develops high blood pressure, or maybe in addition to that high blood pressure develops type 2 diabetes—maybe the diabetes comes first, and then the high blood pressure—and then after that develops coronary artery disease. And then all of a sudden the company goes out of business and that individual is out of work, out of insurance, and desperately needs it. But because of these preexisting conditions, once COBRA runs out, how are they going to get health insurance? How are they going to afford—struggling maybe to find a new job, but how are they going to be able to go out with no tax deductibility and purchase a health insurance plan that is three and four times the amount of a standard plan for everybody else?

What I would say, Madam Speaker, to the Association of Health Insurance Plans, why don't you grant those individuals credible coverage, just like we did in Medicare part D, the prescription drug benefit? If you have a credible insurance plan that covers prescription drugs, say, on a supplemental plan, and then you lose that after 4 or 5 years, then you shouldn't be penalized when you get into part D—and, indeed, the law says you won't be penalized. But why should the insurance company penalize these people who, in good faith, all those years have put that money, that premium—the insurance industry had it invested and had a good return on their investment—when these people all of a sudden are in a high-risk situation, I think they should get a community rating.

I would be very curious to know how my colleagues feel about that, and I will yield to Dr. FLEMING.

Mr. FLEMING. I appreciate your yielding. I just wanted to take a moment to follow up on what you said and Mr. ROHRABACHER.

We have 47 million uninsured, 10 million of course are illegal aliens. And of course that is a solvable problem by only allowing legal aliens and requiring them to pay taxes and insurance like anyone else, and those who are here illegally should not be here. So that's not really a health care problem, at least primarily, that is an immigration problem.

We also have, as you point out, at least half that 47 million who are insurable people, and very cost effectively, but they choose not to. That really hurts the risk pool, and we should do things to incentivize them.

The real problem is the 10 or 15 million people who are either business owners or they work for small businesses and they can't get cost-effective insurance. And they're the ones that delay care, they're the ones that don't go to their primary doctor, they're the ones that end up going to the emergency room, getting care at a time when the outcomes are the worst and the cost is the highest.

So when you think about it—and polls show that 75 percent of people are happy with what they have, whether it's Medicare or Medicaid, private insurance—it's that 25 percent that can't get affordable care. That's where the problem is, and that's where the focus needs to be. And if we do that, we get cost-effective coverage for them—and there are many ways of doing this, and we would have to get into ways to determine that—we would really have this problem under much better control. But if we, on the other hand, blow this thing out with a single-payer system, we are going to have exploding budgets as far as the eye can see, and I don't see any end to that. I thank you, and I yield back.

Mr. GINGREY of Georgia. I thank the gentleman, and I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. Just a couple of comments.

Our colleague from California made great points. And I am going to ask the two of you who have been here for a while to discuss this Medicare part D discussion in just a moment. But he is correct. What happened was, when we created the TennCare plan in Tennessee, we are surrounded by eight States in the State of Tennessee, and we had a plan much richer than the surrounding States. So guess what happened? People came into the State. First of all, when we first put the plan out, all you had to have was a post office box. Well, there were a lot of post offices boxes that occurred, and a lot of people came into the State of Tennessee to get care.

The way the Governor handled that—and remember that government-run plans—and I want people to understand, this is a very important point—in Tennessee, when it was about to break the State, our Governor, along with the legislature, made some very tough decisions. They cut the rolls. They limited the number of people that were on the TennCare plan. In a plan in England or in Canada or other single-payer systems, what happens is you ration care, you create waits. For example, in Canada—and this is the head of the Canadian Medical Association, not PHIL ROE saying this—but he said you could get your dog's hip replaced in a week in Canada, but it takes 2 to 3 years for a person to get their hip replaced in Canada. And I think you made that point this morning during 1 minutes.

Mr. GINGREY of Georgia. Reclaiming my time, we did talk about it this morning, and it was a Canadian testimony, was it not? And I yield back to you.

Mr. ROE of Tennessee. It was. And I think the discussion, as I recall—and Dr. FLEMING is absolutely right, there are not that many disagreements, it's who is controlling these health care decisions; is it a bureaucrat or is it the patient and a doctor? And I think that is where the big discussion is.

Now, as I recall, when the Medicare part D discussion came up, the problem was going to be—the argument I heard the other side make was that without this public option there wouldn't be enough competition, and therefore prices would go up. But was what happened in part D—and I'm not saying part D certainly is perfect, it's not—but what happened was, with a competitive market out there, that actually came in lower without the public option when you had the private option competing in the open market. And I believe the discussion among the Democrats was that without this public option, that wouldn't happen. Well, just the opposite happened.

And again, we have seen what happened in Tennessee, I don't want to go over it again. But I can assure you that it will be a plan that promises more than it can deliver for the funds that are available, and there will be two options. And you know what those options are, and that's long waits—and I just don't think the American people are interested, I know I'm not interested in that.

Mr. GINGREY of Georgia. Well, reclaiming my time, and I think you're absolutely right, that the only way to solve the cost overruns, which would no doubt occur—and I do believe, as our friend from California suggested, that if the government was running the whole show, and eventually if we approve this government default plan, that's just a giant step, and it's just a baby step toward a single-payer system. And when you get into that situation, I can almost assure you, Madam Speaker, that under current leadership, you would have any and all, come one come all, just like they did in Tennessee. And Dr. ROE was describing the TennCare program and the problems they ran into.

□ 2250

And then the only way you could pay for it, as he points out, would be to start cutting reimbursement to the providers, to the health care providers, to the physicians, to those primary care docs that we so desperately need to be focusing and to be running our medical homes and to make sure that people are taking their medication, that there's an emphasis on wellness and keeping people healthy, keeping them out of the doctor's office, keeping them out of the emergency room, out of the hospital, and toward the end of life hopefully out of the nursing homes and in their own homes. That's why I think it's a mistake to even go in that direction of government-run health care.

I clearly feel, and I know my colleagues on the floor tonight agree with me, Madam Speaker, that the private marketplace works. And my two colleagues that are with me tonight weren't in the House back in 2003, but I know they were following the debate very carefully and very closely and maybe even felt that Medicare part D was something that we couldn't afford. Certainly it added cost, if you crunch the numbers statically, to the Medicare annual payments, Medicare part D did. But in the long run, in the long run, because of that program, if they can afford to take their medications for some of these diseases that I mentioned earlier, high blood pressure, high cholesterol, diabetes, and keep these things under control, then clearly what happens is you shift costs from part A, the hospital part of Medicare, and from part B, the doctor part, the surgeon part, the amputation part, the renal transplant part, and then also in part D keeping folks from having a massive stroke hopefully by controlling their blood pressure and you spend less on the skilled nursing home part. So I think that's a pretty good bargain and a pretty compassionate way of approaching things.

But our Democrat colleagues, Madam Speaker, who were in the minority at the time, stood up here and they symbolically, some of them, tore up their AARP cards because that senior organization had the audacity to support a Republican bill. And then, of course, they said, well, why can't we have a government default plan and why can't the government come in and set the price and say, okay, this is the price, this is the monthly premium for part D, the prescription drug part, and these free market thieves will not be able to run up the price? And they even suggested, Madam Speaker, that we set that monthly premium at $42 a month. Fortunately, my colleagues, that amendment was defeated. And when the premiums first came in from the prescription drug plans, the private plans competing with one another for this business, they came in at an average of $24 a month. Now, 3 years later, that has gone up a little bit because of inflation, but it's nowhere near $42 a month.

So if we don't learn from our history, we are going to repeat those same old mistakes. And it looks like the Democrats, with this idea of letting the government come in and run everything and saying that we can't trust the free market, I guess that's what they want to do with General Motors as well, and I'm very anxious to see how that one turns out.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. Good points about the private versus the public sector. The private sector will always be more efficient and more responsive. And you have heard this story before, but when I began practice and when you did, Dr. GINGREY and Dr. FLEMING also, when a patient came to me, and I took care of nothing but women, and when they came to me with breast cancer—which I unfortunately saw way too much of and our practice diagnosed about a case a week. It was that common or is that common.

And we just had a relay this weekend. In 1977 or so, the 5-year survival rate was about 50 percent, maybe a little bit better, but about 50 percent. And the big argument came: Do you do a disfiguring operation of a radical mastectomy or a lumpectomy? Because the survival rates were the same. So what has happened over that time is that now a patient can come to you or me or any of our colleagues and we can tell them that because of early detection, because of education, because of mammography, you're going to have a 98 percent survival rate in new medications. That is a wonderful story to tell. And I know no matter how tough the times are for that patient, you can look at them and say, You're going to be okay.

In the English system, they quit doing routine mammography. And why did they quit doing that? Screening mammograms aren't done anymore. Why? Well, because it costs more than the biopsies. Sometimes a test will tell us we have something when we don't have it. That's called a false positive. And the phone call that I love to make is to my patients to say, You do not have cancer. So this is one where they quit doing that because the cost of the biopsies was more than the screening. The best rates they had were 78 percent survivals, and those are going to go down if you use that technique.

Mr. GINGREY of Georgia. If the gentleman will allow me, as we get very close to that bewitching hour of 11 o'clock, my southern drawl had better get a little faster than a drawl. But my mom, Helen Gingrey, who lives in Aiken, South Carolina, in a retirement community, a great community, Kalmia Landing, my mom had her 91st birthday on February 8 of this year. Well, when she was 90, about 5 or 6 months ago, 6 or 8 months ago, she had a knee replacement. And Mom had gotten to the point, Madam Speaker, where she could barely walk, in constant pain, on the verge of falling and breaking her hip at any moment. And now she is enjoying life and enjoying being with her friends, and maybe she's going to live another 10 or 15 years. I don't know. She seems to have the Methuselah gene. But do you think in Canada or the U.K. or one of these countries where they ration care that she would have had an opportunity to have that knee replacement? The answer we all know, Madam Speaker, is absolutely not.

I would say in closing, the one thing I would like to see is the equal tax treatment of the health care benefit for individuals who have to go out and buy them in the market on their own. They don't get it from their employer. Why should they not get a tax advantage health care plan just like everybody else? And you know what, Madam Speaker? I have not heard the Democrats in the House, the Democrats in the Senate, or President Obama talk about that. And talk about fairness and wanting to be equitable, let's hear some more about that. We will talk about it in future Special Orders.

I want to thank my colleagues Dr. ROE, Dr. FLEMING, and my good friend from California, Representative DANA ROHRABACHER, for being with me during this hour.

□ 2300

THE BIGGEST POWER GRAB IN HISTORY

The SPEAKER pro tempore (Ms. KILROY). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Thank you very much.

Madam Speaker, a thought came across me about 2 days ago. I was out on the water, surfing off of San Clemente, California. I was sitting there on my surfboard. The pelicans and the birds were jumping into the water and carrying fish out of the water, and the dolphins were swimming by. It was just a beautiful day. I

couldn't help but remember that many years ago when I was a young reporter, one of my first assignments was to cover a speech being given by Jacques Cousteau. He was a hero to me at that time, and I really relished the idea of going out and being able to interview him after a speech he was giving at UCLA. I got to the speech, and I found that Mr. Cousteau was being very pessimistic about the future of the oceans, and he was telling the kids there was no future in the ocean, that 10 years from now—this was in the early 1970s he was saying this—there would be no life in the ocean. ''The oceans will be black, lifeless masses, black goo.'' I felt that it was a bit pessimistic; and when I had my chance to interview him afterwards, I turned on my tape recorder and introduced myself. He was ready for the interview. I said, Aren't there also some optimistic sides about the ocean, that perhaps we will someday be able to farm them, like with shellfish and regular fish perhaps, being able to ranch them, you might say, in the ocean? And that might be a great source of protein for the whole world that we would then have under better control. He came right up to me, and all these students were watching, and he put his face right up next to my nose, and he said, Didn't you hear me? The oceans will be dead in 10 years. Black goo. Dead.

I'll never forget that. I mean, that was something that was really pounded right into my memory because his nose was almost touching my nose. I could smell the garlic on his French breath, and I will tell you that it was an experience. I thought about that just 2 days ago while I was surfing. The fish were jumping, and the porpoises were swimming, and the pelicans were landing and picking up the fish in the water, the oceans totally alive, and I am totally alive and very grateful to have the oceans that we have. Obviously Mr. Cousteau was wrong. I can't tell you today whether he was lying or intentionally misinforming those students, but he was dead wrong.

Now students come to visit me a lot. I've been in Congress now over 20 years, and I try to see every student that comes from my district. I try to see them; and I talk to them, giving them a chance to ask me questions. But I always ask them a question too. So my students from Southern California, young high school students, I always ask them, Is the air in our congressional district, in our area of Southern California, is it cleaner or dirtier than it was 45 years ago when I went to high school in this very same area? And almost 90 percent of the students adamantly insist that the air back then was so much cleaner: Oh, you're so lucky to have lived in an age in Southern California where the air was so clean, and now it's so dirty and all of us are destined to die and to be infected with this pollution in our lungs.

Well, the fact is, that is dead wrong as well. Someone continues to misinform our young people, perhaps for political reasons, whatever. But the fact is, when I tell them that they are 180 degrees wrong, that, in fact, the air is so much cleaner now that there's almost no comparison to what it was when I was a young person in high school, they are incredulous. Many of them don't believe me when I say that. But they know afterwards when they check up on it that they have been lied to.

Well, whatever the reason, whatever the motive behind this misinformation that's being provided to young people, whether it was Jacques Cousteau or whether it's the educational establishment or if it is any of the other people we're talking about who have ties to the radical environmental movement, whatever the reason they are misinforming our students, it's not just the students. It's our general population as well.

For decades, phony, frightening predictions, false climate assumptions and inaccurate information fed into computer climate models have been foisted on the American people, including our young people, and people throughout the world. Even worse, honest discussion on these issues of climate have been stifled, and critics have been silenced in order to create an illusion of a consensus that the climate is going haywire and that we're in for a global warming calamity. So why is this? Why do we have this specter of manmade global warming being portrayed as a global calamity in the making? Well, it's being used to stampede the public and, yes, stampede officials into accepting what appears to be the biggest power grab in history. One doesn't have to be a conspiracy nut to realize there are a significant number of people who really believe in centralizing the power of government into the hands of elected and even unelected officials, centralizing that power in Washington and elsewhere. And these unelected officials, who now will be given so much power, are expected to be competent and expected to be well motivated. They are expected to prove that by doing the things that are consistent with the goals and the values of the people who are pushing to centralize power in their hands.

That we have a group of leftists who believe in centralizing power should not surprise anyone. But what we have here is the leftist politicos in this country who believe in centralizing power anyway have been willing to go along and exaggerate and, yes, play fast and loose with the facts in order to promote this notion of man-made global warming. But we didn't expect these people who have a motive of trying to centralize power, or whatever the motive is of these alarmists in the radical environmental movement, we didn't expect them to act any other way. But we need to ask ourselves, why did it take prominent members of the science community so long to step forward to be counted in the face of this massive, heavy-handed campaign of deceit?

Well, I trace the reluctance of our scientists to step up back to the abrupt dismissal of Dr. William Happer, who was then the top scientist at the Department of Energy back in 1993. Happer was too professional, too objective for what Vice President Gore had in mind. So off with his head. Immediately that was one of the first actions taken when the Clinton administration took power. Out the door with Dr. Happer. This man, this prominent and very well-respected Ph.D., his dismissal in that way was a message to the science community: If you want a grant, you toe the line. And what followed was a one-sided drum beat, one-sided promotions, one-sided research grants, and one-sided thinking. Those were the order of the day for the 8 years of the Clinton presidency. The media bias, which of course went along with that, played hand in glove, has never let up with that bias. We just had a major conference here in Washington with hundreds of prominent individuals, many of whom are great scientists, Ph.D.'s, and heads of major university science departments. Yet that conference, which was skeptical of man-made global warming, didn't get any publicity. Very, very few news articles came out of this. Yet these were very prominent and important people.

This kind of repressive atmosphere where the press doesn't report that and that we had years and years where people were not being able to get grants unless they toed the line that Vice President Gore wanted, in this repressive atmosphere, many leaders of the scientific community just remained silent. They sort of became turtles. They tucked their heads in and figured they'd hunker down and live through it. But the ignoring of a campaign of deceit that was utilizing the prestige of the science community has taken its toll, and it's taken a long time to get these scientists out of their shell and to step forward with integrity, as is expected of the men and women of science.

So here we are on the edge—laws, taxation, controls, regulation, mandates are about to be enacted; and we've had 15 years of stifled debate. Even my GOP colleagues are afraid to take on the phony science that is at the heart of the man-made global warming propaganda juggernaut. Again, these people in the GOP, they oppose this theory; but they just want to say that what is being proposed by the Democrats will cost too much and will have too little impact on climate or temperature for it to justify this huge cost. Well, they're right. What's being proposed will have a huge cost and very little impact; but if, indeed, we are facing a global warming calamity that's being caused by human activity, the costs shouldn't matter.

□ 2310

So I have to argue that principle and basic science is the important element of the discussion of the manmade global warming theory and the laws and

regulations and controls and taxation that we are now on the verge of passing here in Washington, D.C.

The bottom line is that the science behind the manmade global warming proposals in Congress and the draconian laws which will follow are based on faulty science. The science is wrong. What has been presented to us by Vice President Gore and the radical environmental community and liberal leftists who want to centralize power in government, the facts that they have presented us have not been accurate. This has either been an intent to deceive, or perhaps just a benevolent intent to save the world.

So it is not just a cost analysis of current legislative proposals that show that the proposals claiming to thwart manmade global warming would obliterate jobs. We know that.

All these proposals that say, well, we are going to try to thwart global warming that way or this way, or this regulation, this taxation, this requirement of cap-and-trade, we have had major economists warn these things will destroy the American economy. But if they claim it is about saving the planet, people are going to listen to them.

But it will destroy the economy, and the irony of it is, this will have nothing to do with saving the planet, but will in fact perhaps make the environment of our planet worse, rather than better. That is why they have tried to stifle the debate.

The real scientific justification for their power grab is science, and an honest discussion of that science will show that the science being presented to justify this power grab is at best inaccurate, and, at worst, a total lie.

You have all heard it, and everyone knows about this. People in Washington, we don't need to be told that there has been an attempt to stifle debate. But I would ask that the American people think about what they have heard about the manmade global warming theory over these 15 years, but especially over these last 4 years.

How many have heard the words ''case closed?'' Isn't it ironic that all of a sudden everybody started using the words ''case closed?'' What does that mean? That means no more debate. The words ''case closed'' was a clumsy, and, I might add, a heavyhanded attempt to shut off discussion even before we had a chance to have an honest discussion of the issues. Because, as I said, the scientists in the 8 years beforehand had been denied research grants unless they were wanting to toe the line on global warming. How many have heard ''case closed?'' We all have.

When Mr. Gore speaks about global warming, he never takes questions. Why would it be that someone who believes in something so adamantly refuses to debate the issue on TV and refuses to take questions? I have certainly a lot less invested in this issue than Vice President Gore. I give speeches and always take questions, and I have certainly been willing to debate this issue in public and on television.

So why do we hear the words ''cased closed,'' stifling debate, and Mr. Gore, one of the prime advocates of this issue, not willing to take questions? Why is it that people who have, you know, skepticism about manmade global warming, why is it that they complain, like Robert Gray, former chairman of the American Meteorological Association? Why do we hear from them that they were turned down for grant applications so many times? Why do we hear that from a man who mentioned that he had received 13 such research grants prior, prior, to the Clinton administration, and then been totally cut off?

Doesn't that say something, when someone of that caliber, a Ph.D., the president of the Meteorological Association, can't get a grant to study the frequencies of hurricanes? And even today this man points out contradictory information. His view is—a man with decades of experience and credentials, Ph.D.'s and credentials in meteorology, says no, the idea that mankind's human actions is causing hurricanes is false, and there is no evidence of that.

Well, and then what else do we hear? We hear name-calling. I was on a television show recently where they called me a troglodyte, I guess troglodyte, that is the word, that I am anti-science, and I am bigoted in some way. I kept presenting scientific arguments about manmade global warming, but all I got back was name-calling.

Case closed. We are not going to answer any questions. No grants for skeptics. And, yes, anybody who disagrees with us is a low-life who doesn't believe in science. Yes, you don't believe in science.

Can you imagine moving forward to have an honest discussion about manmade global warming and being dismissed before you get to the discussion as being anti-science, and then after insisting on four or five issues on science, not having those arguments even answered, but instead having my religion questioned?

Well, dismissing rather than answering legitimate challenges to the manmade global warming theory is par for the course. This is standard operating procedure. Case closed, standard operating procedure. No questions, standard operating procedure. No grants for skeptics, standard operating procedure.

These people have been trying their best to basically steamroll over anyone who would get in their way without having to have the honest discussion of an issue of this magnitude. All of it is simply a Herculean effort not to discuss the scientific assumptions that are at the basis of the manmade global warming concept.

So what is that all about? Why are they not willing to discuss the science? All it is about is not discussing the science, shutting down anybody else with any other ideas without combating the ideas.

Well, the reason why they have tried so hard to have ''case closed'' and all of these things that I have just mentioned, it is because their basic theory, the science theory behind manmade global warming is wrong. It is dead wrong, and that is why they won't discuss it. And if they won't discuss it, we can discuss it.

I would suggest that if there is anyone in this Congress who would like to debate me on this issue for an hour sometime between now and the time this Congress has to vote on cap-and-trade legislation, I will gladly meet them for an hour and discuss this issue.

So let's start discussing it tonight, and then maybe sometime in the next few weeks someone from the other side will take advantage of that offer to have an honest discussion with me and with the public about this issue. If it is so important, let's have an open and honest discussion. So let's look at some of the real science-based challenges to the predictions of an oncoming manmade global warming calamity.

Okay. In briefing after briefing—I am a senior member of the Science Committee—and over the years in briefing after briefing on global warming, I couldn't help but notice that the charts that showed that we have increased the temperature of the planet by 1 degree, here is the chart, it is going up like this, I couldn't help but notice where they started, down here. And down there was 1850.

1850 is actually the line, the baseline that is used for temperature comparisons by the global warming community, by the people who believe in manmade global warming. But 1850 has some significance. 1850, in that era, those few years there, that was the end of the little ice age. That was the end of a 500-year decline in world temperatures.

Okay, so why is it that people who want us to be concerned about a 1 degree temperature increase are making the baseline of comparison the bottom of a 500-year decline? Well, if it is at the bottom of a 500-year decline, if it is that low point they are comparing it to, what is all the hysteria about if we are talking about a 1 degree rise in temperature? What is that all about, or even a 2 degree rise in temperature?

The fact is we know that there have been weather cycles and climate cycles throughout the history of the world. They are now trying to use a low point of a cooling cycle to compare it to say we should be upset when there is even a 1 degree change.

What about those other weather cycles? Number one, let's ask, how can you use that as a baseline? Number two, what about the other weather cycles and that weather cycle? How about the weather cycle that went down for 500 years?

The fact is that over 500 years ago, actually 1,000 years ago, the weather

was very warm. It was a lot warmer than it is today, a lot warmer than the 1 degree that we have.

□ 2320

The fact is, there were big areas of Greenland that were green. They actually had agriculture and a green part of that area. Iceland was an area that had plants and crops. Vineland, which the Vikings said, people thought, well, they were claiming that there were vines there but there really weren't. No, the temperature was different. It was warmer 1,000 years ago.

So there have been numerous weather cycles that have had nothing to do with human activity, unless you believe that the Vikings, of course, there was something that they were doing that was changing the weather. And, if there was a warming cycle, and again, if we've had a warming cycle since that time, it's only been 1 degree.

But these past climate cycles, there's one thing that we have to try to pick up. Why is it then that we've had these cycles? Why is it then, and why is this cycle we are claiming which is a 1 degree rise in temperature from a 500-year low, why is this different? Why are we trying to change the rules of the game and centralize power and look at this as some sort of crisis when it's just another cycle? And why, what is causing the cycle then?

Well, it seems that cycles of climate follow solar activity. The cycles we've had before mankind even emerged can be traced back through ice cores to solar activity. Now, we've seen it here on Earth and we've seen it on other planets.

Let's note this. When I was in this debate the other night, a Member of Congress, a good friend, went on about how horrible it was, of course we're having manmade global warming. Look what's happening in the Arctic. In the Arctic, the polar bears are being destroyed. Well, of course that's not true. There's a polar bear explosion in terms of their population. There are two types of polar bears that are losing, that are not able to keep up with the changes in the climate there. But most other polar bears, because it's warmer, actually are living better than they were before, and the population of polar bears is going up. How ironic that we end up putting them on an endangered species list at a time when their numbers are increasing.

But let's get back to the central point. Something's going on in the Arctic. And my friend and colleague is saying, oh, how horrible it is and going into great detail to touch people's hearts about a polar bear on a piece of ice. And then I said, you're saying that this is caused by human activity and, thus, we have to have all these taxes and controls and things to save the planet from this?

Well, yes, that's what he's saying. Well, I said exactly what I've said to Arnold Schwarzenegger. I said this to myself on the program. Yes, the ice cap is retreating. There's no doubt about that. But when I say that, I'm not talking about our ice cap. That's clear to us. But what about the ice cap on Mars? There is an ice cap on Mars, and just by coincidence, it is retreating at exactly the same time as our ice cap is retreating. Doesn't that indicate that it might be the sun and not us driving SUVs or modern technology that's creating these many, many cycles that we've had, including the one that we are already in?

Yes, an ice cap is retreating on Mars and it's retreating in the world. Is that just a coincidence? Well, that's a scientific challenge. Let's have an answer to that. So, we have polar ice caps melting on Mars, and it's not just a coincidence, I believe. So tell me why this doesn't indicate to us that what we're really talking about is solar, what we are facing today in the climate changes that have taken place today, just as it has in the past is that it has to do with solar activity.

So now remember, by the way, ice caps may have been melting in the Arctic, but one thing people miss, the ice caps are not melting everywhere, just the northern ice cap. In Antarctica, to the south, ice is actually accumulating. And so in the north, yeah, there is a polar bear population, I think two species of polar bears are suffering. Most every one, the rest of them are expanding their population.

And by the way, I understand now, even in that area, the ice is beginning to return. But the ice has always been accumulating in the Antarctic over these years. That's never told to us. It's as if the whole world is increasing in temperature, but they don't bother to mention the areas where the ice is actually accumulating.

Well, the manmade global warming theory has been focused on CO_2. This is, of course, and again, let's talk about the science of these issues. CO_2 is a miniscule part, a miniscule part of our atmosphere, and if you ask the ordinary person, they think it's 20 percent of the atmosphere. Well, actually it's .023 percent, I believe, so that's less than 1 quarter of 1. It's less than 1 quarter of 1 percent of the atmosphere is CO_2. And of that, at least 90 percent of the CO_2 in the atmosphere is not traced to human activity.

I've been in hearings where most people claim it's more like 5 percent of the CO_2 in the atmosphere is traced to human activity. You know, and by the way, one huge volcano or even massive fire like they've had in various countries would dwarf everything that we're trying to do to reduce CO_2 into the amount of CO_2 that that would put into the atmosphere, because CO_2 is not a significant part of the atmosphere. It's a miniscule—it's like a thread being put across the line on a football field, and that's what you're changing by focusing not just on the CO_2, which is .023 percent, but it's also, of that, 90 percent of that is not manmade. It's made by nature.

So the most important discussion in terms of manmade CO_2, which, as I say, the manmade part of it is just a small contributor, it's a small contributor to a very tiny element in the atmosphere, and suggesting that that is changing our climate is ludicrous. In fact, it is warming and has released CO_2 and there have been—it is warming a little bit. There has been, over the years, until recently, and over the years, there has been times when CO_2 was going up dramatically and down dramatically but had nothing to do with the climate of the planet. For example, manmade—if manmade—here's a basic can question. Here's another science challenge. If manmade CO_2 causes warming, why, as CO_2 levels were rising dramatically in the 1940s, fifties, sixties and seventies, why, if the CO_2 was rising in those decades, why was there actually a cooling of our climate in those decades?

Okay. Let's hear the science. Come on. I just had a science. I've had five or six points now. Why is everyone afraid to take on these scientific answers? If indeed CO_2 causes it to warm, well, then how come, when we had massive increases in CO_2 in the forties, fifties, sixties and seventies that it got cooler and not warmer? Well, the calculations on global warming have been based on fraudulent numbers.

And here's another scientific challenge. A recent study shows that over 80 percent of America's temperature and weather stations which have been the source of temperature readings that supposedly indicate a warming trend, supposedly, these very same monitoring facilities have been compromised and are faulty in the information they're providing.

□ 2330

The numbers have been skewed. They are suspect because the monitors that have been relied upon do not meet the basic scientific standards that are required of them for us to believe in the numbers that they're giving us. In other words, the equipment is compromised; the figures coming out of the equipment cannot be relied upon. And our system, with 80 percent of our monitors who do not meet the standards, the scientific standards for us to rely on their numbers—our system has been heralded as the best in the world. So think about that. What's going on in the rest of the world when we're talking about one little rise, a one-degree rise in temperature since the end of the little ice age which was a 500-year low of temperature?

So even that we can't figure out—even with that one degree we don't know, because the monitors have been placed in faulty ways or have not been kept and maintained in the right way.

And so what we have had is a lot of people who have been making predictions over the last 20 years, especially Vice President Gore. But if the science community had been given these grants—but only if they're going

to come to the conclusion about global warming that we want you to—these people in the science community and these other political people who have got their own motives behind this bulldozer approach and this steamroller approach to accomplishing what they're out to accomplish, those people have been telling us that we're facing a man-made global warming climate calamity and it was in the making. And we were told that the temperatures were either going to continue to go up and up and it would reach a certain point and then there would be some sort of tipping point and then it would jump up by a number of temperature points. So it would be five or six points, or whatever they were predicting. It was a huge jump in temperature at some point.

Well, that's not what's happened. I heard that for 10 years, 10 years for the people who were giving out all of the grants, 10 years from all of the people who were shutting out any type of real debate, 10 years of ''don't ask any questions, case closed.'' And those people are on the record, and they have been warning us of man-made global warming that was about to get out of hand. But for over a decade, it has not gotten any warmer.

Yes, 11 years ago in 1998 it was a very hot year, and that was the year—since then, every year has been cooler. It has not gotten warmer since then. And they say, Well, that was a very hot year. Well, so was 1931 was a very hot year, and it was followed by decades, I might add, of cooling. So that doesn't mean anything. That was just an anomaly that we had a hot year in 1998, because ever since then the temperature has not been going up.

The global warming alarmists' predictions were wrong, all right? Come and debate that. There is a scientific challenge. I keep giving scientific challenges, and what I get back in this debate is, You're a bigot; you're anti-science; you're stupid. Name-calling. I mean, the people on the other side who always are willing to call people names rather than confront their arguments are very easy to spot. You just take a look. You listen to what's being said. Who is offering an argument that needs to be discussed? Who's calling names? They have been trying to shut down this debate by calling anybody who disagrees with them horrible personal names.

Well, let me repeat this one point: it has not gotten any warmer for over a decade and we're still—it looks like we're even still getting cooler. That is totally contradictory to the predictions that were aggressively made to us, as they only gave their grants to the people who would agree with that over the years.

This is why global warming alarmists have now, en masse, changed the wording that they use. They were wrong, so let us just change the way we talk about things. Now it's climate change, okay? Everybody think about it. All of these same people were talking about global warming 20 years ago, spending billions of dollars on research that was bogus research, you know. It was intended to come out with what they were buying from the scientists. They were telling us it was going to get warmer, and they kept using the term ''man-made global warming.'' And now they call it ''climate change,'' and all of a sudden, they all change and it all became climate change.

Well, every time you hear that word used by an environmental radical, by one of these alarmists, it is an admission that they were wrong and that they refuse to admit that they were wrong. Refusing to admit you're wrong after you've been so aggressive in promoting something is certainly not an honest debate and an honest discussion.

If I am proven wrong on a point, I will apologize and change my position. I won't try to change my wording so it sounds like I was never wrong in the first place.

These people were wrong. Remember it. Every time the word climate change is used, remember these were the same people who were talking about global warming, and they want to have it both ways. No matter if it gets warmer or colder, they want to blame it on human activity when, in fact, all of the evidence suggests that cycles come from solar activity.

Expert after expert is now pointing to the flaws in the central argument.

And the other thing you hear is, of course, that all of the scientists agree. There is your other way of shutting down debate. All of the scientists, all of the prestigious Ph.D.s and scientists agree. That is not true. And it hasn't been true for years.

So Al Gore's scientific mumbo-jumbo was wrong, all of the scientists agreeing with him is wrong, the temperature predictions have been wrong, and the man-made CO_2 premise is wrong.

Now we find out that the monitors used to collect the data were placed next to air-conditioning exhaust vents—which made the temperature higher—and in parking lots, and on top of buildings, and near other heat sources which, of course, made all of their statistics totally unreliable. We hear that.

We also know the methodology of using computer models has been questionable from the very beginning. We all know the saying: garbage in, garbage out. But no one was permitted to hear the questions; no one was permitted to ask follow-up questions as to—no one has been permitted to totally understand the software that went into that questionable computer modeling.

The observations have been wrong. The attempt to stifle debate and shut up those people who disagree by calling them names, denying grants, and making personal attacks has been wrong. Thus, I would suggest the biggest power grab in our history is wrong, and the public should wake up. The public should understand that what we are seeing is a brazen power grab that is wrong.

So, let's review the scientific challenges to the man-made global warming theory. See if anybody ever tries to come and have an argument about the science.

Baseline comparison is at the bottom of a 500-year decline in temperature. That is not the scientific way of determining whether a slight rise in temperature is significant. The science measurements were partly or severely flawed by a monitoring system that was—did not meet the standards necessary to have accurate information. Past climate cycles were frequent even before the emergence of mankind. Cycles like the retreating polar ice caps are parallel to similar cycles on Mars suggesting solar activity, rather than human activity, is the culprit. Increasing CO_2 levels did not cause warming, which can be shown in the 1940s, 1950s, 1960s, and 1970s where there was an increasing level of CO_2, but yet it was getting cooler.

So let's have an honest debate. Let's quit calling names. Let's quit dismissing legitimate science-based questions.

□ 2340

Address the scientific issues being raised rather than sloganeering about a consensus of scientists that does not exist. Again, the so-called ''consensus,'' case closed—that consensus does not exist. More and more, thousands of scientists are signing on as skeptics to this manmade global warming theory.

This leads to an important point that needs to be made. Perhaps the biggest lie the public must deal with is that all the prominent scientists in the world totally agree with the manmade global warming theory. That's probably the biggest lie, as I mentioned. Instead of answering scientific questions, alarmists have simply claimed all the scientists agree. I've been interviewed on this at least half a dozen times, and every interview begins with, well, all of the scientists agree that manmade global warming is a reality, how can you disagree with all of them? It is just another tactic aimed at repressing an honest discussion of something that should be a scientific issue and discussed with all sincerity.

I will now submit the names of 10 prominent scientists, 10 of the thousands of scientists who have signed on to suggest that manmade global warming is far from accepted by all scientists. These are the heads of science departments, the presidents of scientific and academic associations, people with doctorates in the areas of study, and they are coming forward at last, they're coming out of their shell at last after all of these years of intimidation. This is only a list of 10, but there are thousands more who are stepping forward to voice honest skepticism, if not total rejection, to the

claim that human activity is creating a global warming climate catastrophe.

The first one is Dr. Richard Lindzen, top scientist from the Massachusetts Institute of Technology. Dr. William Gray, Colorado State University, former president of the American Meteorological Association. Dr. David Nowell, former chairman and NATO meteorologist from Canada. Dr. Gerhard Kramm, University of Alaska in Fairbanks. Dr. Yury Izrael of the Russian Academy of Sciences, a senior member of the Russian Academy of Sciences whom I met and spoke to, and also a member of the IPCC United Nations report, who now makes it very clear that he does not believe in that report or manmade global warming. Dr. Ian Pilmer of the University of Melbourne. Dr. Diane Douglas, climatologist and paleoclimatologist. Dr. Harry Lins, cochairman of the IPCC Hydrology and Water Resources Working Group. Dr. Antonio Zichichi, president of the World Federation of Scientists. Dr. Ivar Giaever, Nobel Laureate and physicist.

So this idea that all the scientists are lockstep in favor of the theory of manmade global warming is a lie, not just a lie, a damnable lie aimed at cutting off honest communication. And who's doing that? Who's making this adamant statement that all the scientists are in agreement with this? Well, we've had people who say these things and said things all along. There's the global warming alarmists now who are making these statements. But let us just remember, these scares have happened in the past. I remember when my mother wouldn't serve cranberries at Thanksgiving because they caused cancer. I remember when Professor Meryl Streep warned us of alarcausing cancer, which just about ruined the apple industry for 2 years. That also was wrong.

We heard about cyclamates causing cancer, which cost the industry billions of dollars and disrupted very healthy patterns of nutrition that could have been based on cyclamates rather than high fructose corn syrup. That, too, was wrong.

We remember the nuclear power catastrophe at Three Mile Island, when Dr. Jane Fonda, that Ph.D. genius, taught us that nuclear power was so dangerous, that what we have done instead of using nuclear power, we began relying on overseas oil and gas and burning coal. Then remember the acid rain? That was as near a high pitch as what we hear about global warming. Ronald Reagan stood up, put his hand up and said, no, we are going to have scientific research on this acid rain issue before we commit to all sorts of regulations and taxes that will destroy our economy. Luckily, Reagan did that, and when a $500 million study was complete, it verified the fact that acid rain was a minimal problem, not a major problem, a minimal problem that didn't justify any of the draconian raises in taxes and controls that were being suggested by those environmental alarmists.

Then of course the granddaddy of them all was, many of the same people who now talk about global warming were then talking about global cooling back in the early 1970s, some of the very same people. Yes. And what happened to global cooling? The cycle started going in another direction. Then it became, Oh, my God, it's global warming. Well, now it's back to global cooling. So is this all caused by us driving SUVs? No. Maybe it's caused by the sun. Maybe there are natural reasons for the cycles of climate on this planet.

The so-called ''experts'' were wrong when they told us about all of these things. All of these were exaggerated problems, exaggerated threats to our well-being. And the American people were deceived in many of these cases, whether it was about nuclear energy or whether it was about cranberries. And we had fanatics who were fast and loose with the truth and fast and loose with facts. Well, that's exactly what's going on today.

And what's the problem with that? Well, the problem is there are serious side effects when one gets you focused on something that's not true, like cranberries causing cancer or nuclear energy being such a threat. You end up doing things that are actually harmful to you that you wouldn't do otherwise. When you have CO_2 being called the primary pollutant for concern, you are doing a horrendous disservice to the people of this country. By focusing on CO_2, which is not harmful to human beings at all and in fact is a plant food—CO_2 makes plants grow better, it does not harm human beings. And if our job is just to try to reduce the amount of CO_2 in the world, we will actually be doing a grave disservice because we won't be concentrating on the pollution, like NO_2 and other things that are very harmful, the particulates out of diesel trucks that are particularly—again, no pun intended—but particular particulates that are very harmful to people. I have three children. I have my baby Anika and Tristan and Christian. I love those babies, and I do not want them to breathe in dirty air. And if we focus on CO_2, we are doing a disservice to them and their generation and we are doing a disservice to the older people of this country who will also breathe in the dirty air. And focusing on CO_2 to save the planet. That's because what's happening here is these people are out to save the planet, but they are not out to save the people of the planet.

I remember one solution to a nonexistent threat, which also caused a huge destruction of people, was, of course, the eliminating of DDT. Now, DDT, we were told, was destructive to the environment, especially to bird egg shells. Well, then, DDT is banned. And what is the result of DDT being banned? Malaria out of control in Third World countries where before it had been nearly eliminated. DDT was eliminated and malaria made a comeback, and millions of children in the Third World have died because of this nonsense.

I can't tell you if pelican egg shells are less fragile because of DDT, but I can tell you the tradeoff with millions of young children dying in Third World countries isn't worth that tradeoff about how fragile and building up the shell of a pelican.

Unfortunately, the people driving policy here are out to save our planet; they're not out to save our children or our seniors or any other people on the planet. That is the same mindset that would dramatically damage our economy in order to save the planet, with no consideration of the hardship and deprivation to ordinary people that would result from the draconian controls and taxation that is being proposed here in Washington right now as an answer to the global warming threat, the manmade global warming threat.

Now that manmade global warming has been driven into the public consciousness, the alarmists have the leverage right here in Washington. What should we expect unless the public changes its perception? There is a price to pay, just like those millions of little kids dying in Africa of malaria, and there is a price to pay for listening to irrational alarmists.

Excessive taxation regulation mandates are now being proposed in Washington, and they will reduce our gross domestic product by over $7 trillion, destroying nearly 2 million jobs by 2012, at a time when we really need jobs. It will raise electricity rates by 90 percent above inflation, incur $33,000 worth of additional Federal debt for every man, woman and child in America. And it will help the Chinese and other people steal our businesses from us. And this is only step one.

And even with this monstrous cost, little progress is expected. Here's back to the central point most Republicans want to make: That that cost isn't worth what we're going to get out of it. Well, no, there won't be any change in the temperature, and little change in the amount of CO_2 in the atmosphere. And CO_2 isn't harmful to people or this world.

The real calamity brought on by global warming will be the economy-killing taxes and regulations that are put in place to solve a nonexistent problem. That economic decline that we're talking about is just Round one, however. Round two is easy to predict.

□ 2350

Global and international bodies and our own government and our own Congress will be given the right and power to intervene in our lives to prevent manmade global warming. That's what it's all about, globalism. If man makes it, man must then be controlled. That's why it was so important for them to

steamroll over anybody who is in opposition and wanted to ask some questions. They want nobody to ask questions about their theory about man-made global warming because they believe men and women, people, need to be controlled. That is part of their theory of government. It will make it a whole new, more benevolent world. Unfortunately, a lot of the government they are talking about is not the American Government. We are talking about international mandates from unelected bodies that we will then pass on power and authority to, which is supported by many of the people right here in this Congress.

For example, in the future, we are going to face all kinds of mandates and controls from the Federal Government and the internationalcy. Some of these would be, for example, mandated increases in parking fees. Do they tell you that now? All your local communities are going to have to raise your parking fees. And there will be major impediments to the private use of automobiles. And then, of course, they've got to end frequent flyer miles and they've got to end discount air travel because, believe it or not, and nobody has ever been telling you this, they believe that airplanes are the biggest CO_2 footprint of all. That's right. Your frequent flyer miles and your discount tickets have got to go. Of course, the elite will be able to fly around in their private planes giving a donation by supposedly planting trees somewhere and thus they can fly in their private planes. But the rest of us cannot go to see our sick relatives on a discounted ticket. No one has heard about this. Nobody has heard about these types of controls that are going to be mandated on our own people by the United Nations perhaps. What has been the purview of local government will be transferred to much higher authorities. Local government will be required to follow international guidelines, climate guidelines, when it comes to building, zoning, even local planning.

This is part of our liberty. Where we live, what we eat, how we run our lives, this is what is at stake. It's called liberty. This is a fight between the globalists, who found a vehicle to try to gain power and grab power, and those people who do believe in liberty and justice. We call them patriots. We call them people around the world who do believe in these Western values of dignity for the individual and freedom and justice.

Yes, even our diet has been targeted by those claiming that animal flatulence and deforestation make meat the enemy of climate. We aren't even going to be able to have barbecues in our backyard, much less have hamburgers. Now, these are one of those things that people will laugh that no one could ever go that far. What is going on here is laying the foundation for extensive controls that now are up to the individual or up to the local government being given to a central government.

If you aren't frightened by this, you should be. We have a fanatical movement of steely-eyed zealots who cannot admit they made a mistake, who always attack the other person rather than trying to have honest discussions of issues. Couple that with self-serving interests, and there are many self-serving interests who are involved in this. They now have joined in a political coalition that believes they have the right to run the economy, run business, run local schools, and run our lives. They have been looking for an excuse to assume power.

Now, the left has always wanted to have power. Leftists have always wanted it. They believe that they can do better and make humankind over and make it a better world by having absolute power over the choices of the people who live in this world. Well, they have found a calamity. They can threaten the people of the world with a calamity in order to stampede them into a monstrously horrific policy, and that's what we are on the edge of here in Washington.

In this last 8 months here in Washington, hundreds of billions, even trillions of dollars have been shoveled into the coffers, and no one knows where the heck this money has gone to. There have been looters from all over the world in our financial system and everyone who has benefited from that. The American people know that this Congress was stampeded into giving away trillions of dollars because we were told there was going to be an economic calamity. I'm very proud I never succumbed to that hysteria that was perhaps the greatest rip-off in history. Well, the global warming stampede is designed to cover up the biggest power grab in history, and it too will be costly.

Wake up, America. Wake up, America. We should not be giving our power and our liberty, not to the central government in Washington, D.C., certainly not to the United Nations, which is composed of countries who are governed by crooks and kooks. And the United Nations having power to set regulations over our lives in the name of saving this world from a climate catastrophe would itself be a catastrophe to the freedom of liberty and justice in this country and to the freedom-loving people of the world.

Well, even Al Gore must be a bit embarrassed now that he has to use the words ''climate change'' rather than ''global warming.'' It's an inconvenient truth for him. The fact is it's no longer warming. He must think that we are stupid if he thinks that we have not noticed that it's now ''climate change'' instead of ''global warming'' and that we haven't noticed that there are large numbers of scientists that are opposing what is being proposed. And he must think we are stupid if he thinks that these taxes and regulations and draconian laws that are being proposed are things that we will just accept because we have been frightened into submission.

Wake up, America. We need to save our country and future generations and we need to save the world from this incredible power grab, the greatest power grab and worst power grab in history.

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. LORETTA SANCHEZ of California) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. ZOE LOFGREN of California, 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. POE of Texas, for 5 minutes, June 16.

Mr. JONES, for 5 minutes, June 16.

Mr. MORAN of Kansas, for 5 minutes, June 16.

Mr. OLSON, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, June 10.

Mr. BISHOP of Utah, for 5 minutes, June 10.

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. 256. An act to enhance the ability to combat methamphetamine; to the Committee on Energy and Commerce; in addition, to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 9, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 1595. To designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the ''Brian K. Schramm Post Office Building''.

H.R. 1284. To designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''.

H.R. 663. To designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''.

H.R. 918. To designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

ADJOURNMENT

Mr. ROHRABACHER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 10, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2078. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Longan From Taiwan [Docket No.: APHIS-2007-0161] (RIN: 0579-AC89) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2079. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Etoxazole; Pesticide Tolerances [EPA-HQ-OPP-2008-0554; FRL-8413-5] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2080. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Exemptions from the Requirement of a Tolerance; Technical Amendments [EPA-HQ-OPP-2008-0923; FRL-8417-9] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2081. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's fiscal year 2008 Performance Report for the Animal Drug User Fee Act, enacted on November 18, 2003 (Pub. L. 108-130); to the Committee on Energy and Commerce.

2082. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Revision of the Requirements for Publication of License Revocation [Docket No.: FDA-2009-N-0100] received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2083. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-hour ozone standard for Cherokee County [EPA-R04-OAR-2008-0797-200824(a); FRL-8911-5] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2084. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida; Removal of Gasoline Vapor Recovery from the Southeast Florida Area. [EPA-R04-OAR-2007-0836-200739(f); FRL-8911-6] received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2085. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Implementation of the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers (PM2.5) [EPA-HQ-OAR-2003-0062; FRL-8910-6] (RIN: 2060-AN86) received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2086. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Update of Continuous Instrumental Test Methods; Correction [EPA-HQ-OAR-2002-0071; FRL-8910-5] (RIN: 2060-AP13) received May 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2087. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), FinalDTV Table of Allotments, Television Broadcast Stations (Derby, Kansas) [MB Docket No.: 09-33 RN-11521] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2088. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, National Protection and Programs Directorate, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2089. A letter from the Staff Director, United States Commission On Civil Rights, transmitting notification that the Commission recently appointed members to the Connecticut Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

2090. A letter from the Acting Chairman, Department of Transportation, transmitting the Department's final rule — REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES-2009 UPDATE [STB Ex Parte No. 542 (Sub-No. 16)] received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. HASTINGS of Florida. Committee on Rules. House Resolution 522. Resolution providing for consideration of the bill (H.R. 1886) to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes, and providing for consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes. (Rept. 111–143). 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. COHEN (for himself, Mr. ISSA, Mr. CONYERS, Mr. NADLER of New York, Mr. FRANKS of Arizona, Ms. ZOE LOFGREN of California, Mr. COBLE, and Mr. POE of Texas):

H.R. 2765. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. HINCHEY, and Mr. POLIS of Colorado):

H.R. 2766. A bill to repeal the exemption for hydraulic fracturing in the Safe Drinking Water Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRAVES:

H.R. 2767. A bill to amend the Small Business Act to extend and improve the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP:

H.R. 2768. A bill to declare nuclear energy to be clean energy, for purposes of Federal law; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 2769. A bill to amend the Small Business Act to promote the commercialization of certain small business research and development projects, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself and Mr. BUYER):

H.R. 2770. A bill to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SHEA-PORTER (for herself, Ms. MOORE of Wisconsin, Mr. MASSA, and Mr. BISHOP of Utah):

H.R. 2771. A bill to amend titles 10 and 37, United States Code, to provide a more equitable process by which the military departments may recover overpayments of military pay and allowances erroneously paid to a member of the Armed Forces when the overpayment is due to no fault of the member, to expand Department discretion regarding remission or cancellation of indebtedness, and for other purposes; to the Committee on Armed Services.

By Mr. SCHOCK:

H.R. 2772. A bill to amend the Small Business Act to enhance the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. BOUSTANY, Mrs. CAPPS, and Mr. MASSA):

H.R. 2773. A bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare Program; 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 Mrs. HALVORSON:

H.R. 2774. A bill to amend title 38, United States Code, to make permanent the extension of the duration of Servicemembers' Group Life Insurance coverage for totally

disabled veterans; to the Committee on Veterans' Affairs.

By Mr. HIGGINS (for himself, Mr. HINCHEY, Mr. MCGOVERN, Mr. JACKSON of Illinois, and Ms. MCCOLLUM):

H.R. 2775. A bill to prohibit, as a banned hazardous substance, certain household dishwashing detergent containing phosphorus; to the Committee on Energy and Commerce.

By Mr. HINOJOSA (for himself, Mr. WAXMAN, Mr. EHLERS, Ms. SCHAKOWSKY, Mr. ORTIZ, and Mr. SESTAK):

H.R. 2776. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. CONYERS, Mr. COHEN, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. HIGGINS, Mr. WELCH, Mr. ELLISON, Ms. BORDALLO, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. HINCHEY, Mr. RYAN of Ohio, Ms. HIRONO, Mr. OLVER, and Mr. QUIGLEY):

H.R. 2777. A bill to include costs incurred by the Indian Health Service, a federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; 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. JACKSON of Illinois (for himself and Mr. CUMMINGS):

H.R. 2778. A bill to amend the Public Health Service Act to redesignate the National Center on Minority Health and Health Disparities as the National Institute for Minority Health and Health Disparities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEAL of Massachusetts (for himself, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. CROWLEY, and Ms. SCHWARTZ):

H.R. 2779. A bill to amend the Internal Revenue Code of 1986 to provide transparency with respect to fees and expenses charged to participant-directed defined contribution plans, and to improve participant communication; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 2780. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

By Mr. SCHRADER:

H.R. 2781. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. WALZ (for himself, Mr. CARNEY, Mr. MCINTYRE, Mr. THOMPSON of Mississippi, Mr. PERRIELLO, Mr. ROSS, Mr. HOLDEN, Mr. SPACE, Mr. WELCH, Mr. MINNICK, Mr. KANJORSKI, Mr. SHULER, Mr. BOUCHER, Mr. MICHAUD, Mr. ORTIZ, Mr. BOSWELL, Mrs. KIRKPATRICK of Arizona, Mr. THOMPSON of Pennsylvania, Mr. CUELLAR, and Mr. HINOJOSA):

H.R. 2782. A bill to amend title 23, United States Code, to incorporate regional transportation planning organizations into statewide transportation planning, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 2783. A bill to amend part D of title IV of the Social Security Act to repeal a fee imposed by States on certain child support collections; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON-LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. PIERLUISI, and Mr. GONZALEZ):

H. Res. 520. A resolution impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. DENT (for himself, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Ms. NORTON, Ms. CLARKE, Mr. CAO, Mr. RUPPERSBERGER, Mrs. MALONEY, Mr. CHAFFETZ, Mr. GERLACH, Mr. MORAN of Virginia, Mr. SESTAK, Mr. SKELTON, Mr. PIERLUISI, Mr. MCHENRY, Mr. WESTMORELAND, Mr. EHLERS, Mr. PETRI, Mr. MEEKS of New York, Mr. GONZALEZ, Mr. THOMPSON of Pennsylvania, Mr. HONDA, Mr. SERRANO, and Mr. KANJORSKI):

H. Res. 521. A resolution expressing the sense of the House of Representatives with respect to the importance of having a census that is complete and accurate; to the Committee on Oversight and Government Reform.

By Mr. ROONEY (for himself, Mr. BRADY of Texas, Mr. DOGGETT, Mr. KINGSTON, and Mr. PAUL):

H. Res. 523. A resolution congratulating the Lambda Chi Alpha Fraternity on the occasion of its 100th Anniversary; to the Committee on Education and Labor.

By Ms. TITUS (for herself, Mr. PLATTS, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BURGESS, Mrs. CAPPS, Ms. EDWARDS of Maryland, Mr. EHLERS, Mr. FATTAH, Mr. GRAYSON, Mr. GRIJALVA, Mr. HINOJOSA, Ms. HIRONO, Mr. LATOURETTE, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. KENNEDY, Mrs. LUMMIS, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. PITTS, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. SESTAK, Mr. YARMUTH, and Mr. YOUNG of Alaska):

H. Res. 524. A resolution recognizing and supporting the National Day on Writing; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

67. The SPEAKER presented a memorial of the State House of Representatives of Georgia, relative to House Resolution 477 Recognizing the vital role the manufacturing industry plays in the American economy and requesting that the United States Congress support legislative efforts to invest in the manufacturing sector, including the domestic auto industry; and for other purposes; to the Committee on Energy and Commerce.

68. Also, a memorial of the State General Assembly of Rhode Island, relative to H. 6026 URGING THE UNITED STATES CONGRESS TO SUPPORT FEDERAL LEGISLATION TO PROTECT AMERICAN HORSES FROM SLAUGHTER FOR HUMAN CONSUMPTION; to the Committee on the Judiciary.

69. Also, a memorial of the State Senate and House of Representatives of Washington, relative to HOUSE JOINT MEMORIAL 4000 respectfully praying that the United States Congress pass H.R. 5968, the Restoring Partnership for County Health Care Costs Act of 2008; jointly to the Committees on Energy and Commerce and Ways and Means.

70. Also, a memorial of the State Senate and House of Representatives of Washington, relative to SENATE JOINT MEMORIAL 8013 respectfully urging the United States Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. REYES, Mr. PAULSEN, and Mrs. MCMORRIS RODGERS.

H.R. 28: Mrs. MYRICK.

H.R. 43: Ms. HERSETH SANDLIN, Mr. SNYDER, Mr. LUETKEMEYER, and Mr. RYAN of Ohio.

H.R. 162: Mr. MCCOTTER.

H.R. 197: Mr. MATHESON, Mr. COFFMAN of Colorado, and Mr. RADANOVICH.

H.R. 205: Mr. HOEKSTRA.

H.R. 333: Ms. WOOLSEY and Mr. SCOTT of Virginia.

H.R. 393: Mr. MANZULLO.

H.R. 403: Mr. MEEK of Florida, Mr. SABLAN, Ms. LEE of California, and Ms. HIRONO.

H.R. 413: Mr. WELCH, Mr. HUNTER, Mr. MOORE of Kansas, Mrs. CAPITO, Mr. HEINRICH, Mr. ROSKAM, and Mr. DAVIS of Alabama.

H R. 426: Mr. DOYLE.

H.R. 433: Mr. THORNBERRY.

H.R. 442: Mr. BOEHNER, Mr. WESTMORELAND, Mr. COFFMAN of Colorado, Mr. PENCE, and Mr. POE of Texas.

H.R. 484: Mr. TERRY, Ms. BERKLEY, and Mr. RODRIGUEZ.

H.R. 503: Mr. BARRETT of South Carolina.

H.R. 571: Mr. CAPUANO and Mr. ROHRABACHER.

H.R. 653: Mr. MASSA.

H.R. 658: Mr. ALTMIRE.

H.R. 676: Mr. SERRANO.

H.R. 678: Ms. ROYBAL-ALLARD.

H.R. 745: Mr. HIMES and Ms. KOSMAS.

H.R. 816: Mr. ELLISON, Mr. BERMAN, and Mr. GENE GREEN of Texas.

H.R. 840: Mr. DELAHUNT.

H.R. 878: Mr. CHAFFETZ.

H.R. 930: Mr. MILLER of North Carolina.

H.R. 952: Mr. STUPAK, Ms. MOORE of Wisconsin, and Mr. REYES.

H.R. 997: Mr. ADERHOLT.

H.R. 1016: Mr. SNYDER, Mr. PERRIELLO, and Ms. CORRINE BROWN of Florida.

H.R. 1021: Ms. KOSMAS.

H.R. 1064: Mr. MOORE of Kansas, Mr. BACA, Mr. PRICE of North Carolina, and Mr. WELCH.

H.R. 1067: Mr. WITTMAN.

H.R. 1074: Mr. POE of Texas, Mr. COFFMAN of Colorado, and Mr. WESTMORELAND.

H.R. 1080: Ms. ESHOO and Mr. SESTAK.

H.R. 1082: Mr. MCGOVERN.

H.R. 1103: Mr. HERGER and Mr. WITTMAN.
H.R. 1115: Mr. TERRY.
H.R. 1142: Mr. RAHALL.
H.R. 1144: Mr. HOLT.
H.R. 1146: Mr. SAM JOHNSON of Texas.
H.R. 1158: Mr. ROSS.
H.R. 1193: Mrs. NAPOLITANO and Mrs. CAPPS.
H.R. 1203: Mr. RYAN of Ohio, Mr. DOYLE, Mr. NYE, Mr. WELCH, and Mr. CONAWAY.
H.R. 1204: Mr. NEUGEBAUER.
H.R. 1207: Mr. PASCRELL, Mr. BOSWELL, Mr. BONNER, Mr. TONKO, Mr. MITCHELL, Mr. JOHNSON of Georgia, Ms. SHEA-PORTER, Mr. CARNEY, Mr. CHILDERS, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1221: Mr. OLSON.
H.R. 1229: Mr. HELLER.
H.R. 1255: Ms. TSONGAS.
H.R. 1283: Mr. KLEIN of Florida, Mr. MCMAHON, and Mr. YARMUTH.
H.R. 1308: Mr. DELAHUNT.
H.R. 1310: Mr. HARE.
H.R. 1327: Mr. LATTA and Mr. COFFMAN of Colorado.
H.R. 1346: Mrs. LOWEY.
H.R. 1362: Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mr. SNYDER, and Mr. REHBERG.
H.R. 1392: Mr. ALTMIRE.
H.R. 1398: Mr. MELANCON, Mrs. BIGGERT, Mr. MILLER of North Carolina, Mr. FLEMING, and Ms. HERSETH SANDLIN.
H.R. 1405: Mr. SESTAK and Mr. GRIJALVA.
H.R. 1425: Mr. FARR.
H.R. 1428: Mr. NYE, Mr. ROONEY, Mr. CONNOLLY of Virginia, Mr. CARTER, and Mr. WOLF.
H.R. 1441: Mr. GALLEGLY.
H.R. 1452: Mr. BOSWELL.
H.R. 1454: Mrs. BACHMANN.
H.R. 1505: Mr. DRIEHAUS, Ms. SHEA-PORTER, Mr. LOEBSACK, and Mr. KUCINICH.
H.R. 1508: Mr. BOUCHER.
H.R. 1509: Mr. TONKO and Mrs. KIRKPATRICK of Arizona.
H.R. 1520: Mr. STARK.
H.R. 1523: Mr. HODES, Ms. DEGETTE, Ms. ESHOO, and Mr. DELAHUNT.
H.R. 1528: Mr. MORAN of Virginia and Ms. ESHOO.
H.R. 1530: Mr. MORAN of Virginia and Ms. ESHOO.
H.R. 1531: Mr. MORAN of Virginia, Ms. ESHOO, and Mr. MANZULLO.
H.R. 1548: Mr. PIERLUISI.
H.R. 1552: Mr. TONKO and Mr. RUSH.
H.R. 1587: Mr. TERRY.
H.R. 1600: Mr. SESSIONS and Mr. JOHNSON of Georgia.
H.R. 1608: Ms. FUDGE, Mr. GRIJALVA, and Mr. JACKSON of Illinois.
H.R. 1612: Mr. MCDERMOTT and Mr. MARKEY of Massachusetts.
H.R. 1616: Mr. PLATTS, Mr. GRIJALVA, and Mr. MCGOVERN.
H.R. 1670: Mr. DENT and Mr. FALEOMAVAEGA.
H.R. 1685: Mr. SESTAK.
H.R. 1688: Mr. BOCCIERI and Mr. ROGERS of Kentucky.
H.R. 1691: Mr. CAO and Mr. SABLAN.
H.R. 1708: Mr. SPACE and Mr. DELAHUNT.
H.R. 1724: Mr. TONKO.
H.R. 1740: Mr. MORAN of Kansas, Mr. BUCHANAN, Mr. AKIN, Mr. BARTLETT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. CAMP, Mr. CARTER, Mr. CASTLE, Mr. COBLE, Mr. COLE, Mr. DAVIS of Kentucky, Mr. EHLERS, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. GRAVES, Mr. HALL of Texas, Mr. HENSARLING, Mr. HERGER, Mr. INGLIS, Mr. KLINE of Minnesota, Mrs. LUMMIS, Mr. MICA, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. PENCE, Mr. RADANOVICH, Mr. ROGERS of Kentucky, Mr. ROONEY, Mr. RYAN of Wisconsin, Mr. SOUDER, Mr. THORNBERRY, Mr. TIAHRT, Mr. WATT, and Mr. WESTMORELAND.
H.R. 1751: Mr. SCHIFF.
H.R. 1799: Mr. PETERSON.
H.R. 1826: Mr. FOSTER and Mr. DOGGETT.
H.R. 1894: Mr. REHBERG and Ms. DELAURO.
H.R. 1898: Mr. WU and Ms. MCCOLLUM.
H.R. 1912: Mr. HEINRICH.
H.R. 1924: Mr. LUJÁN.
H.R. 1925: Mr. BRADY of Pennsylvania, Ms. BERKLEY, Mr. COHEN, Ms. WOOLSEY, Mr. RYAN of Ohio, Mr. QUIGLEY, Ms. SPEIER, and Ms. TSONGAS.
H.R. 1944: Ms. SCHWARTZ.
H.R. 1956: Mr. PASTOR of Arizona.
H.R. 1963: Mr. STARK.
H.R. 1977: Ms. KOSMAS and Mr. PUTNAM.
H.R. 1984: Mr. HONDA.
H.R. 1989: Mr. HINOJOSA.
H.R. 1993: Mr. HIMES.
H.R. 2001: Mr. SESTAK.
H.R. 2004: Mr. DINGELL, Mr. CAMP, Mr. CONYERS, Mr. EHLERS, Mr. HOEKSTRA, Ms. KILPATRICK of Michigan, Mr. LEVIN, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. PETERS, Mr. ROGERS of Michigan, Mr. SCHAUER, Mr. STUPAK, and Mr. UPTON.
H.R. 2006: Mr. CROWLEY and Mr. DELAHUNT.
H.R. 2014: Ms. JENKINS and Mr. WALDEN.
H.R. 2017: Ms. MARKEY of Colorado, Mr. FRANK of Massachusetts, and Mrs. DAVIS of California.
H.R. 2035: Mr. OLSON.
H.R. 2058: Ms. GINNY BROWN-WAITE of Florida and Mr. LATHAM.
H.R. 2060: Mr. BLUMENAUER.
H.R. 2072: Mr. MANZULLO.
H.R. 2076: Mr. SABLAN and Mr. MORAN of Virginia.
H.R. 2084: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2097: Mr. ADERHOLT, Mr. ROHRABACHER, Mrs. MALONEY, and Mr. MASSA.
H.R. 2109: Mr. LATHAM, Mr. KENNEDY, Mr. BOSWELL, Mr. CUMMINGS, and Mr. ADLER of New Jersey.
H.R. 2116: Mr. FATTAH.
H.R. 2123: Mr. COHEN, Mr. MILLER of North Carolina, Mr. SESTAK, and Mr PITTS.
H.R. 2129: Mr. KAGEN.
H.R. 2149: Mr. LANGEVIN and Mr. TOWNS.
H.R. 2156: Mr. COHEN, Mr. FILNER, Mr. WU, and Mr. ROSS.
H.R. 2178: Mr. CONYERS and Mr. STARK.
H.R. 2195: Mrs. LOWEY, Mrs. MILLER of Michigan, Mr. BRADY of Pennsylvania, and Mr. SESTAK.
H.R. 2196: Mr. PIERLUISI.
H.R. 2222: Mr. SESTAK.
H.R. 2245: Mr. SAM JOHNSON of Texas, Mr. MASSA, Mrs. CAPITO, Mr. CALVERT, Mr. MCGOVERN, Mr. RUSH, Mr. WEXLER, Mr. ALEXANDER, Mr. BILBRAY, Mr. CONNOLLY of Virginia, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. ISRAEL, Mr. ISSA, Mr. HILL, Mr. PASCRELL, Mr. QUIGLEY, Mr. PIERLUISI, Ms. ROS-LEHTINEN, Mr. TANNER, and Mr. THOMPSON of Pennsylvania.
H.R. 2254: Mr. DEFAZIO, Mr. CAO, and Mr. WILSON of South Carolina.
H.R. 2256: Mr. RYAN of Ohio, Mr. BOCCIERI, Mr. ROTHMAN of New Jersey, Mr. GRIJALVA, Mr. CHANDLER, Mr. KIND, Mr. KUCINICH, and Mr. DAVIS of Illinois.
H.R. 2269: Mr. COHEN.
H.R. 2296: Mr. BOCCIERI, Mr. WESTMORELAND, Mr. MICHAUD, Mr. BOEHNER, Mr. POE of Texas, Mr. MINNICK, Mr. HOLDEN, and Mr. CHAFFETZ.
H.R. 2304: Mr. COURTNEY.
H.R. 2324: Mr. PASTOR of Arizona.
H.R. 2329: Mr. SESTAK and Mr. ELLSWORTH.
H.R. 2332: Mr. MEEKS of New York.
H.R. 2339: Mr. BISHOP of New York, Ms. DELAURO, and Mr. STARK.
H.R. 2360: Mr. ARCURI.
H.R. 2373: Mr. BISHOP of Utah, Mr. MCGOVERN, Mr. DELAHUNT, and Mr. WILSON of South Carolina.
H.R. 2390: Mr. SESTAK.
H.R. 2403: Mr. BOUCHER.
H.R. 2404: Mr. STARK.
H.R. 2414: Mr. WELCH, Mr. LATOURETTE, and Mr. GEORGE MILLER of California.
H.R. 2421: Ms. BERKLEY, Mr. HOLT, Mr. INGLIS, Ms. KOSMAS, Mr. LANGEVIN, Mr. LATHAM, Mr. LOEBSACK, Mrs. LUMMIS, Ms. MATSUI, Mr. PERRIELLO, Mr. POE of Texas, Mr. ROE of Tennessee, Mr. SABLAN, Mr. SCHAUER, Mr. SENSENBRENNER, Ms. TITUS, Mr. VAN HOLLEN, Mr. NEUGEBAUER, Mr. BACHUS, Mr. EHLERS, Mr. MCHENRY, Mr. MILLER of Florida, Mr. FORBES, Mr. WALDEN, Mr. CRENSHAW, Mr. SIMPSON, Mr. OLSON, Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mr. BOEHNER, Mr. DONNELLY of Indiana, Mr. CANTOR, Mr. DAVIS of Kentucky, and Mr. SMITH of Nebraska.
H.R. 2452: Mr. PAUL, Mr. SCHOCK, Mr. MARIO DIAZ-BALART of Florida, and Mr. BOCCIERI.
H.R. 2478: Mrs. DAVIS of California and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2497: Mr. RODRIGUEZ.
H.R. 2499: Mr. SPRATT, Mr. PERLMUTTER, Mr. MCDERMOTT, Ms. FALLIN, and Mrs. MILLER of Michigan.
H.R. 2502: Mr. HOLT and Mr. MEEK of Florida.
H.R. 2520: Mr. MCCLINTOCK.
H.R. 2525: Mr. LOEBSACK.
H.R. 2553: Mr. ROONEY.
H.R. 2555: Ms. GIFFORDS, Mr. HILL, Mr. SIRES, Mr. CONYERS, Mr. COHEN, and Ms. DEGETTE.
H.R. 2560: Mr. CONNOLLY of Virginia.
H.R. 2561: Mr. JOHNSON of Illinois, Ms. ROS-LEHTINEN, Mr. SESTAK, and Mr. PAULSEN.
H.R. 2562: Mr. ALTMIRE, Mr. ROONEY, Mr. ABERCROMBIE, and Mr. GALLEGLY.
H.R. 2568: Mr. RUSH.
H.R. 2584: Ms. JENKINS.
H.R. 2593: Mr. SARBANES, Mr. ETHERIDGE, Mr. MORAN of Kansas, Mr. WITTMAN, Mr. WESTMORELAND, Mr. SMITH of Washington, Mr. BISHOP of New York, and Mr. FORBES.
H.R. 2607: Mr. SOUDER and Mr. MANZULLO.
H.R. 2648: Mr. ABERCROMBIE, Ms. LEE of California, Mr. SESTAK, Mr. HALL of Texas, Mr. KAGEN, Mr. LEWIS of California, and Mr. RANGEL.
H.R. 2662: Mr. BOREN, Mr. HOLT, Mr. PAULSEN, Mr. PIERLUISI, and Mr. ISRAEL.
H.R. 2669: Mr. SIRES and Mr. POLIS of Colorado.
H.R. 2670: Mr. REHBERG.
H.R. 2672: Mr. DAVIS of Alabama, Mr. MINNICK, and Mr. MANZULLO.
H.R. 2681: Mr. POLIS of Colorado.
H.R. 2743: Ms. KOSMAS, Mr. CLAY, Mr. HARE, Mr. FRANK of Massachusetts, Mr. MCCOTTER, Mr. HOLDEN, Mr. LOEBSACK, Ms. MCCOLLUM, Mr. CARSON of Indiana, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BISHOP of New York, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOSWELL, Ms. ROS-LEHTINEN, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Virginia, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. MASSA, Ms. FUDGE, Mr. MICHAUD, Mr. DOYLE, Mr. WELCH, and Mr. GENE GREEN of Texas.
H.R. 2750: Mr. LOBIONDO and Mr. GERLACH.
H.R. 2751: Mr. GRIFFITH, Mr. DONNELLY of Indiana, Mr. TURNER, Mrs. CAPPS, Mr. WELCH, Ms. KOSMAS, Mr. MAFFEI, and Ms. MOORE of Wisconsin.
H.R. 2760: Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HONDA, Mr. ISSA, Ms. RICHARDSON, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. ROHRABACHER,

Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. THOMPSON of California, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY.

H.J. Res. 26: Mr. CONYERS.

H.J. Res. 37: Mr. CALVERT.

H.J. Res. 47: Mr. GARRETT of New Jersey and Mr. FORBES.

H.J. Res. 50: Mr. MILLER of Florida.

H.J. Res. 54: Mr. JORDAN of Ohio, Mr. ROGERS of Kentucky, and Mr. CHAFFETZ.

H. Con. Res. 49: Mr. PUTNAM, Ms. TITUS, Mr. LATHAM, Mr. MEEKS of New York, Mr. ETHERIDGE, Mr. CASTLE, Mr. KRATOVIL, Ms. KILROY, Mr. REICHERT, and Mr. FOSTER.

H. Con. Res. 59: Mr. DELAHUNT.

H. Con. Res. 121: Mr. MCINTYRE and Mr. WOLF.

H. Con. Res. 131: Mr. SMITH of Nebraska, Mr. BOOZMAN, Mr. CANTOR, Mr. TIM MURPHY of Pennsylvania, Mr. EHLERS, Mr. MCKEON, Mr. SHADEGG, Mr. HENSARLING, Mr. BROWN of South Carolina, Mr. ROSKAM, Mr. BROUN of Georgia, Mr. WAMP, Mr. MCCAUL, Mr. CAMP, Mr. PENCE, Mr. LANCE, Mr. OLSON, Mr. BACHUS, and Mr. SIMPSON.

H. Con. Res. 132: Mr. ROHRABACHER.

H. Con. Res. 142: Mr. FRELINGHUYSEN, Mr. SARBANES, and Mr. HINCHEY.

H. Con. Res. 144: Ms. SUTTON, Mr. GENE GREEN of Texas, Mr. PASCRELL, Mr. MCGOVERN, Mr. DAVIS of Illinois, Mr. OLVER, Mr. NUNES, and Ms. CLARKE.

H. Con. Res. 145: Mr. RANGEL.

H. Res. 6: Mr. KAGEN, Mr. KENNEDY, Ms. BORDALLO, and Mr. SESTAK.

H. Res. 69: Ms. CORRINE BROWN of Florida and Ms. DEGETTE.

H. Res. 89: Mr. SESTAK.

H. Res. 90: Mr. MORAN of Virginia.

H. Res. 111: Mr. LARSON of Connecticut and Mr. CALVERT.

H. Res. 150: Mr. SESTAK.

H. Res. 156: Mr. CALVERT.

H. Res. 260: Mr. SESTAK, Mr. ENGEL, Mr. DOYLE, Ms. BALDWIN, Ms. MATSUI, Mr. MURPHY of Connecticut, and Mr. SPACE.

H. Res. 278: Mr. JOHNSON of Georgia.

H. Res. 318: Mr. CALVERT, Mr. CARSON of Indiana, and Mr. TERRY.

H. Res. 346: Ms. RICHARDSON, Ms. BALDWIN, Mr. PASCRELL, Mr. DOGGETT, Mr. ISRAEL, Mr. HINOJOSA, Mr. RUSH, Mr. MOORE of Kansas, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Ms. KAPTUR, and Mr. SIRES.

H. Res. 350: Mr. EHLERS, Mr. PLATTS, Ms. HIRONO, Mr. LATTA, and Mr. MCGOVERN.

H. Res. 351: Mr. PERRIELLO, Mr. BOCCIERI, and Mr. SHULER.

H. Res. 390: Mr. LAMBORN.

H. Res. 409: Mr. PETERS and Mrs. CAPITO.

H. Res. 411: Mr. MCHUGH and Mr. GALLEGLY.

H. Res. 454: Mr. VISCLOSKY.

H. Res. 475: Ms. HIRONO.

H. Res. 476: Mr. CAO, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, and Mr. PIERLUISI.

H. Res. 479: Mr. SHUSTER, Mr. ROSKAM, Mr. SMITH of Nebraska, Mr. STEARNS, Mr. Sablan, Mr. MCKEON, Mr. CONYERS, Mr. COURTNEY, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. REYES, Ms. SUTTON, Ms. SHEA-PORTER, Mr. HASTINGS of Florida, Mrs. BIGGERT, Mr. DREIER, Mr. BACHUS, Mr. BROWN of South Carolina, Mr. DUNCAN, Ms. ROS-LEHTINEN, Mr. GOODLATTE, Mr. EHLERS, Mr. BOOZMAN, Mr. DANIEL E. LUNGREN of California, Mr. REICHERT, Mr. MILLER of Florida, and Mr. FORBES.

H. Res. 480: Mr. SESTAK.

H. Res. 482: Mr. BUTTERFIELD, Mr. MCINTYRE, and Mr. SHULER.

H. Res. 498: Ms. GRANGER, Mr. LUJÁN, and Mr. AL GREEN of Texas.

H. Res. 502: Ms. WATERS.

H. Res. 503: Mrs. DAHLKEMPER.

H. Res. 505: Mr. MEEK of Florida, Mr. HOLT, Mr. KENNEDY, Mr. Massa, Mr. MURPHY of Connecticut, and Mr. GENE GREEN of Texas.

H. Res. 507: Mr. SESTAK, Mr. NEUGEBAUER, Ms. PINGREE of Maine, and Mr. MURPHY of New York.

H. Res. 515: Mr. BROUN of Georgia, Mr. HUNTER, and Mr. WILSON of South Carolina.

H. Res. 518: Mr. ABERCROMBIE and Mr. MORAN of Kansas.

PETITIONS, ETC.

Under clause 1 of Rule XXII.

47. The SPEAKER presented a petition of the American Bar Association, relative to a resolution approving the 2008 Amendments to the Uniform Interstate Family Support Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therin; 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, TUESDAY, JUNE 9, 2009 No. 85

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our fathers' God, to You, the author of liberty, we lift this prayer. Long may our land be bright with freedom's holy light. Protect us by Your might, great God, our King.

Lord, it is so easy for us to forget Your gracious providence that sustained our Nation's Founders through bitter adversity. How easily we forget and assume that our might, wisdom, and ingenuity alone produced this land we love. Remind our lawmakers each day that they are helpless without You. May they not wait for calamities to fall before they acknowledge their dependence upon You. Lord, deliver them from the pride which believes that they alone can solve the problems that beset our Nation. Quicken their minds to seek Your wisdom, and return them to that noble dependence on You that enabled our forebears to persevere and win against great odds.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the leaders, the Senate will be in a period of morning business for 1 hour, with Senators allowed to speak therein for up to 10 minutes each. The majority will control the first 30 minutes, and the Republicans will control the second 30 minutes.

Following morning business, the Senate will resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Last night, cloture was invoked on that matter, and we also agreed last night that we would have a vote in relation to the Burr substitute amendment at 4:30 p.m. I hope we will be able to reach an agreement to consider other amendments prior to the vote in relation to the Burr amendment.

Senators will be notified if any other votes are scheduled. Staff is working now trying to come up with a list of amendments we can vote on.

The Senate will recess from 12:30 to 2:15 for the weekly caucus luncheons.

MEASURE PLACED ON CALENDAR—H.R. 31

Mr. REID. Mr. President, it is my understanding that H.R. 31 is at the desk and it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, when it comes to health care, Americans are looking for answers. They don't understand why basic medical procedures are so expensive. They don't understand why millions of Americans have to go without basic care in a nation as prosperous as our own. Many are worried about losing the care they already have and like.

So the need for health care reform is not in question. All of us want reform. The question is: What kind of reform will we deliver? And two very different approaches are now beginning to come into view.

According to one approach, the government plays the dominant role by getting into the health care business and leverages taxpayers' money to muscle everybody else out of the way. Under this approach, the vast majority of Americans who like the health care

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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they have risk losing it when a government-run system takes over.

The other approach is to find ways of controlling costs, such as discouraging the junk lawsuits that drive up the cost of practicing medicine and limit access to care in places like rural Kentucky; lifting barriers that currently diminish the effectiveness of prevention and wellness programs that have been shown to reduce health care costs, like quitting smoking, fighting obesity, and making early diagnoses; and, finally, letting small businesses pool resources to lower insurance costs—without imposing new taxes that kill jobs.

This second approach acknowledges that government already plays a major role in the health care system, and that it will continue to play a role in any solution we devise. But this approach is also based on the principle that government cannot be the solution. Americans want options, not a government-run plan that drives every private health plan out of business and forces people to give up the care they currently have and like.

The Secretary of Health and Human Services acknowledged this concern about a health care monopoly when she described those parts of the country where certain private health plans already have a monopoly. ''In many areas in the country,'' she said, ''the private market is monopolized by one carrier . . . You do not have a choice for consumers. And what we know in any kind of market is a monopoly does not give much incentive for other innovation or for cost-effective strategies.''

Well, if this is true of private health plans, then it would be especially true of a government-run health plan. If a government-run plan came into being, concerns about a monopoly would not just be regional, they would be national.

Another problem with a government plan is a feature that has become all too common in nations that have adopted one. Many of these nations have established so-called government boards as part of their government health plans that end up determining which benefits are covered and which benefits are not covered. Our former colleague and the President's first choice for HHS Secretary, Tom Daschle, envisions just such a board in his widely cited book on the topic. ''The Federal Health Board,'' he writes, ''would promote 'high value' medical care by recommending coverage of those drugs and procedures backed by solid evidence.''

What this means is that the Federal Government would start telling Americans what drugs they can and cannot have. We know this because that is exactly what is happening in countries that have adopted these government boards. They have categorically denied cutting-edge treatments either because the treatments cost too much or because someone in the government decided the patients who needed it were either too old or too sick to be worth the effort. When these countries enacted health boards, I am sure their intention was not to delay and deny care. But that is exactly what these government boards are doing.

The writer and commentator Virginia Postrel, who has written for the New York Times and the Wall Street Journal recently wrote an account of her own first-hand experience with breast cancer and her ability to treat it successfully with the drug Herceptin here in the U.S. Postrel said the availability of the drug increased her chances of survival from a coin flip to 95 percent. A year after beginning her treatments, Postrel wrote that she had no signs of cancer.

In the same article, Postrel points out that the situation is far different in New Zealand, where a government board known as Pharmac decided that Herceptin should not be made available to some cancer patients in that country. As one cancer doctor in New Zealand put it, New Zealand ''is a good tourist destination, but options for cancer treatment are not so attractive there right now.'' Bureaucrats in New Zealand finally relented and allowed coverage for Herceptin, due in part to a public outcry over the limited availability of the drug.

New Zealanders have also been denied access to drugs that have proven to be effective in reducing the risk of heart disease and strokes. According to an article from 2006 in The New Zealand Medical Journal, the restrictions placed on statins by New Zealand's government board significantly hampered the preventative approach to heart disease. As the authors of the article put it, ''[it is probable that . . . this one decision] has caused more harm and premature death to New Zealand patients than any of their other maneuvers.''

Americans want health care reform. But they do not want reform that destroys what is good about American health care in the process. They do not want a government bureaucrat making arbitrary decisions about which drugs they or their loved ones can or cannot take to treat an illness. And they do not want to be told they have to give up the care they have. Americans do not want a government-run health plan. And they certainly do not want a government board to dictate their health care coverage. They want real reform that solves the problems they face without sacrificing the benefits they enjoy.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders, or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that I may speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUANTANAMO

Mr. DURBIN. Mr. President, for the last month, the Republican leader from Kentucky has come to the floor and argued that we should not move detainees currently in Guantanamo into the United States, even for trial. Luckily, the President, the Attorney General, and the head of the joint military chiefs of staff have come to the conclusion that it is in the best interest of the safety and security of the United States that one of these notorious terrorists be brought to the United States for trial. So it has been announced today that Mr. Ahmed Khalfan Ghailani is being brought to the United States, to New York, for trial.

Luckily, this administration is not following the advice and counsel of Senator MCCONNELL and some on his side. It is time for this man to face trial. What is he being charged with? He is being charged as one of those involved in the 1998 embassy attacks in Africa. This Tanzanian national has been held in Cuba since September of 2006. He was captured by our forces, and others, in Pakistan in 2004 and transported to Guantanamo. He is being charged with his involvement in the 1998 bombings of U.S. Embassies in east Africa, which killed 224 people, including 12 Americans.

The position being taken by the Republicans in the Senate is that this man should not be brought to the United States for trial. I think they are wrong. I think it is time that he answered for the crimes being charged against him. Twelve Americans died as a result of what we believe was his conduct. He needs to be held accountable. This argument that he cannot be brought to the United States and tried would virtually allow this man to escape punishment for the crime that we believe he committed. The Republicans' position that he should not be brought to the United States because somehow, if he is being held in a prison in the United States, it is a danger to the rest of us cannot be supported in fact.

There are 347 convicted terrorists presently being held in U.S. prisons—not one has escaped—in supermax facilities and no one has ever escaped. For the Republicans to argue we cannot bring this man to the United

States for trial for killing a dozen Americans leaves him in a position where we may lose our ability to prosecute him. The speedy trial requirements of our Constitution and the laws of the United States could virtually end up with the United States being unable to prosecute this man if the Republican position on Guantanamo detainees is followed.

GEN Colin Powell is right, Guantanamo needs to be closed. It is a recruiting tool for al-Qaida. We know these individuals can be brought to the United States and tried and safely imprisoned. We have never had an escape from a supermax facility. We know that to turn these prisoners over to some other country runs the risk that they will be released.

Dangerous people who threaten the United States should be dealt with by our Constitution and laws. The administration has made the right decision that this man be brought to trial in the United States, held accountable for any wrongdoing on his part that led to the deaths of so many hundreds of innocent people at our Embassies in Africa.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, this morning we heard the Republican leader come to the floor again—this is not the first time—to address the health care situation in America. I have read his previous speech, and I listened to his speech today. It is clear to me he does not believe we are facing a crisis when it comes to health care. I think we are. I think it is a serious crisis. It is a crisis where 47 million Americans have no health insurance. Imagine, if you will, being a parent and having children with no health insurance coverage. Imagine yourself in a position where an accident or a diagnosis at a doctor's office could literally mean you would lose every penny you have ever saved in your life for expensive medical care when you do not have health insurance. Imagine that as a crisis that affects Americans, too many of them today.

Then imagine those who have health insurance and worry that tomorrow the costs will go up to the point where they cannot afford it, that there will be medical procedures necessary uncovered by their health insurance. Cost is an issue. It is an issue which is driving us to look at reform of the health care system.

I heard Senator MCCONNELL this morning, and what he is arguing about, frankly, is not even in the debate on Capitol Hill. He said repeatedly—said it yesterday, said it again today—that our debate over health care reform means Americans run the risk of losing the health insurance they want. Exactly the opposite is true. What President Obama has said and what we are saying is that if you have good health insurance, you can keep it. You like the health insurance you have? You can keep it. No one has ever argued the opposite position, which the Senator from Kentucky referred to this morning.

He also spent a lot of time talking about government-run health care plans. It is interesting that he would raise that as an issue when we are not suggesting a government-centered health insurance reform. We think it should be a patient-centered health insurance reform.

But we also know that when you ask Americans across the board—families and patients—what do you think about the health care system in America, what are its greatest shortcomings in the current health care system, do you know what No. 1 is? Almost half, 48.9 percent, of the people say not having health insurance. The second, 43 percent say the greatest shortcoming of America's health care system is dealing with health insurance companies; 30.9 percent, inflexibility of health care plans; 30.9 percent, insurance companies' refusal to cover preexisting conditions.

When the Senator from Kentucky comes to the floor and argues against changing the current situation, he is arguing for allowing these health insurance companies to continue to dominate. As long as they dominate, Americans and their families will be vulnerable—vulnerable to increases in costs they cannot manage, vulnerable to new policies with more exclusions, vulnerable to preexisting conditions not being covered. That is the vulnerability of Americans we have today that we have to seriously address.

The Senator from Kentucky argues we do not want a Canadian plan, we do not want a British plan, we do not want a New Zealand plan. He is right. We want an American approach—an American approach that combines, yes, private health insurance companies when they are held to standards that are fair to American families but also holds open the option that we will have a plan which is run by the government—as an option, a voluntary option—for people to choose. If they like what they have in their current plan, they can keep it. If they want to move to another private health insurance plan, they can do so. If they want to choose a government plan, they can do that as well.

According to the Senator from Kentucky, if the government is involved in it, it must be bad. Tell that to 40 million Americans under Medicare, many of whom never had health insurance in their life and now have the protection of Medicare. Medicare has worked for senior citizens and the disabled for a long period of time.

The Senator from Kentucky should also tell the people in the Veterans' Administration that when the government is involved, it does not work. They know better. Veterans and their families across America know our veterans health care system provides quality care for them. We entrust to them, the men and women who risk their life for America and come home injured—we know they are going to get quality care. To argue that if there is any government involvement at all in health care it is to the detriment of America argues against Medicare, argues against the Veterans' Administration.

The Senator went on to say, if the government gets involved, the delays will be intolerable. We do not want delays. We want timely treatment of people. If a doctor believes either I or my family members need to have a surgical procedure, some help, some diagnostic test, we want it done in a timely fashion.

What the Senator from Kentucky, the Republican leader, ignores is that there are delays within the current system. An article in BusinessWeek highlights a case of a woman in New York, Susan, who called for an annual mammogram appointment in April, knowing she would have to wait 6 weeks. In 2007, her first scan at the end of May was not clear. A followup scan detected an abnormality which the doctor wanted to address with a needle biopsy and outpatient procedure. The first available date was mid-August, more than 2 months later. This lady who had an abnormality in her mammogram was forced to wait months under the current private health insurance system.

We have a similar problem in Chicago, Cook County, IL. At the local public hospital, wait times for speciality services can range from 6 months to 1 or 2 years under the current system.

We know that when it comes to delays, unfortunately, they are occurring in the current system. We also know that for a lot of people, this current system has become unaffordable and intolerable.

I think back to one of my friends in Springfield, Doug Mayol. Here is a fellow who tells a story. He owns a small business in my hometown of Springfield, a shop that sells cards and gifts. His only worker has Medicare coverage, so she is taken care of. But Doug has to buy private health insurance. Unfortunately, Doug has a problem. He was diagnosed many years ago—30 years ago, in fact—with a congenital heart valve defect. He has no symptoms. Without regular health care, he runs the risk of developing serious problems.

In the year 2001, Doug, in Springfield, IL, paid $200 a month for health insurance. By 2005, even though he had not turned in any claims, his cost of health insurance was up to $400 a month. The next year, when he turned 50, the rate nearly doubled to $750 a month. He made some changes in coverage so he would pay more out of pocket, choose a small network of providers, and have a higher deductible. He got his premium down to $650 a month.

This man owns a small shop. He sells greeting cards. He was up to $650 a month. Two years later, his premium

jumped to over $1,000 a month. Again, he made some changes. By opting for the highest possible deductible, he was able to bring his premiums down to $888 a month. Think about that: He is paying 300 percent more than he paid for health coverage 8 years ago and getting a lot less for it.

He isn't a costly patient. His valve condition is asymptomatic. He has never made a claim for illness or injury. He receives routine medical care. His high deductible rarely kicks in. Here is the problem. Because of his high deductible and expense of health insurance, he is afraid to go to a doctor, that it will create another red flag for the health insurance company to raise his premiums even more.

It is unfair to him, Doug Mayol, working in Springfield, IL, as a small business owner, a man whose insurance company has never paid a claim, to watch his costs explode from $200 a month to $1,000 a month in just a few years. Sadly, if we follow the advice of the Senator from Kentucky, it will get worse.

President Obama has challenged us to take on this reform. This is not easy, believe me. There are health insurance companies that are going to fight us every step of the way. Anytime we step in to try to protect Doug and other families to make insurance affordable and to make sure it is quality, they are going to argue it is too much government, such as we heard from the Senator from Kentucky this morning. What he had to say is what we hear from the health insurance companies: Leave it alone, leave the system alone.

Can we afford for Doug Mayol and millions of Americans to leave this alone? We have to make sure we move toward a situation that recognizes we face a crisis. It is a crisis of cost and a crisis when it comes to availability of health insurance. We have to hold the health insurance companies accountable to provide us affordable quality care. We have to change the system so we have early detection of problems—preventive care. We have to ring some of the costs out of the system.

One of the persons who has made a comment on this regularly whom I respect very much is a doctor in Boston named Atul Gawande. He recently, in a June 1 article in the New Yorker, talked about the disparity in cost around the United States for Medicare. It is clear that in some parts of the country—and he was speaking of McAllen, TX, at this point—the cost for Medicare patients is dramatically higher than they are in other places. We can bring costs down to a reasonable level and try to take control of a system that is currently out of control, but we cannot do it if every day we are reminded of problems that do not exist. That is what we have heard from the other side of the aisle.

They are arguing that we want to take away people's health insurance. Absolutely false. We said: If you like your health insurance, you can keep it. They argue the government will take over the health care system. I have not run into anybody who has suggested that. What we want to do is have public health insurance and have a private option, which the Senator from New York is going to address in a moment when I close.

This is an important debate for every single American. It is time to put together reform that assures quality and affordable health care for all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend and colleague from Illinois for his strong and forceful words, meaningful, bringing it home, as he always does, in a very strong and good way about individuals and how they are affected.

I would like to talk a little bit about where we are in health care and where we have to go. Let me say that about 10 years ago—I cannot remember the exact time—one of the major issues we faced was called the Patients' Bill of Rights. Doctors and patients felt—everyone felt—that HMOs were taking undue advantage of them. Doctors, if a patient desperately needed a prescription, would call some accountant in a faraway city and could not get approval and the patient would not get the medicine. It sort of hit home.

There was a movie called ''As Good As It Gets,'' with Jack Nicholson, and I cannot remember the name of the woman who starred in it. The family could not get the health care they needed because the HMO turned them down. I believe it was her child who was hurting. When she and Jack Nicholson made remarks about how somebody has to keep an eye on these HMOs, in theaters across America, the audience got up and cheered.

That is, again, what we are talking about when we talk about public option. Every one of us has a friend, a family member—maybe it is ourselves—who has experienced the basic intransigence of insurance companies in providing—even when you have a package of benefits—the kind of care you or a loved one, a member of your family, needs.

It is clear in America the insurance companies—and they are doing their job maximizing their profit to their shareholders. Of course, our capitalist system says they have to maximize it by trying to sell as many policies as possible. So there is some check on them. But it is clear America is not happy with insurance companies.

My good friend from Kentucky, the minority leader, keeps saying we do not want the government involved. Well, let me ask him: Who is going to protect the individual and even some of the individual providers—the doctor in a small town or in an inner city—from an insurance company when the insurance company either charges too much or tries to get rid of the small businessman—such as in the case of the gentleman from Springfield whom my friend DICK DURBIN talked about—or when they deny coverage or when they tell you because you have a preexisting condition that you can't get coverage or they are not renewing your proposal or whatever?

We understand there needs to be a check on the insurance companies. Left alone, they will not provide the kind of low-cost, full health care many Americans need. And when we propose a public option, we are proposing someone to keep a check on them. That is the only point. If we had complete faith in the insurance companies, we wouldn't be debating a public option. If we had complete faith that, left on their own, when an individual had the situation of an illness and their costs went way up, they would say: Sure, we are going to take care of you, you signed the contract when you were healthy and now you are sick—and sometimes that happens. I am not saying it never happens, not for sure. But what about all the instances when it doesn't? What about the worry the rest of us have? And praise God, we are healthy, but it might happen. There has to be a check on the insurance companies, and that is what the so-called public option does.

Insurance companies are part of the free enterprise system, and it is a great system, but the goal of the insurance company—it is probably in their charters, but it is how our system works—is to maximize profits to their shareholders by producing a good product. But we all know, particularly when it comes to health, that system has major flaws. It sometimes works and it sometimes doesn't work.

If we thought only the private sector should provide health care, we wouldn't have Medicare. And I know there are some—way over on the right side—who would like to get rid of Medicare. If we thought private insurance on its own worked just fine, we wouldn't have fought for years for a patients' bill of rights. So this idea coming from the minority leader that we should have no check on the insurance companies, which is what we would have if we had no form of public option, isn't where the American people are, and it is certainly not where I am.

Some bring up—and I think it is a valid argument—well, if the government is involved—and by the way, what we are proposing here is not that the government take over health care. We are proposing that in this exchange where all kinds of insurances companies compete, there be at least one that doesn't put the profit motive above all else but has to put patients above all, a public option. It doesn't make a profit. And what we are saying is, if you believe in competition, why not let the public option compete? We do this in State governments. In State governments, if you are a State worker in some States, you can sometimes get a public plan or a private plan. The consumer chooses. And that is how it

should be. We are simply saying that, just as there are some who might say: I don't think there should be any private sector involved in health care, it should all be public—and many people think that is not the right view, as I know my friend from Kentucky does—many of us think it is just as wrong to say it should only be the private sector. Let's see who does a better job. Let them compete in the marketplace.

My view is this: There has to be a level playing field. You cannot give the public option such advantages that it overwhelms the private sector. The proposal that I have made and that others are looking at—Senator BINGAMAN is one; my friends in the House, Congressmen WELCH and BRADY and MURPHY—is to try to make the playing field level. The government won't just keep pouring money into the public option. It sets it up and then it has to compete. If the private sector needs reserves—God forbid there is catastrophic illness everywhere—then so will the public option. I am certain those of us who are interested in a public option are very interested in suggestions as to how to make the playing field level. But make no mistake about it, the public option is a different model. The public option will not have to make a profit. That is about 10, 12 percent. That money will go to health care for the patients. The public option will not have to merchandise and advertise. That is often 20 percent. So right off the bat, the public option has the same level playing field but has 30 percent of its revenues that can go to patient health care.

My friends on the other side say: Well, the public option isn't very efficient; it doesn't give enough direction, and direction to the right person, to cure this disease but lets people go all over. Well, if it is not, it is not going to work.

You know, if I were designing a health care system, I would even look carefully at single payer. I believe we do need control mechanisms, and I think the insurance companies themselves, no matter how we try to regulate them, will figure out ways around them. That is almost their mandate because their goal is to maximize profit. There is nothing wrong with that. But we are not going to get single payer here. We know that. And we are probably not even going to get something called Medicare For All, which would be a much more pure system that would not be, frankly, a level playing field. But just as we have to compromise and move to the center a little bit to get something done, so do my colleagues on the other side of the aisle. Again, when they say no public option, it is the inverse of saying no private insurance companies. Let's see who does better in this exchange.

My view is this: The public option will have certain advantages. It won't have to make a profit, it won't have to advertise and merchandise. But on the other hand, it is going to have certain responsibilities. When DICK DURBIN's friend from Springfield can't get insurance from a private company, the public option will be there, and that may be somewhat more expensive for them. Admittedly, we are going to try to pass laws to say the private insurance company has to keep DICK DURBIN's friend, the small businessman who is paying for his own insurance, without a huge increase in cost. But if you believe, as I do, and I think most Americans do, that the private insurance company is not going to embrace this and say: Gee, this is great, this is costing us a ton of money and we have to report earnings for our shareholders, and we will try to find ways—there will be an intention of not covering people like that, and the public option will step into the lurch.

So this is a different model, no question about it. It is not just another insurance company that happens to be public. But it will be a level playing field. There will be a playing field where the private insurance companies will be under certain rules and the public option plan will be under certain rules. If the private company has to leave reserves, the public company will have to leave reserves. No one is seeking to unlevel the playing field, but we are seeking to keep the insurance companies honest. A public option will bring in transparency. When we know what the public option has to pay, we will say: Why isn't the private insurer paying the same? A public option will keep the insurance company's feet to the fire.

That is why President Obama feels so strongly about it. He said so in his letter. My friend from Iowa, Senator GRASSLEY, said he is just being political. I don't think so. He knows the public option will work well. Maybe after 3 years, the public option fails and isn't needed. Fine. Fine. But I don't believe that will happen. But we are not going to, in the public option, just keep putting more and more government money in until it wipes out the insurance companies. That is not the intent. The intent is to have a robust market, such as we have in other States and some of the Federal systems, where many different plans compete, and one is a public option. There might also be co-ops, such as my friend from North Dakota has been advocating, but there will be plenty of private insurance companies.

I would say one other thing. My friends on the other side of the aisle say: Well, why can't we just have the private insurers compete and offer a whole lot of plans? We don't have that in the vast majority of States right now. We have a system where any private company can sell insurance. But in more than half our States—and I believe this statistic is right, but I will correct the record if it is not—the top two companies have more than 50 percent of the market. There is usually not unvarnished competition when you just leave it up to the private insurance companies but, rather, an oligopoly. And we all know what happens when there is not real competition: Price setting occurs. Price leadership is what the economists call it. Nobody tries to undercut on price. We have seen this with the oil industry, for instance, with our five big oil companies, and you don't get the kind of competition you would from a public option, even if there were only one or two insurance companies competing.

In conclusion, I would ask my colleagues on the other side of the aisle to, A, be openminded. We haven't said no this or no that. When you say no public option, you are saying we want to let the private insurance companies, under the guise of competition, run the show. And if you believe that will work, fine, but then you also should believe the public option won't be a threat to them. Some of us who are worried that, left to their own devices, the private insurance companies will not serve all or even most of the public as well as they should be served, are saying let there be the competitive advantage or the competition of a public option in a level playing field that has no particular built-in advantage but has a different model—no profit, no merchandising, no advertising, serve the patient first.

This debate will continue, but I would just say to my fellow Americans out there who might be listening to this, when you hear the other side say no public option, ask them: Then who is going to provide a check on the insurance companies? And do you believe the insurance companies, even with some government regulation, won't find their way out of the regulations or avoid the regulations or walk around them?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SCHUMER. The debate will continue, Mr. President, and I appreciate the opportunity to address my colleagues.

The ACTING PRESIDENT pro tempore. The Republican whip.

Mr. KYL. Mr. President, I understand the time for morning business has now reverted to the Republican side; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

HEALTH CARE

Mr. KYL. I thank the Chair.

Mr. President, I would like to address two subjects. The first is the subject my colleague from New York was just discussing, and that is what to do about health care issues we have in the United States. Specifically, I would like to refer to some comments that both he made and the assistant majority leader made this morning.

The first point I wish to make is that when the assistant majority leader came to the floor this morning and in effect said: Unless you agree with our solution, you don't believe there is a problem, that is a fallacy, of course. I

think everybody agrees there are lots of problems. The question is, What is the right solution? So we can all agree there are problems, but let's don't suggest that unless you agree with my solution or your solution, somehow or other we don't appreciate that there are problems.

We are frustrated and a lot of Americans are frustrated because they may work for a small business or they are unemployed and therefore they don't have insurance. It is not easy to take your insurance with you. It is hard to find quality, low-cost health care. This has to be a big priority for a lot of Americans. We all understand that.

Health care needs to be portable. It needs to be accessible. It needs to be affordable. I think all Americans want it to be quality care as well. The question is, How do you accomplish these goals?

One of the problems is, what if you have insurance and you like it? The President says, in that case you get to keep it. The problem is, under the bill that is being discussed in the Finance Committee, you do not get to keep it. If you are an employee of a small business, for example, or you are an individual with your own insurance, when your insurance contract runs out—and those contracts are usually 1 year, 2 years, sometimes as long as 3 years; let's say it is 2 years, and you are through the first year of it—the bottom line is, even though you may like it, at the end of next year when the contract runs out, you don't get to keep it.

Under the bill being discussed there is a new regime of regulation for the insurance companies about who they have to cover, how they cover them, what they can charge, and a whole variety of other regulations that mean that the policy you used to have, that you liked, does not exist anymore.

It may be you will be able to find coverage that you like, but it is simply untrue to say that one of the mainstays of the legislation being proposed is that if you like your current plan, you get to keep it. When your current plan expires, it expires, and you don't get to keep it because it cannot be renewed in its current form. That is point No. 1.

Point No. 2. We just had a discussion about government-run insurance. I find it interesting that some on the other side like to call this a public option, as if the public somehow or other is operating its own insurance company. Let's be clear about who would operate this insurance company. It is the U.S. Government. It is not the public; it is the U.S. Government. That is why Senator MCCONNELL has referred to it properly as government-run insurance.

The Senator from New York just got through saying: Who else is going to provide a check on the private insurance companies to make sure they do things right? The President himself has spoken about the need for a government-run plan to keep the other insurance companies ''honest.''

Insurance is one of the most highly regulated enterprises in the United States. Every State in fact regulates health insurance. This is an area that not only has some Federal regulation, but every State regulates health insurance. In fact, one of the reasons you cannot buy a health insurance policy from the State you do not live in—you can't go across State lines and buy a policy in another State—is because we are so jealous of the State regulation of insurance. So to the question of my friend from New York, who is going to provide a check, the answer is, your State. If you do not trust your State to properly regulate health insurance, then I don't know where we are. But you are not going to provide better regulation by commissioning a government insurance company to exist and compete right alongside the private insurance companies. How does that provide a check on the private insurance companies?

It is not as if there are not enough private insurance companies or they are not providing enough different kinds of plans, so that can't be the problem. It is not a matter of a lack of competition in most places. If the question is, who is going to regulate, the answer is, the State is going to regulate. To the extent it does not, the Federal Government is going to regulate. That is why, A, it should not be called a public option if what they are talking about is creating a government-run health insurance company, which is exactly what is being proposed in the only legislation put out there so far, the so-called Kennedy legislation in the HELP Committee. That is precisely what he proposes. Republicans say: No, thank you. We are not for that.

My final point is that the assistant majority leader said there are lots of other government-run plans, and we are not afraid of them. He mentioned Medicare and the Veterans' Administration. First of all, these are not government insurance companies, these are government-run programs. But, second, the President himself said, and everybody I know of who has studied the issue agrees, Medicare is in deep trouble. The President has said its commitments are unsustainable, meaning we cannot keep the promises we have made in Medicare to future generations because it is far too expensive. We have to find a way to get those expenses under control.

How is adding another 15, 20 or 30 million Americans to an existing program that is not sustainable going to make it any better?

My colleague talked about waiting lines. It may well be true we can find an example or two of people who have to wait in line in the United States. That is something we should not permit in the United States. We know that is what exists in other countries, and I will get to that in just a moment. Why does that justify having an expansion of a government program? If we have a government program which causes waiting lines today, does it solve the problem by adding a whole lot more people to the rolls?

What is likely to happen? The waiting lines are going to get longer because more people are going to have to be waiting for care. Is that what we want in the United States of America? I submit not. So far from being a justification for a government-run program, I believe that argues for not having a government-run program, or at least not expanding the government programs we already have. A government takeover is not the answer. No country, even the United States, the most prosperous country on Earth, has unlimited resources to spend on health care.

That brings up the third problem, which is the rationing, the inevitable delay in getting treatment or tests and frequently the denial of care that results from that. When a government takes over health care, as it has, for example, in Britain and Canada and many places in Europe and other places, care inevitably is rationed. We all have heard the stories.

One of the most direct ways we can ration care is one that the White House has already embraced, and it is part of the Kennedy bill that I spoke of earlier.

The White House has said comparative effectiveness research, which would study clinical evidence to decide what works best, will help them eliminate wasteful treatments. Wasteful to whom? A recent National Institutes of Health project has a description of part of their plan that states, and I will quote:

> Cost-effectiveness research will provide active and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic conditions.

Allocation of health resources is a euphemism for rationing. Allocation means to allocate, and inevitably there will be denial based upon those things which are deemed to be too costly.

As discussions about health care reform have dominated the news recently, stories have trickled out from individuals living in countries that ration care whose medical treatment has been delayed or denied due to rationing, and we are beginning to hear some of those stories. One that I came across was reported in the Wall Street Journal.

It was the story of one Shona Holmes of Ontario, Canada. When Miss Holmes began losing her vision and experiencing headaches, panic attacks, extreme fatigue, and other symptoms, she went to the doctor. An MRI scan revealed a brain tumor, but she was told she would have to wait months to see a specialist.

Think about this. She goes home and tells her family: The MRI said I have a brain tumor. I have all of these symptoms, including losing vision and the rest of it. But I have to wait months to

see a specialist—I gather, to confirm the diagnosis. I don't know. As her symptoms worsened, she decided to visit the Mayo Clinic in Arizona. So she left her home country, paid her way down to Arizona and paid for the diagnosis and treatment that was called for in her case to prevent the permanent vision loss and potentially death that could have ensued had she not been treated in a timely fashion.

A Lindsey McCreith, also of Ontario, was profiled in the same article to which I referred. Mr. McCreith suffered from recurring headaches and seizures. When he went to the doctor, he was told the wait time for an MRI was 4½ months. Think about this. You are having seizures and the test that will reveal what if anything is wrong is going to be delayed 4½ months. One of the reasons, I am told, by the way, is that there are very few places in Canada where MRIs are located, where you can actually get the test. In any event, he decided to visit a clinic in Buffalo, NY—fairly nearby—in order to get the MRI. He did and it, too, revealed a brain tumor. Now Mr. McCreith is suing the Canadian Government's health care monopoly for jeopardizing his life.

I wonder if we want lawsuits to be the answer. When you can't get the care you want, you have to file a lawsuit to get it? Is that what we want in America? I don't think so.

There are also people whose care has been flatout denied. Britain's National Health Service has denied smokers treatment for heart disease, and it has denied hip and knee replacements for people who are deemed to be obese. The British Health Secretary, Patricia Hewitt, has said it is fine to deny treatment on the basis of lifestyle.

> [Doctors] will say to patients: ''You should not have this operation until you have lost a bit of weight,'' she said in 2007.

That is easier said than done for some people. In any event, if they need a health treatment and they need it now, there is a real question whether they can accomplish the ''losing a little bit of weight,'' as Ms. Hewitt said. All Americans deserve access to quality care, but government-run insurance does not equate with access. Rationing will hinder access.

As I said, my colleague from Illinois, the distinguished majority assistant leader, says you can actually find some examples in the United States where there are long wait times. If that is true—and I don't doubt what he said—that is not good; it is bad. We should try to fix that so we don't have wait times. We should not justify having more wait times on the fact that we already have some. We should not say because there are some people in America who have to wait, therefore we should make it possible for everybody in America to have to wait; we should be like Canada or Great Britain.

That is not the answer. If we have wait times here, we should stop it, not say that we, therefore, might as well be like Canada or Great Britain. Americans do not deserve or want health care that forces them into a government bureaucracy with its labyrinth of complex rules or regulations.

Think about the hassles of dealing with the IRS or Department of Motor Vehicles or Social Security Administration when you have a problem there and then imagine dealing with the same issues when it comes to getting health care. We can't enable a panel of bureaucrats, through rules and regulations, to put the politicians in charge of deciding who is eligible for a particular treatment or deciding when or where they can get it. It is wrong for America, wrong for the patients in America, and it is the wrong approach to health care reform.

Republicans believe there is a better way for health care reform. Rather than empowering the government, empower patients. Rather than putting bureaucrats in between your doctor and yourself, try to remove the constraints that physicians have and hospitals have for treating people. Try to remove constraints on insurance companies.

One of the things I have asked for, for example, with all of these wonderful ideas about more government regulation of insurance is, how about repealing some laws that currently prevent insurance companies from competing? I mentioned before you can't compete across State lines.

We all know if you want to incorporate as a corporation—why are all the corporations incorporated in Delaware, ''a Delaware corporation''? It doesn't matter whether you are in Illinois or Arizona, corporations are incorporated in Delaware. At least that is the way it used to be. One of the reasons is Delaware had very benign laws regulating the incorporation of businesses. It was cheaper to do it, and there was less regulatory hassle. But if the distinguished Presiding Officer, for example, looked across the river to the west and saw an insurance company in Iowa that could provide him with better coverage at less cost than the company that insures him in Illinois, why should he be restrained from buying the policy from the company in Iowa? You could buy your automobile insurance that way. You could buy your home insurance that way. Why should you not be able to buy your health insurance that way? Well, you can't.

I am going to conclude this discussion, but just one idea is to remove some of the barriers to competition that would make it more likely that insurance companies could expand their coverage by competing, be required to compete with lower premiums and/or provide better access to care. It seems logical, and in this country, where people move around all the time—my family just drove all the way across the country from Washington, DC, out to Arizona to visit friends and family and go on to California. We travel all around this country all the time. We move families, unlike back in the old days. Why can't we have an insurance regime that enables you to buy insurance from another State? It does not make sense; it inhibits competition; it makes prices higher; and it can have the effect of restricting care. Those are the kinds of things we need to do to reform our system, not put more government in charge and not put government between you and what your physician says you need, or even put some time delay between the opportunity to visit your physician when you know you have something wrong with you.

We are going to have more discussion about this in the future, but I want to back up what Senator MCCONNELL from Kentucky has said. Americans don't want government-run insurance companies any more than they want government-run car companies. It seems as though the government is starting to run everything now—from the banks, to the insurance companies, to the car companies. Now we are going to run insurance companies as well for health care. I do not think that is what the American people want.

I think the Senator from Kentucky is exactly right. I think he is right when he says no government-run care and that we should not be rationing care. Those are two of the most critical aspects of the legislation Senator KENNEDY has come forth with and among the things being discussed in the Senate Finance Committee as well. We need to draw a line: Put patients first, not put the government first.

(Mrs. GILLIBRAND assumed the Chair.)

GUANTANAMO

Mr. KYL. Now, Madam President, since I think I have a little bit more time on the Republican side—though if I have colleagues who wish to speak, I will be happy to finish for the moment—I will go for a little bit longer on another subject.

We have had kind of a running debate on the question of closing Guantanamo prison. This is a subject the Senate has spoken on by an overwhelming vote. I think 90-some Senators voted not to close Gitmo. The American people are 3 to 1 opposed to bringing Gitmo prisoners into their State. They are 2 to 1, at least, in opposition to closing Guantanamo prison. This is not something on which there is a little bit of doubt. The American people are very much opposed to closing Guantanamo prison and bringing those people to their own States.

Nevertheless, the assistant majority leader and five other Democrats voted for the appropriation of money—or the authorization of money—actually, the appropriation of money to close Gitmo and acknowledge that would require bringing many of those people to the United States.

Well, I happen to agree with Senator MCCONNELL that this is a bad idea, and

with the other 89 Senators who agreed it is a bad idea, at least until we have some kind of a plan to do it. So I was a little struck this morning when the Senator from Illinois said: Well, here is the proof of why we should close the Guantanamo prison.

We just have had an announcement we are going to try a terrorist, whose name is Ghailani, in the United States, and that proves we can close Gitmo.

Well, it does not prove that. It does not prove anything. What it proves is, we can try somebody in U.S. courts. We have done that with a few terrorists, and it is not a pleasant experience. The one that most of us recall in the Washington, DC, area was the trial across the river in Alexandria, VA, of Zacarias Moussaoui. That was extraordinarily difficult for the government to do. It was very difficult for at least two main reasons.

First of all, much of the evidence that was gained to try him was classified and could not be shared with him, and there were significant questions of due process as a result. How can we try somebody for a serious crime and not show them the evidence against them? That is one of the main reasons it is very difficult to try these terrorists for crimes.

The second problem is the security issue. The people in Virginia, in Alexandria—in the county there—will tell you, it was a costly and difficult thing for them to be able to conduct this trial of Zacarias Moussaoui there. Nevertheless, it was possible. Although costly, it was possible. It was even possible to get a conviction, I would suggest, primarily because of some decisions Moussaoui made. Nonetheless, it was possible to do so.

Everybody acknowledges there are some people who need to be tried for serious crimes, in effect, such as war crimes, and who should be tried in U.S. courts. It does not make it easy, but it can be done. What it does not prove is that it should be done for all of the people at Gitmo. In fact, not even the President suggests that. The President, in his speech a few weeks ago, acknowledged that many of the prisoners at Gitmo now are never going to have a trial. They are simply being held until the termination of the hostilities that have caused them to be captured and imprisoned in the first place. They are like prisoners of war who can be detained until the war is over.

Here, however, they do not even have the rights of prisoners of war under the Geneva accords because they do not adhere to the rules of war, they do not fight with uniforms for a nation state, and so on. They, in fact, are terrorists. So they are still allowed humane treatment, but they do not have the same rights as prisoners of war.

What that means is—as the President acknowledged, as the U.S. Supreme Court has acknowledged—we have a right to hold them until the cessation of hostilities so they do not kill any more people. We cannot just turn them loose.

The President, in his speech, made the point that at least 60—I think is the number that was used—of these prisoners have been released and that they were released by the Bush administration. That is true. The Bush administration was under a lot of pressure to try to release as many of these people who were being held as possible, and so they held determinations. They have a determination once a year and initially as to what the status of the individual is and whether he is still a danger. Eventually, in many of the cases, they decided the person could be released back to their home country or to a country that would take them and it would not pose a danger to the United States.

The problem is, there is a very high rate of recidivism among these terrorists. One in seven are believed to have returned to the battlefield. We have evidence of many of them, specifically by name, who returned and who caused a lot of death. There are two in particular I recall who both eventually engaged in suicide bombing attacks, killing, I think, 20-some people in one instance and at least a half dozen people in another instance.

So even when we try our best to make a determination that is fair to the individuals, but we do not want to hold people beyond the time they should be held—that they no longer pose a danger—we make mistakes and we release people back to the battlefield who are going to try to kill us, and they are certainly going to try to kill others, including our allies; and, in fact, they do so. That is a risk, but it is not a risk that we should lightly take.

The remaining 240-some prisoners at Guantanamo are the worst of the worst. These are people about whom it is very difficult to say: Well, they do not pose a danger anymore. We have already been through those, and, as I said, one in seven of those people have not only posed a danger, they have actually gone off and killed people.

So we have 240 of the worst of the worst, and the President correctly went through the different things that can happen to them. Some of them—a limited number—will be tried in U.S. courts, such as this terrorist Ghailani whom Senator DURBIN spoke of earlier this morning. It is hard to do. There are a lot of issues with it. But we will try to try some of them.

Others can be tried with military commissions. Others will not be able to be tried. They will have to be held. There may be a few whom we deem no longer a threat to us and they will have to be released but to whom nobody knows because nobody appears to want—well, the French will take one of them, and I think there may be another European country that said—maybe the Germans will take one. That still leaves a lot to go.

So the bottom line is, many are going to have to be detained. The question is, Where do we detain them? My colleague from Illinois says: Well, there are other people who agree we should close Gitmo. Even my colleague from Arizona has certainly said that. But what he did not say is, before we have a plan to do so—and he himself has acknowledged this is really hard to do. And while he would like to close it—as he himself has said: I do not know how you do it—we certainly cannot do it without a plan, and we certainly cannot do it based upon the timetable that the President is talking about.

So it is one thing to say it would be nice to close it. It is quite another to figure out how to do it that would be safe for the American people.

Finally, just a point I want to mention—well, two final points. The Senator from Illinois said this is a problem he, meaning the President, inherited. No. The President did not inherit the problem of having to come up with a plan to close Gitmo by next January 20. The President made that problem himself. When he was sworn into office, I think it was within 3 days, he said: And we are going to close Gitmo within 12 months.

That is an arbitrary deadline that I submit he should not have imposed on himself or on the country because it is going to cause bad decisions to be made. We may have to try more people, such as this terrorist Ghailani, in the United States than we want to or than we should. In any event, we are going to have to try to find, I gather, facilities in which these people could be held in the United States.

FBI Director Robert Mueller testified before the House of Representatives that that posed a lot of problems, real risks, for the United States. Nobody is saying it cannot be done. The question is, Should it be done? Most of us believe, no, it should not be done; there are better alternatives.

The final point I want to make is this: What is wrong with the alternative of the prison at Guantanamo? It is a $200 million state-of-the-art facility in which, as I pointed out yesterday, people are very well treated, humanely treated. They have gotten a whole lot better medical and dental care than they ever got or could have hoped to have gotten in their home countries, fighting us on the battlefield of Afghanistan or somewhere else.

The bottom line is, this is a top-rate facility. The people there do not mistreat prisoners. That is the myth. Somehow people conflate what happened at Abu Ghraib with Guantanamo. This brings up the last point. It is argued by my colleague from Illinois and others that, well, terrorists recruit based upon the existence of Guantanamo prison.

Think about that for a moment. Are we going to say because terrorists accuse us of doing something wrong—even though we did not—we are going to stop any activity in that area because we want to take away that as a recruitment tool? We would have to basically go out of business as the United

States of America if we are going to take away all that terrorists use to recruit people to fight the West. They do not like the way we treat women with equality in the United States. They do not like a lot of our social values and mores. They do not even like the fact that we hold elections.

So because that is used as a recruitment tool, we are going to stop doing all of that? What sense does this make? We treat people humanely and properly at Guantanamo. People were mistreated in another prison called Abu Ghraib. They are not the same. Abu Ghraib, therefore, does not represent the example of what we should be doing with respect to Guantanamo.

We will have more debate on this subject. I note the time is very short, and I meant to leave a little time for my colleague from Texas. I hope to engage my colleagues in further conversation about this issue. The American people do not want people from Gitmo put into their home States.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to speak in morning business for 15 minutes.

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

Mr. CORNYN. I thank the Presiding Officer.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. CORNYN. Actually, Madam President, I intend to speak on the underlying bill. But because the bill manager is not here, I think my remarks are just as appropriate in morning business.

I rise to offer my support as a cosponsor of the Family Smoking Prevention and Tobacco Control Act, the so-called FDA regulation of the tobacco bill that is currently before the Senate.

This is a rarity these days in Washington. It is actually a bipartisan bill—people of both parties working together to try to solve a real problem—and I want to particularly thank Senator KENNEDY and Senator DODD for their leadership on the bill. I also want to thank the Campaign for Tobacco-Free Kids for organizing more than 1,000 public health groups, faith-based organizations, medical associations, and other partners to support this legislation.

The House, as we know, passed the bill in April on a bipartisan basis, and now it is time for the Senate to do its job this week.

This comes to us in a rather unusual historical and regulatory posture. The fact is, we know tobacco is a killer. It is a killer. It kills 400,000 Americans each year in the United States, including 90 percent of all deaths from lung cancer, one out of every three deaths from other types of cancer, and one out of every five deaths for cardiovascular disease.

The real tragedy is not just that adults choose to smoke and harm their health—and many of whom, unfortunately, die premature deaths as a result—it is that many smokers begin their addiction to tobacco—the nicotine, which is the addictive substance within tobacco—when they are young, before they are able to make intelligent choices about what to do with their bodies and their health.

Every day about 1,000 children become regular daily smokers. Medical professionals project that about one-third of these children will eventually die prematurely from a tobacco-related disease.

Not surprisingly, at a time when we are contemplating health care reform in this country, the huge expense of health care and the fiscal unsustainability of the Medicare program, it is also important to point out that tobacco directly increases the cost of health care in our country. More than $100 billion is spent every year to treat tobacco-related diseases—$100 billion of taxpayer money—and about $30 billion of that is spent through our Medicaid Program.

America has a love-hate relationship with tobacco, and Congress, I should say, and State government does as well. My colleagues will recall that tobacco actually presents a revenue source for the State and Federal Government. One of the most recent instances is when Congress passed a 60-cent-plus additional tax on tobacco in order to fund an expansion of the State Children's Health Insurance Program. So government has become addicted to tobacco, too, because of the revenue stream it presents, and that is true at the Federal level and at the State level.

However, because of the political clout of tobacco companies years back, when the FDA regulation statute was passed, tobacco was specifically left out of the power of the FDA to regulate this drug. The active ingredient I mentioned is nicotine, which was not acknowledged to be an addictive drug for many years until finally the Surgeon General did identify it for what it was: an addictive drug that makes it harder for people, once they start smoking, to quit.

Then, of course, we tried litigation to control tobacco and the spread of marketing tobacco to children and addicting them to this deadly drug, which it is. Then, we found out it had basically no impact, that massive national litigation through the attorneys general in the States. Basically, the only thing that happened as a result of that is lawyers got rich, but it didn't do anything to deal with the problem of marketing tobacco to children.

One might ask, as a conservative: Why would one support more regulation rather than less? Well, because of this split personality the Federal Government has in dealing with tobacco—recognizing it is a deadly drug, recognizing marketing often targets the most vulnerable among us, and recognizing the fact that it kills so many people and increases our health care costs not only in Medicare but in Medicaid—why in the world wouldn't we ban it? I know the Senator from Oklahoma has said maybe the world would be a better place if tobacco wasn't legal. Well, we all know that is a slippery slope for the individual choices we make. If we were to ban tobacco, we might as well ban fatty food; we might as well ban alcohol. Obviously, the government would become essentially the dictator of what people could and could not do and consume, and I don't think the American people would tolerate it and I think with some good reason.

We have to accept individual responsibility for our choices. But, again, when you target a deadly drug such as tobacco and nicotine—this addictive component of tobacco to children—that, to me, crosses the line where we ought to say the Federal Government does have a responsibility to allow this legal product, if it is going to remain legal, to be used but under a regulatory regime that will protect the most vulnerable among us.

Many States have effective ways to deal with underage use of tobacco. I think the regime in my State of Texas works pretty well, but it is spotty and not uniform across the country; thus, I think, necessitating a Federal response.

This bill—which, as I say, should be our last resort, and in many ways it is—increases Federal regulation, I believe, in a responsible way, under an imperfect situation, where this legal but deadly drug is used by so many people in our country.

This bill gives the Food and Drug Administration the authority to regulate the manufacturing, marketing, and sale of tobacco products. It would restrict marketing and sales to our young people. It would require tobacco companies to disclose all the ingredients in their products to the FDA. There have been various revelations over time that there were actually efforts made by tobacco companies to provide an extra dose of the addictive component of tobacco, which is nicotine, in order to hook people at a younger age. I think by providing for disclosure of all the ingredients of these products to the FDA, and thus to the American people, we can give people at least as much information as we possibly can to make wise choices with regard to their use of tobacco, or not, preferably. It would require larger and stronger health warnings on tobacco products.

This bill would also protect our young people and taxpayers as well. Smokers will pay for the enforcement of these regulations through user fees on manufacturers of cigarettes, cigarette tobacco, and smokeless tobacco products. Nonsmokers will not have to pay any additional taxes or fees as a result of this bill.

I hope this bill does some good. I think it will. But the key to reducing

smoking is for individuals to make better choices and for our culture to change, as it has already changed, when it comes to consumption of tobacco products. I think about other examples over time where our culture has changed to where we now do things that are safer and better today than we used to when I was growing up. For example, when I was growing up, seatbelt use was very sparse. As a matter of fact, you could buy a car, and if you wanted a seatbelt, you would have to have somebody install it for you because it didn't come as original, manufactured equipment. Today we know seatbelt use is not only much broader and more widely spread, but you can't get into a car and turn it on without being dinged to death or otherwise reminded that you need to put your seatbelt on. The truth is it has made driving in cars a lot safer. It has kept people healthier, even in spite of accidents they have been involved in, and it has—not coincidentally—helped reduce medical admissions and medical expenses as well.

We know there is also today a greater societal stigma against drunk driving. That was not always the case. As a matter of fact, as a result of many years of public education and stricter law enforcement, now people take a much smarter and well-informed view of drinking and particularly the risks of drinking and driving. We know also that many Americans, in dealing with energy, are dealing more responsibly by recycling and conserving energy. Of course, millions of Americans are trying to do better when it comes to eating right and exercising more frequently so they can protect their own health and engage in preventive medicine, so to speak.

Government can't do it all because, as I said earlier, I think individuals bear a responsibility to make good choices. One thing government can do is help inform those choices. I think this regulation bill will help smokers make better decisions by knowing what is in the tobacco product and allowing the FDA to regulate this drug.

I believe the real drivers of change, though, are not just the government, not the nanny State that will tell us what we can and cannot do, but cultural influences and, indeed, economic incentives which are more powerful than government regulations in influencing individual behavior.

Some have said: Why in the world would we give tobacco regulation to the Food and Drug Administration, a Federal agency with the primary job of determining safety of food and drugs and medical devices as well as efficacy. As a matter of fact, many people have been tempted to buy prescription drugs, let's say, over the Internet but not knowing where they were actually manufactured, whether they were actually counterfeit drugs. So there is not only the question of safety—in other words, if you put it in your mouth, is it going to poison you—but it is also if you put it in your mouth and you take it expecting it actually to be effective against the medical condition you want to treat. The FDA is a regulatory agency that is supposed to determine not only safety of food and drugs but also their efficacy.

There is a certain anomaly in giving the FDA regulatory authority for something we know will kill people—and does, in fact, kill hundreds of thousands of people—when used as intended by the manufacturer, but I think this is a step in the right direction. I think the world would be a better place—we would all certainly be healthier—if people chose not to use tobacco, and many have made that choice due to the cultural influences we have mentioned, as well as some of the economic incentives that are provided by employers.

As we undertake the task of reforming our health system in America, something that comprises 17 percent of our gross domestic product, I think we could well learn from some of the successful experiences and experiments some employers have used and some workers have used when it comes to drugs such as tobacco. For example, one large grocery company headquartered out in California—Safeway—which also has many employees in Texas, as an employer, they noticed that 70 percent of their health care costs were related to individual behavior, things such as diet, exercise, and, yes, indeed, smoking. They recognized that if they could encourage their employees to get age-appropriate diagnostic procedures for cancer—colon cancer, for example—if they could encourage their employees to quit smoking, if they could encourage their employees to watch their weight and get exercise and to watch their blood pressure and take blood pressure medication where indicated, where they could encourage them to take cholesterol-lowering medication, if they had high cholesterol, that they could not only have healthier, more productive employees, they could actually bring down the costs of health care for their employees as well as their own costs. I think Safeway is just one example of many successful innovators across this country, where people are encouraged to do the right thing for themselves and for their employers and for their families. I think these are the kinds of issues that ought to guide us as we debate health care reform during the coming weeks.

I believe this legislation fills the necessary gap in FDA's regulatory authority, an agency that regulates everything from food to prescription drugs, to medical devices. The only reason tobacco was left out of it is because of the political clout of tobacco years ago. This legislation fills that gap and I think presents the most pragmatic approach to try to deal with the scourge of underage smoking and marketing to children, as well as informing consumers of what they need to know in order to make smart choices for their own health and for the health of their family.

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.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXTENSION OF MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the period of morning business be extended until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

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

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mrs. BOXER. Madam President, I came to the floor to speak in support of the Family Smoking Prevention and Tobacco Control Act and also to express my gratitude to Senator KENNEDY and my colleagues who have pushed so hard for the consideration of this important bill. I am so pleased about the vote last night which allowed us to move forward on this bill.

This would be a historic accomplishment for this Senate, the House, and for the President. I am at a loss to understand how Senators could stand in opposition to this important legislation. To prove the point, I could ask a couple of questions:

What is the leading cause of preventable death in this country, killing over 400,000 Americans a year? The leading cause of preventable death is tobacco.

What causes more deaths than HIV/AIDS, illegal drug use, alcohol use, motor vehicle accidents, suicides, and murders combined? I guess if you ask people out there, they may not know that the answer is tobacco.

What are the only products on the market that kill one-third of their purchasers? Madam President, if you had a health device or any product that kills one-third of its purchasers, we would outlaw that product in a heartbeat. We are not outlawing tobacco; we are simply saying tobacco needs to be controlled by the FDA. Remember, the only product on the market that kills one-third of its purchasers is tobacco, if used as directed.

I could go on and on with these rhetorical questions. Clearly, we know tobacco is the only product on the market that is advertised and sold without any government oversight.

I don't understand how 35 or so of our colleagues think the answer to our pushing for this is no. But then again, that is the answer we get back from the other side of the aisle a lot. I am very grateful to the eight or nine Republicans who joined us. Without them,

we wouldn't be here today. As I did on the stimulus, thanking those three who had the bravery to say yes, I thank the eight or nine who had the bravery to say yes and move to regulate tobacco. Food is regulated. Drugs are regulated. Consumer products are regulated. Tobacco is not. We know this bill could prevent 80,000 tobacco-related deaths every year.

It makes me sad to think that over the years our failure to address this issue is having the greatest impact on our Nation's children. Ninety percent of all new smokers are children. I have spoken to the tobacco executives and watched them being interviewed. ''Oh, we just don't want kids to get our products.'' Please. It is embarrassing that they can say that with a straight face when they have invented all kinds of new products, including tobacco candy. You know, there is an old cliche that ''this is so easy, it is like giving candy to a baby.'' We know kids love candy, and what happens if you lace that candy with an addictive product? The answer is that we get a lot of kids hooked on tobacco who cannot quit when they get older.

Claims by the tobacco industry that these products are safe alternatives to smoking and they are not designed to attract kids, frankly, just don't add up. You know what they are doing. We know adult smokers are finally saying no; they are quitting, thank goodness. It is very difficult. I have watched it up close with family and friends, and some of them who quit for 2, 3 years go right back again, and it is worse than ever. This isn't easy. Don't say you are creating a safer product when you create tobacco candy, a smokeless tobacco. We know smokeless tobacco can lead to oral cancer, gum disease, heart attacks, heart disease, cancer of the esophagus, and cancer of the stomach. Smokeless tobacco products are only the latest effort by the tobacco companies to market tobacco products that they claim pose a reduced risk.

Cigarettes contain 69 known carcinogens and hundreds of other ingredients that contribute to the risk of all of the diseases I mentioned. Yet the tobacco industry is not required to list the ingredients of its products as all food products have to do. We have a right to know the calories, sugar, protein, and all those things when we eat food, but for cigarettes they don't have to list the ingredients.

The bill will make it so that we finally know what is contained in these products. The legislation will grant the FDA the authority to ban the most harmful chemicals used in tobacco and even to reduce the amount of nicotine.

A 2006 Harvard School of Public Health study revealed that the average amount of nicotine in cigarettes actually rose 11.8 percent from 1997 to 2005. How can my colleagues on the other side, who voted pretty much en masse against this bill, say we should just keep it open to amendment? How can they explain that even after all these years, now that we know the risks of tobacco? There were reasons in the early years when we didn't know how serious it was. That is one thing. But here they have a situation where recently they raised the amount of nicotine. There is no rhyme or reason for that.

This bill will give the FDA the authority to require stronger warning labels, prevent industry misrepresentations, and regulate ''reduced harm'' claims about tobacco products. If you die because you use smokeless tobacco but say you die from a heart attack, you are still dead. This Congress and the President have committed to reducing health care costs through comprehensive reform. This legislation is such an important step on the way because lung cancer is a preventable disease. It is preventable, as well as the heart risks associated with smoking. Investing in prevention and wellness will enable us to increase access to quality health care while reducing costs.

Tobacco use results in $96 billion in annual health care costs, and in California alone—my State—we spend $9.1 billion on smoking-related health care costs. Everybody who has a heartbeat and a pulse today knows that my State suffers mightily from a terrible budget crisis—$20 billion. We don't know where to look, what to do. People never put together the fact that smoking is causing our health care costs to swell. If my State could save $9.1 billion on smoking-related health care costs, that really saves the education system and a lot of other important things we do in our State.

Preventive medicine and giving the authority to the FDA to vigorously enforce some strict, new laws about cigarettes is going to make a positive difference. I am proud to be here in support of this important legislation.

I wish to say again to Senator KENNEDY, if he is watching this debate, how much I respect, admire, and miss him and his presence here on this bill. If he were here, he would be roaring from the back of the Chamber about this, in the best of ways, and challenging us to move forward on this bill as quickly as we can.

The House has acted. Once the Senate acts, we can have a conference—or maybe the House will take the Senate bill—and this bill will be on the President's desk before we do health care reform. Imagine what a great preamble this would be to health care reform—tackling this incredible problem in our society, tobacco use, an incredible problem in our society that causes so much suffering and dependence and so much addiction, so much cost—if we are able to tackle this as a preamble to our health care reform, I would be so proud. I know each and every one of us who will support this will be very proud. I know President Obama will be very proud. He has struggled with tobacco addiction. He knows how tough it is to say no to cigarettes. Clearly, the best way is to prevent someone from getting addicted in the first place.

I don't want my grandkids being lured into smoking by looking at a box of candy cigarettes and trying one, two, three, and four. I don't want that for anybody's grandkids. If people decide when they are older, when they know all of the facts, that they are going to smoke, in many ways that is their problem. But it is our job to let them know the risks and dangers. Very clearly, we have been dancing around the edges with these little warning labels, but we have not controlled tobacco. We need to do that.

I urge all of my colleagues on both sides of the aisle—again, thanking the eight or nine Republicans for joining us—to make an investment in the health of the American people and support this legislation.

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.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the vote with respect to the Burr-Hagan amendment be modified to provide that the vote occur at 4:20 p.m. under the same conditions as previously ordered.

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

Mrs. BOXER. Madam 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JUDGE SONIA SOTOMAYOR

Mr. LEAHY. Madam President, for the sake of my colleagues, I want to talk about the timing of the Judge Sotomayor nomination.

I talked with the distinguished ranking member last week on this schedule, and I would note the concerns he raised, but I am announcing today that the Senate Judiciary Committee will hold the confirmation hearing on the nomination of Judge Sonia Sotomayor to be Associate Justice of the U.S. Supreme Court on July 13.

I have talked and met with Senator SESSIONS, the committee's ranking member, several times to discuss the scheduling of this hearing. I will continue to consult with Senator SESSIONS

to ensure that we hold a fair hearing. We were able to work cooperatively to send a bipartisan questionnaire to Judge Sotomayor within one day of her designation by President Obama. Last week the committee received her response to that questionnaire. We also received other background information from the administration, as well as the official Presidential nomination.

This is a reasonable schedule. It will be the middle of next month. It is in line with past experience. It will allow several more weeks for committee members to prepare for the hearing—several more weeks than if I had held the hearing this month—and there is no reason to unduly delay the consideration of this well-qualified nominee. Judge Sotomayor deserves the opportunity to go before the public and speak of her record, especially as some have mischaracterized and misstated it. The only place she can speak of her record is in a hearing.

It is also a responsible schedule that serves the many interests involved. Of course, first and foremost is the American people's stake in a process that is fair and thorough but not needlessly prolonged. It serves the purpose of the institution of the Senate, where we need sufficient time to prepare for a confirmation hearing. We have a full legislative plate of additional pressing business in the weeks and months ahead that is of great importance to our constituents and to the Nation. Then, of course, it serves the need of the third branch of government, which depends on the other branches of government to fill court vacancies in our independent judiciary. It serves the needs of the President who has nominated Judge Sotomayor. And lest we forget, it serves the needs of the nominee herself, who as a judge will only be able to speak publicly about her record when the hearings are convened.

This is an extremely important obligation that we as Members of the Senate take on. There are only 101 people who get a direct say in the nomination and confirmation of a Justice of the Supreme Court. First and foremost, of course, the President of the United States—and in this case, President Obama consulted with numerous Senators, Republicans and Democrats alike—prior to making his nomination. Then once the nomination is made, 100 Members of the Senate have to stand in for 300 million Americans in deciding who will get that lifetime appointment. I voted on every single current member of the Supreme Court, as well as some in the past, and I know how important an obligation that is.

The Justice who takes Justice Souter's place for the court session that convenes October 5 also needs as much time as possible to hire law clerks, to set up an office, to find a place to live here in Washington, and to take part with the rest of the Court in the preparatory work that precedes the formal start of the session on the first Monday in October.

I mention that because I have put together a schedule that tracks the process the Senate followed, by bipartisan agreement, in considering President Bush's nomination of John Roberts to the Supreme Court in 2005. At that time, I served as the ranking minority member of the Judiciary Committee. I met with our Republican chairman, and we worked out a schedule which provided for Chief Justice Roberts' hearing 48 days after he was named by President Bush.

I might say that the agreement on time was reached even before the committee received the answers to the bipartisan questionnaire. And while Justice Roberts—then Judge Roberts—had not written as many opinions as Judge Sotomayor, he had been in a political policy position in Republican administrations for years before, and there were 75,000 pages of documents from that time. In fact, some arrived almost on the eve of the hearing itself. And, of course, that nomination replaced Justice O'Connor, who was recognized as a pivotal vote on the Supreme Court.

If something that significant required 48 days, and Republicans and Democrats agreed that was sufficient to prepare for that hearing, in accordance with our agreement on the initial schedule, certainly that is a precedent that says we have more than adequate time to prepare for the confirmation hearing for Judge Sotomayor.

My initial proposal to Senator SESSIONS was that we begin the hearing on July 7, following the Senate's return from the Fourth of July recess. I have deferred the start date to July 13 in an effort to accommodate our Republican members. With bipartisan cooperation, we should still be able to complete Judiciary Committee consideration of the nomination during the last week in July, and allow the Senate to consider the nomination during the first week in August, before the Senate recesses on August 7.

In selecting the date, I am trying to be fair to all concerned. I want to be fair to the nominee, allowing her the earliest possible opportunity to respond to attacks made about her character. It is not fair for critics to be calling her racist—one even equating her with the head of the Ku Klux Klan, an outrageous comment, and both Republicans and Democrats have said it was outrageous—without allowing her the opportunity to speak to it, and she can't speak to it until she is in the hearing.

I also want to conclude the process without unnecessary delay so that she might participate fully in the deliberations of the Supreme Court selecting cases and preparing for its new term. In his May 1 letter to President Obama, Justice Souter announced his resignation effective "when the Supreme Court rises for the summer recess this year," which will happen later this month. Thereafter, the Supreme Court prepares for the next term. To participate fully in the upcoming deliberations, it would be helpful for his successor to be confirmed and able to take part in the selection of cases as well in preparing for their argument.

I am merely following the timeline we followed with the Roberts nomination. The timeline for the Alito nomination provides no reason to delay the hearing for Judge Sotomayor. It presented a very different situation in many ways. For one thing, that nomination was made with no consultation by President Bush. By contrast, President Obama devoted several weeks to consultation with both Republicans and Democrats before making his selection. The Alito nomination was President Bush's third nomination to succeed Justice O'Connor. It followed 4 months of intense effort by the Judiciary Committee, beginning with Justice O'Connor's announcement on July 1. And finally, the Christmas holidays helped account for the timing of those hearings. I do not believe Bastille Day requires us to delay the confirmation hearings for the first Hispanic nominated to the Supreme Court for an additional 6 weeks.

Some may recall that Justice O'Connor's resignation in 2005 was contingent on the "nomination and confirmation of [her] successor." She continued to serve on the Supreme Court when its new term began in October 2005, and until Justice Alito was confirmed at the end of January 2006. In addition, proceedings to fill that vacancy involved a more extended process, not only because Justice O'Connor represented a pivotal vote on the Supreme Court on so many issues, but because President Bush first nominated John Roberts and then withdrew that nomination, then nominated Harriet Miers and withdrew her nomination when Republicans and conservatives revolted, and finally nominated Samuel Alito. The nomination of Judge Alito was the third Supreme Court nomination that the Senate was asked to consider, and followed the withdrawal of the Miers nomination by only 3 days.

Given that sequence of events, and the then upcoming Christmas holiday, that hearing on the late October nomination of Samuel Alito was appropriately scheduled by the Republican Chairman to begin after the New Year. In addition, Judge Alito did not return his questionnaire until November 30. His hearing was held 40 days after his questionnaire was returned, which includes the Christmas and the holiday period. That is substantially equivalent to the 39 days between the time receipt of Judge Sotomayor's questionnaire response and her hearing.

Of course, in the case of the current nomination, Judge Sotomayor had been reported to be a leading candidate for the vacancy as soon as it arose on May 1, and her record was being studied from at least that time forward. The right wing groups attacking her were doing so long before she was named by the President on May 26, and those attacks have intensified since her designation.

I do not want to see this historic nomination of Sonia Sotomayor treated unfairly or less fairly than the Senate treated the nomination of John Roberts. In 2005, when President Bush made his first nomination to the Supreme Court, Senator MCCONNELL, who was the majority whip, said the Senate should consider and confirm the nominations within 60 to 70 days. We worked hard to achieve that.

The nomination of Judge Sotomayor should more easily be considered within that timeframe. Judge Sotomayor has been nominated to succeed Justice Souter, a like-minded, independent and fair Justice, not bound by ideology, but one who decided each case on its merits and in accordance with the rule of law. We have the added benefit of her career being one that includes her service on the judiciary for the past 17 years. Her judicial decisions are matters of the public record. Indeed, when my staff assembled her written opinions and offered them to the Republican staff, they declined, because they already had them and were reviewing them. We have the benefit of her judicial record being public and well known to us. We have the benefit of her record having been a subject of review for the last month, since at least May 1, when she was mentioned as a leading candidate to succeed Justice Souter. We have the benefit of having considered and confirmed her twice before, first when nominated to be a judge by a Republican President and then when elevated to the circuit court by a Democratic President. We have the benefit of not having to search through Presidential libraries for work papers of the nominee. By contrast, the 75,000 pages of work papers for John Roberts required extensive time and effort to retrieve them from Presidential libraries and to overcome claims of privilege. In fact, they were still being received just days before the hearing.

To delay Judge Sotomayor's hearing until September would double the amount of time that Republicans and Democrats agreed was adequate to prepare for Judge Roberts' hearing. That would not be fair or appropriate. That would not be equal treatment.

Unlike the late July nomination of John Roberts, this nomination of Judge Sotomayor by President Obama was announced in May. Unlike the resignation of Justice O'Connor that was not announced until July, the retirement of Justice Souter was made official on May 1. Given that the vacancy arose 2 months earlier, and the nomination was made after bipartisan consultation 2 months earlier, by following the Roberts roadmap, we should be able to complete the process 2 months earlier. We should be able to complete the entire process by the scheduled recess date of August 7.

Of course, while the Roberts nomination was pending, Chief Justice Rehnquist passed away and President Bush decided to withdraw the initial nomination to be an Associate Justice, and proceeded to nominate John Roberts to succeed the Chief Justice, instead. We did not insist that the process start over; rather, we continued to move forward. It was the aftermath of Hurricane Katrina, with its destruction and toll in damage and human life, that pushed the start of the hearings back 1 week, by bipartisan agreement.

We were still able to complete Senate consideration and the Senate confirmed John Roberts to be the Chief Justice 72 days after he was initially designated to be an Associate Justice. We did this despite the fact his initial nomination was withdrawn and only shortly before his hearing he was renominated to serve as the Chief Justice of the Supreme Court. And we did this despite the terrible aftermath of Hurricane Katrina, where everybody—Republicans and Democrats alike—agreed that we should hold back a week on the hearings so we could all concentrate the Nation's resources on Hurricane Katrina. So that required a week's delay. If we followed the same schedule, 72 days after Judge Sotomayor was nominated to the Supreme Court would be August 6—and we will not have to lose 7 of those days to Hurricane Katrina.

Her historic nomination should be treated as fairly as the nomination of John Roberts was treated by the Senate. Given the outrageous attacks on Judge Sotomayor's character, I do not think it fair to delay her hearing. I cringed when I was told that, during the courtesy visit Judge Sotomayor paid to Senator MCCONNELL, reporters shouted questions about conservatives calling her a racist. She had to sit there silently and could not respond. She deserves that opportunity as soon as possible.

The hearing is the opportunity for all Senators on the Judiciary Committee, both Republicans and Democrats, to ask questions, to raise concerns, and to evaluate the nominee. As Senator SESSIONS' Saturday radio speech ably demonstrates, Republican Senators are already prepared to ask their questions. Last week, we were considering another judicial nomination at the meeting of the Judiciary Committee when Senator KYL suggested that he may oppose all of President Obama's nominees given what he views as the criteria President Obama is considering in selecting them. Republicans have questioned whether her recognition that she brings her life experience with her, as all judges do, is somehow disqualifying.

Our Republican colleagues have said they intend to ask her about her judicial philosophy. It doesn't take a month to prepare to ask these questions. In fact, most of them have already raised the questions. They will surely be prepared to ask them more than a month from now. And during that month, we have a week's vacation from the Senate. I intend to be using that week—without the interruption of committee hearings, without the interruption of votes, without the interruption of the regular Senate business—to prepare for the hearings. I would advise those Senators who feel they have to have extra time to forgo your vacation and spend that week preparing for the hearing. Holding Judge Sotomayor's hearing on July 13 will, in effect, afford 10 weeks for them to have prepared.

Because this is a historic nomination, I hope all Senators will cooperate. It is a schedule that I think is both fair and adequate—fair to the nominee, but also adequate for the Senate to prepare for the hearing and Senate consideration. There is no reason to indulge in needless and unreasonable delay.

I say this is a historic nomination because it should unite and not divide the American people and the Senate. Hers is a distinctly American story. Whether you are from the south Bronx or the south side of Chicago or south Burlington, VT, the American dream inspires all of us. Her life story is the American dream. And so, I might add, is the journey of the President who nominated her.

Some are simply spoiling for a fight. There have been too many unfair attacks, people unfairly calling her racist and bigoted. I know Sonia Sotomayor, and nothing could be further from the truth. These are some of the same people who vilify Justice Souter and Justice O'Connor. Americans deserve better. There are others who have questioned her character and temperament. She deserves a fair hearing, not a trial by attack and assaults upon her character. So let's proceed to give her that fair hearing without unnecessary delay.

I am also disappointed that some have taken to suggesting that after 17 years as a Federal judge, including 11 as a member of the U.S. Court of Appeals for the Second Circuit, Judge Sotomayor does not understand ''the judge's role.'' I know her to be a restrained and thoughtful judge. She has reportedly agreed with judges appointed by Republican Presidents 95 percent of the time. Let us respect her achievements, her experience and her understanding. Let no one demean this extraordinary woman or her understanding of the constitutional duties she has faithfully performed for the last 17 years. I urge all Senators to join with me to fulfill our constitutional duties with respect.

I have said many times on the floor of this great body over my 35 years here that as Senators we should be the conscience of the Nation, as we are called upon to be. There have been occasions when this Senate—Republicans and Democrats alike—has united and shown they can be the conscience of the Nation. I would say this is one time we should rise above partisanship and be that conscience.

When I met with Judge Sotomayor, I asked her about her approach to the law. She answered that, of course, one's life experience shapes who you are, but ultimately and completely—

her words—as a judge, you follow the law. There is not one law for one race or another. There is not one law for one color or another. There is not one law for rich, a different one for poor. There is not one law for those who belong to one political party or another. There is one law for all Americans. And she made it very emphatic that as a judge, you follow that one law.

There is only one law. We all know that. She said, ultimately and completely a judge has to follow the law, no matter what their upbringing has been. That is the kind of fair and impartial judging that the American people expect. That is respect for the rule of law. That is the kind of judge she has been.

The purpose of the hearing is to allow Senators to ask questions and raise their concerns. It is also the time the American people can see the nominee, consider her temperament and evaluate her character, too. I am disappointed that some Republican Senators have declared that they will vote no on this historic nomination and have made that announcement before giving the nominee a fair chance to be heard at her hearing. It is incumbent on us to allow the nominee an opportunity to be considered fairly and allow her to respond to false criticism of her record and her character. Those who are critical and have doubts should support the promptest possible hearing. That is where questions can be asked and answered. That is why we hold hearings.

Judge Sotomayor is extraordinarily well equipped to serve on the Nation's highest court. To borrow the phrase that the First Lady used last week, not only do I believe that Judge Sotomayor is prepared to serve all Americans on the Supreme Court, I believe the country is more than ready to see this accomplished Hispanic woman do just that. This is a historic nomination, and it is an occasion for the Senate and our great Nation to come together. This is the time for us to come together.

The process is another step toward the American people regaining confidence in their judiciary. Our independent judiciary is considered to be the envy of the world. Though less visible than the other two branches, the judiciary is a vital part of the infrastructure that knits our Nation together under the rule of law. Every time I walk up the steps into the Supreme Court, I look at the words over the entrance to the Supreme Court. They are engraved in marble from my native State of Vermont. Those words say: ''Equal Justice Under Law.'' The nomination of Judge Sotomayor keeps faith with that model.

Her experience as a trial court judge will be important. Only Justice Souter of those currently on the Supreme Court previously served as a trial court judge. Judge Sotomayor has the added benefit of having been in law enforcement as a tough prosecutor who received her early training in the office of the longtime and storied New York District Attorney, Robert Morgenthau.

I appreciate that she has shown restraint as a judge. We do not need another Supreme Court Justice intent on second-guessing Congress, undercutting laws passed to benefit Americans and protect their liberties, and making light of judicial precedent.

President Obama handled the selection process with the care that the American people expect and deserve, and met with Senators from both sides of the aisle. Senator SESSIONS suggested to the President that it was important to nominate someone with a judicial record. Judge Sotomayor has more judicial experience than any nominee in recent history.

I wanted someone outside the judicial monastery, and whose experiences were not limited to those in the rarified air of the Federal appellate courts. Her background as someone who was largely raised by a working mother in the South Bronx, who has never forgotten where she came from, means a great deal to me. Judge Sotomayor has a first-rate legal mind and impeccable credentials. I think she combines the best of what Senator SESSIONS and I recommended that the President look for in his nominee.

The Supreme Court's decisions have a fundamental impact on Americans' everyday lives. One need look no further than the Lilly Ledbetter and Diana Levine cases to understand how just one vote can determine the Court's decision and impact the lives and freedoms of countless Americans.

I believe Judge Sotomayor will continue to do what she has always done as a judge—applying the law to the case before her. I do not believe she will act in the mold of conservative activists who second-guess Congress and undercut laws meant to protect Americans from discrimination in their jobs and in voting, to protect the access of Americans to health care and education, and to protect their privacy from an overreaching government.

I believe Judge Sotomayor understands that the courthouse doors must be as open to ordinary Americans as they are to government and big corporations.

President Obama is to be commended for having consulted with Senators from both sides of the aisle. I was with him on some of the occasions that he did. I have had Senators come up to me, Republican Senators, and tell me they had never been called by a President of their own party, to say nothing of a Democratic President, to talk about a Supreme Court nominee. But President Obama did call and reach out.

Now it is the Senate's duty to come to the fore. I believe all Senators, of both parties, will work with me to consider this nomination in a fair and timely manner.

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. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

HEALTH INSURANCE

Mr. BROWN. Madam President, in 1945, President Truman delivered a speech to a joint session of Congress, in which he declared:

> Millions of our citizens do not now have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection.

That was said by President Truman, 10 or 11 Presidents ago, perhaps six decades ago, and 64 years later we are still fighting to provide that opportunity and that protection.

A severely weakened economy, growing unemployment, rising health care and health insurance costs, and declining employment-based insurance are all factors contributing to the current health care crisis. Today, 47 million Americans are uninsured. An additional 25, 30, 35, as many as 40 million Americans are underinsured and millions of Americans are either underinsured or uninsured and are saddled with catastrophic medical debt.

Closing the health care gap will dramatically improve the public's health. It will also lead predictability to national health spending, which is essential if we are going to get health care costs under control.

Closing the health care gap would dramatically reduce personal bankruptcies, more than half of which result from catastrophic illness and the huge bills that go with it.

Think about that for a moment. Most bankruptcies in this country are because people have had health care bills they simply cannot pay. Most of those people have those health care bills which they cannot pay which then force them into bankruptcy. Most of those people have health insurance, but it is inadequate and has too many gaps in it.

Closing the health care gap is a short-term and a long-term investment in the health of Americans, the health of U.S. businesses—businesses whose premiums are inflated by the costs of uncompensated care. It is an investment in the health of our economy, which benefits from the health care industry but not from already too high health care costs, further inflated by needless red tape, needless duplication, needless indifference to health care needs that become more serious and more costly when they are not caught early.

Per capita health care spending in the United States is 53 percent higher here than that of any other nation in the world, and we are the only nation

in the world without an insurance system to cover everyone. In other words, we are paying at least half again as much—at least—as any other country in the world per person. Yet millions, tens of millions of Americans, do not have health insurance. Life expectancy, infant mortality, maternal mortality, immunization rates—we are not among the world leaders in any of those categories.

Interestingly, the only place we are a world leader is life expectancy at 65. If you get to be 65 in this country, the chance that you will live a longer, healthier life is greater than in almost any other country in the world.

In Ohio, $3.5 billion is spent each year by and on behalf of the uninsured for health care that meets about half their needs. For the first time, we are on the verge of meaningful health care reform that will make a difference in the lives of Americans who have, for too long, put up with less than they deserve when it comes to health care. Our health insurance system does some things very well, but we have let the industry, the health care industry, forget its own core central purpose.

The insurance industry is supposed to bear risks on behalf of its enrollees, not avoid risk at the expense of its enrollees.

The insurance industry is supposed to protect the sick, not throw them overboard.

The insurance industry is supposed to offer affordable coverage to every American, not expensive coverage to some Americans and no coverage to the rest.

The insurance industry is supposed to cover the reasonable and customary costs of health care, not a fraction of that.

The health insurance industry is supposed to cover the doctors you need, not the doctors the insurer chooses for you.

The insurance industry is supposed to pay claims on a timely basis, not as slowly as they possibly can.

Who can forget, when Senator Obama was talking about his mother in the last months of her life, how as she suffered and was dying from terminal cancer, she spent much of her time on the phone trying to figure out how to collect on insurance, how to pay, how to simply get by and not leave debt for her soon to be very famous son.

The health insurance industry does some things pretty well, but it gets away with too much. What do we do about it? First, we put stronger insurance rules in place. Second, we introduce some good old-fashioned competition into the insurance market. That is the purpose of a federally backed insurance option, one the Presiding Officer from New York has spoken out for, as has the other Senator from New York and a majority of people in this body. It is to set the bar high enough for private insurers that they can't slip back into their risk-avoiding ways without taking a hit in the marketplace. In other words, we need insurance company rules on preexisting conditions, on changing the way we do community rating, on a whole host of rules to make insurance companies behave better and serve the public better.

We also need this federally backed insurance option because all too often insurance companies are a step ahead of the sheriff. They always can figure out how to stay ahead of the rules that try to make them behave in a way that is more in the public interest.

The purpose of establishing a federally backed insurance option—it is an option—is to give Americans more choices and to give the private insurance industry an incentive to play fair with their enrollees, or their enrollees will look elsewhere, perhaps in the public plan.

Private insurers have helped to create a system of winners and losers—a system in which insured Americans can still be bankrupted by health expenses and uninsured Americans can still die far too young because they cannot get the health care they need.

Insurance companies have always been one step ahead of the sheriff. They have given us no reason to believe they will behave any differently. They have come to Congress this year and said: You can put some new rules on us. But when we have done that in the past, we know they have always found a way to avoid some of those rules that do not serve their bottom line. And it is their bottom line, and I do not even blame the insurance companies for acting the way they do. I just say we need a set of rules to make sure they act in the public interest.

Private insurance market reforms, coupled with the creation of a competitive, federally backed health insurance option—it is an option, just as it will be an option, once we pass health insurance, that anybody today can stay in the insurance plan they have. Nobody is going to be forced to do anything they do not want to do. Private insurance market reforms, coupled with the creation of a competitive, federally backed health insurance option represents our best hope at achieving the health reforms so vital to the health of our citizens and the future of our Nation.

Last week, President Obama sent a letter to Chairman KENNEDY of the Health, Education, Labor, and Pensions Committee, on which I sit, and to Chairman MAX BAUCUS, chairman of the Finance Committee, the other health care committee here, in which the President stated:

> I strongly believe that Americans should have the choice of a public health insurance option operating alongside private plans. This will give them—

Will give American citizens—

> a better range of choices, make the health care market more competitive and keep insurance companies honest.

A public health insurance option—not administered by a private for-profit insurance company but a public health insurance option—is one of the necessary components of health reform.

There is no better way to keep the private insurance industry honest than to make sure they are not the only game in town. Historically, public health insurance has outperformed private insurance in preserving access to stable and reliable health care, in reining in costs, in cutting down on bureaucracy, and in pioneering new payment and quality-improvement methods.

A public health insurance option will not neglect sparsely populated and rural areas, as insurers too often do. The Presiding Officer previously represented a rural congressional district in New York. She knows the problems of insurance availability in rural areas. It will not disappear.

A public health insurance option will not disappear when an American loses her job, when a marriage ends, or when a dependent becomes an adult. And the pages sitting here in front of me, when they finish school and go into the workplace, they would have an option. Once they are no longer dependent on their parents, they will have that public option, as other Americans will.

A public health insurance option will not deny claims first and ask questions later, as insurance companies too often do. It will not look for any and every loophole to insure the healthy and avoid the sick, as private insurance companies too often do.

These are the fundamental reasons why a public plan option is the key—is the key—to arriving at a health insurance system that better serves every American, insured and uninsured alike. What is the point of health care reform if we do not do it right and make sure every American citizen is better served than they are now in this health insurance market?

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I note there is nobody here who wishes to speak, so 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEFICIT

Mr. GREGG. Mr. President, I rise today to speak briefly about two issues, and I know Senator BURR wants to continue his discussion of the FDA tobacco bill.

There are two issues which are very significant to the American taxpayer, especially to those of us who are concerned about how much debt this administration is running up on our children, and they need to be highlighted.

The first is good news. It looks as though a number of banks are going to repay a fair percentage of the TARP money that has been put out by the administration—potentially $65 billion. When TARP was originally structured, the understanding was that we would buy assets in banks or from banks, and at some point we would get that money back as taxpayers. In fact, we would get it back with interest. This is what is happening now. The money is coming back, as these banks have restored their fiscal strength, and it is actually coming back with interest. About $4.5 billion on top of the money we have put out, is my understanding, as to what will be paid back on the interest side relative to the preferred stock. So that is all good news.

First, the financial system was stabilized during a cataclysmic period in September and October, and the investments which remained in preferred stock, with taxpayers' money, is now being repaid.

The issue becomes, however, what are we going to do with this money that is coming back into the Treasury? Well, it ought to go to reduce the debt. This administration in recent days has been giving at least lipservice to the fact that the budget they put in place, with a $1 trillion deficit over the next 10 years on average every year—$1 trillion every year for the next 10 years, of doubling the debt in 5 years, of tripling it in 10 years—they have been giving lipservice that they understand that is not a sustainable situation. The Secretary of the Treasury, the Chief Economic Counsel, and even the President have said the budget they proposed is not sustainable because the debt that is being run up on the American public cannot be afforded by our children. It goes from what has historically been about 35 percent of the gross national product up to over 82 percent of the gross national product. The interest on the debt alone at the end of this budget which the President proposed will be $800 billion a year—$800 billion a year—just in interest payments that the American people will have to pay. That will actually exceed any other major item of discretionary spending in the budget. We will be spending less than that on the national defense. We will be spending more on interest, in other words, than we spend on national defense because of all of the debt that is being run up.

Well, if this administration is serious—and I am not sure they are; I think they are basically holding press conferences because they did something else today which implies that—if they are actually serious about trying to address this debt issue, then they should immediately take the $65 billion they are going to get back from the banks to which money was lent and that was put out by taxpayers and knew we would get back, they should immediately take that money and apply it to reducing the Federal debt. It should not be spent on other programs. It shouldn't even be recycled through the financial system.

It should be repaid to the taxpayer by reducing the debt of the United States. That is the only reasonable way to approach it. It would be a tremendously strong signal not only to the American taxpayers that this administration is serious about doing something on the debt side, but it would be a strong signal to the world markets that we were willing, as a nation, to take this money and pay down the debt. Ironically, it would also follow the proposal of the original TARP bill, which said that after the financial system was stabilized, any moneys coming in should be used to reduce the deficit and debt of the United States. It certainly should not be used to fund new ventures into the private sector, whether it is buying automobile companies or insurance companies or anything else such as that. It should be simply used to reduce the debt.

I hope the administration will do that because that would follow the law, and it would be a good sign to the world markets, which are becoming suspicious of our debt, as we have seen in a number of instances—for example, the cost of 10-year bills, 30-year bills, and also the fact that the Chinese leadership, in the financial area, expressed concern about the purchase of the long-term debt of the United States. It would also be a positive sign to Americans that we are going to do something about this debt we are passing on to our kids.

It is unfair to run up a trillion dollars a year of deficit, double the debt in 5 years, and triple it in 10 years, and send all those bills to our kids. These young students here today as pages, in 10 years, will find the household they are living in has a new $30,000 mortgage on it, and it is called the bill for the Federal debt. They will have a new $6,500 interest payment that they will have to make, which is called the interest they have to support on the Federal debt. It is not appropriate to do that to these younger Americans and to the next generation. Let's take the $65 billion and use it as it was originally agreed it would be used, which is when it came back into the Treasury, with interest, which is pretty good, it would be used to pay down the debt.

Why am I suspicious that this administration is giving us lip service on the issue of fiscal discipline? There is a second thing that happened today. The President today came out and held a big press conference about how he was for pay-go. I have not heard a Democratic candidate for Congress, and now the President of the United States, not claim they are going to exercise fiscal discipline here by being for pay-go, because the term has such motherhood implications, that you are going to pay for what you do here. It is total hypocrisy, inconsistent with everything that has happened from the other side of the aisle in the era of spending and budgeting. Not only do they not support pay-go, they punch holes in what we have for our pay-go law.

In the last 2½ years, this Congress—and now in the last 3, 4, or 5 months—and this Presidency have passed—democratically controlled—10 bills that have waived or gamed the pay-go rules that are already on the books to the tune of $882 billion. If you throw in the things they wanted to do that they weren't able to pass, because we on our side stood up and said, no, that is too much—and we did it on the rest, but we got rolled—it is over a trillion dollars of instances where this Congress and this President have asked for initiatives that would waive, punch holes in, go around the pay-go rules we already have. That is why I called it ''Swiss-cheese-go,'' not pay-go. Now we have this disingenuous statement from the administration that suddenly they are for pay-go. It already exists; we just don't enforce it around here. Not only do they claim they are for pay-go, even in their statement they claim they are for it, and they game their own pay-go proposal by saying it is not going to apply to the doc fix, the AMT fix, or even to the health care exercise. There should be a pay-go point of order against the first 5 years, and they waived that on health care reform.

It is a good precedent. It will be picked up by the mainstream media as an effort by this administration to try to discipline spending because, of course, they are not going to acknowledge that it has been gamed to such an extraordinary extent that over $882 billion has been spent that should have been subject to pay-go rules. So it is a touch inconsistent and disingenuous for them to suddenly now find the faith of pay-go when, in fact, they have been ignoring pay-go rules and gaming those rules so they could spend money.

Again, what happens there? They run up the debt on the American people in the United States, creating a system where our government will not be sustainable or affordable for our children.

If this administration wants to do something meaningful in the area of reducing the debt and controlling spending, take the $65 billion they are about to get in repayment of TARP money from the various banks and apply it to reduce the debt. That would be real action versus the precedent.

I yield the floor and appreciate the courtesy of the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I ask unanimous consent to speak for up to an hour as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. BURR. Mr. President, I came to the floor last week for north of 5 hours and spoke about the bill that will be disposed of as this week goes on and, specifically, on an amendment that, though nongermane postcloture, the majority leader has agreed to hold a vote on. To me, this will be one of the most important votes Members in this body cast this year.

Again, I believe this is one of the most important votes Members in the Senate will cast this year. Let me try to say why. This is a debate about the regulation of tobacco and, to start with, Members need to be reminded that today this is not an industry without regulation. This is the current charted Federal regulation of the tobacco industry before we do anything. I point out that included in that regulatory structure is the Department of Transportation, Department of Treasury, Department of Commerce, Department of Justice, Office of the President, Department of Health and Human Services, Department of Education, Department of Labor, General Services Administration, Department of Veterans Affairs, Federal Trade Commission, Department of Agriculture, Environmental Protection Agency, U.S. Postal Service, and Department of Defense.

One, no Member can come to the floor and claim this is not a regulated product. It is the most regulated product sold in America today. I think there is consensus, and I agree, that we can do better than this maze of regulatory oversight in jurisdiction that is currently structured within the Federal Government, because it has been cobbled together as the Federal Government has grown, as new areas saw they had a piece of this pie, and they wanted some jurisdiction. We are throwing this regulatory structure away, and the proposal in the base bill, H.R. 1256, is to centralize this regulation of tobacco within the FDA.

For those who aren't familiar with the FDA, let me say the Food and Drug Administration regulates 25 cents of every dollar of the U.S. economy—25 percent of all of the products sold in the United States are regulated by this one agency.

FDA's core mission is this:

> Responsible for protecting the public health by assuring the safety, efficacy, and security of human and veterinary drugs, biologic products, medical devices, our Nation's food supply, cosmetics, and products that emit radiation.

Nowhere in there does it say tobacco, nor has it ever. A layperson would look at this and say if there is an agency whose responsibility it is to approve safety and effectiveness, for God's sake, you could not give them tobacco because they could never prove it was safe. It kills, and there is no dispute about that. We are trying to take a round peg and put it in a square hole. We are trying to find an agency that we think has punitive steps that they can take, but we are actually going much farther than that. You see, not only is there experience or expertise at the FDA to regulate tobacco, they are not. We are going to ask the FDA to surge, with their resources, their personnel, expertise, away from things such as lifesaving drugs, effective medical devices, and a responsibility to food safety at a time Americans have been killed because this agency couldn't effectively do their job. We are going to ask them to surge to handle a new product they have never, ever regulated.

As a matter of fact, the last FDA Commissioner, von Eschenbach, said this:

> The provisions in this bill—

I might say this was slightly over 2 years ago. As I have pointed out and talked about last week for over 5 hours on H.R. 1256, the authors of the bill didn't even change the dates in the bill from the bill written 2 years ago. As a matter of fact, the section by section is the same bill written 10 years ago. So I think it is appropriate, if they are going to use an effective date of February 2007, that I use the comments of the FDA Commissioner at the time, who said:

> The provisions in this bill would require substantial resources, and FDA may not be in a position to meet all of the activities within the proposed user levels. . . . as a consequence of this, FDA may have to divert funds from other programs, such as addressing the safety of drugs and food, to begin implementing this program.

This is not RICHARD BURR, this is the former Commissioner of the FDA saying we may have to divert funds from other programs, such as safety of drugs and food. If the American people are given this choice, they would say uphold the gold standard of the FDA. Let me go to bed at night as I take that medication my doctor prescribed and the pharmacist filled, and let me feel confident that the most qualified reviewer looked at that application, at the clinical trial date, and made a determination that this drug was safe and effective for me. Make sure when I go to the grocery store and buy food in a global marketplace, where the melons might have come from Chile or the spinach from Mexico, that they have the best and brightest addressing food safety.

They have already flunked that several times in the last 3 years, and we have all dealt with the consequences of it. But think about what we are getting ready to do. We are getting ready to make it worse. We are getting ready to take an agency that has a seal of approval, a gold standard, and we are getting ready to say we want you to maintain that gold standard on drugs, and food, and biologics, and medical devices, but we understand you cannot hold tobacco to the same threshold. So we want you to ignore the fact that tobacco kills, and we want you to regulate it as we prescribe it in legislation. How does H.R. 1256 prescribe this in regulation?

We will turn to this, which is my continuum of risk chart. It basically starts to my right, and your left, Mr. President. It has unfiltered cigarettes. You remember those. They had a risk of 100 percent. If you smoked them, there was a 100-percent likelihood that you were going to have a health problem from smoking.

Then the industry came up with filtered cigarettes, and they reduced the risk by 10 percent, from 100 percent to 90 percent. But when one is looking for a way to play this, a 90-percent risk is not a good one.

What H.R. 1256 says is: OK, we realize FDA is not the right agency, but we are going to place it there anyway, and we are going to tell the FDA: We want you to leave this alone; we don't want you to touch this 100-percent risk or 90-percent risk. We want to grandfather all the products that were made before February 2007. And, oh, by the way, that would include U.S. smokeless tobacco.

The most risky we are grandfathering in and we say to the FDA: You can't change it. You basically can't regulate it. You can't regulate the 100 percent, you can't regulate the 90 percent, and you can't regulate this small but growing U.S. smokeless market that has a risk of 10 percent.

One might look at the chart and say there are other things on there. There are electronic cigarettes, tobacco-heating cigarettes, Swedish smokeless snus. There are dissolvable and other products that have less risk. All those products in February 2007 were not in the marketplace. They are banned. They are eliminated.

What are we asking the FDA to do? We are asking them to grandfather three categories of products and let all adults who choose to use a tobacco product choose from the most risky categories.

What are we saying to the 40 million Americans who smoke today? If you are in this category of using cigarettes, we are not going to give you any options as to what you turn to as you realize that is not the best thing for your health. We are going to lock you in and hope it kills you fast so our health care cost goes down.

Any claim—any claim—that H.R. 1256 reduces the cost of health care is only because we have grandfathered in smokers who will die sooner, not that we have allowed them a pathway through this bill to ever experience not only products that are currently on the marketplace that reduce the risk from 100 percent to as little as 1 percent, but we have completely eliminated any additional innovation in product in the

future that would allow somebody to get from 100 percent to 1 percent and actually be a healthier American.

I am not on the floor today suggesting that regulation is not in order. It is in order. At 4:20 p.m. today, Members of the Senate will have an opportunity to vote on a substitute amendment that has several changes from this current bill. One, it does not centralize the jurisdiction in the FDA. It creates, under the Secretary of Health and Human Services, a new agency called the Harm Reduction Center. Its sole job is to regulate tobacco. It regulates tobacco more specifically than does the FDA under H.R. 1256. But what it does allow is the development of new products that might encourage individuals to give up smoking and to turn to products that are less harmful.

Here is a list of the organizations that support tobacco harm reduction: The American Association of Public Health Physicians, 2008; the World Health Organization, 2008; the Institute of Medicine, 2001; the American Council on Science and Health, 2006; the New Zealand Health Technology Assessment, 2007; the Royal College of Physicians, 2002, 2007; Life Sciences Research Office, 2008; Strategic Dialogue on Tobacco Harm Reduction Group, 2009—this year.

People around the world are talking about reduced harm, except in the Senate. As a matter of fact, we don't need to look far across the pond before we find Sweden. During the past 25 years, Swedish men have shown notable reductions in smoking-related diseases: a decline in lung cancer incidence rate to the lowest of any developed country; no detectible increase in oral cancer rate; improvement in cardiovascular health. Tobacco-related mortality in Sweden is among the lowest in the developed world.

Why? Every Member of this Congress should ask why. Because the sponsors of this bill have said this is what we are trying to do in the United States.

How did Sweden do it? It is very simple. Sweden did it by allowing these products to come to market. As a matter of fact, Swedish smokeless snus is currently on the market in the United States. I am not going to tell you the market share is big, but I can tell you this. The risk of death or disease is less than 2 percent. But under H.R. 1256, which the Senate may or may not adopt this afternoon, what we would do is we would eliminate Swedish snus, and we would lock smokers into the categories that are currently on the market, all because of an arbitrary February 2007 date because somebody was too lazy to change the bill.

Think about that: that we would take something Sweden found over 25 years had been an incentive to get people off cigarettes and move toward other products, to the degree that, in Sweden, they had a decline in lung cancer, they had no detectible increase in oral cancer, and they had an improvement in cardiovascular health; that tobacco-related mortality in Sweden is among the lowest in the developed world. Why is that? Because the authors of H.R. 1256 suggest that new product innovation can happen, and I would tell you there are three thresholds one has to meet for new products to come on the market. I will not talk about the first two. I will focus on the third one.

The third one is this: that to have a product approved to be placed on the market, a company has to prove that a nontobacco user is no more likely to use that new product if that product is available. Then it goes on to say, in great congressional form, that unless you have an application that has been approved, you cannot engage the public on a product that has not been improved.

How does one do a clinical study that proves to the FDA that no American is more likely to use tobacco on a product that wasn't in the marketplace if, in fact, you can't talk to them about the product until it is approved? It is a Catch-22.

The authors of this bill knew exactly what they were doing. Let me say it again. The authors of this bill knew exactly what they were doing.

What has changed over the weekend since I was out here for 5 hours-plus last week? Public health experts around the country are beginning to read the bill and they are beginning to go: Oh, my gosh. Do not pass this. This is a huge mistake. As a matter of fact, I will get into it in a little while. I have plenty of time that I am going to spend on it.

Understand there are only three reasons we would consider new additional regulations: to reduce the rate of disease and death and to reduce the prevalence of youth access to tobacco products and specifically smoking.

I know the Presiding Officer heard me say this last week. This is my chart of 50 States. In 1998, the tobacco industry came to a settlement with States called the Master Settlement Agreement, MSA. In that agreement, they committed $280 billion to defray the cost of health care for the States—specifically, their Medicaid costs—and also provided money to make sure they could have cessation programs to get people to quit smoking and to make sure youth access, youth prevalence went down.

These are the CDC levels for last year, and I might say the CDC makes a recommendation to every State at the beginning of the year as to how much they should spend on programs that encourage youth not to smoke. I am just going to pull randomly a few States.

Connecticut: Of the CDC recommendation, Connecticut spent 18.9 percent of what the CDC recommended; 21 percent of the youth in Connecticut have a prevalence of smoking; 23.2 percent of the youth in Connecticut have a prevalence of marijuana usage.

The Presiding Officer's own State, Illinois: Of the CDC recommendation of what Illinois should spend on youth prevention, Illinois spends 6.1 percent; 19.9 percent of the youth have a prevalence to smoke. They are at 23.3 percent who have a prevalence of marijuana use.

In Missouri, of the CDC recommendation on how much should be spent on the prevalence of youth smoking, Missouri spent 3.7 percent; 23 percent of the youth have a prevalence of smoking; 19 percent a prevalence of marijuana use.

I can see that the Presiding Officer gets where I am going. We have constantly, since 1998, with the money provided by the tobacco industry to the States, chosen to build sidewalks over promoting programs to reduce youth prevalence of smoking. Now the authors of this bill would have us suggest that by allowing the FDA to have regulation of tobacco, the prevalence of youth smoking is going to go down because now we have one Federal agency that will have total jurisdiction over this product.

Let me say this: If that were the case, the prevalence of marijuana usage by youth would be zero because it is illegal. There is no age limit. As a matter of fact, there is no agency need for jurisdiction because nobody in America—adult or youth—is supposed to use it. It is a myth for us to believe the authors of this bill that by simply dumping this in the FDA, somehow youth prevalence of smoking goes down. It is a joke. It is a joke, and the public health community has now recognized this.

In 1975, Congress commissioned the University of Michigan to track youth smoking rates. At that time, youth smoking was at an alltime high. However, those rates started coming down and leveled off around 30 percent all the way up to 1993. For some unknown reason at that time, youth smoking started to rise and peaked at an alltime high in 1997. In 1998, 12th graders who said they tried a cigarette in the last 30 days was approximately 36 percent, according to the University of Michigan.

Congress didn't have a good sense of why this was happening. Opponents of the tobacco industry started blaming all this on the alleged manipulation of young people by tobacco manufacturers through sophisticated marketing and advertising.

The tobacco industry has a checkered past, I will be the first to admit that, when it comes to advertising in the market. But what I am suggesting is, it may not have been all due to tobacco marketing. There was another trend occurring during the 1993 to 1998 period that virtually mirrored that of youth smoking. It was the increase in illicit drugs in the United States.

Let me say that again. What mirrored the trend from 1993 to 1998 of the increase in youth smoking was the increase of use of illicit drugs by teenagers. Something much broader was happening among our country's young people.

The Senate's answer to the smoking rate increase was to pass this initiative, to give FDA jurisdiction.

Senator KENNEDY made the following remarks during the 1998 Senate floor debate to emphasize the need to protect kids. Let me quote him:

FDA Commissioner David Kessler has called smoking a ''pediatric disease with its onset in adolescents.'' In fact, studies show that over 90 percent of the current adult smokers began to smoke before they reached the age of 18. It makes sense for Congress to do what we can to discourage young Americans from starting to smoke during these critical years. . . . Youth smoking in America has reached epidemic proportions. According to a report issued last month by the Centers from Disease Control and Prevention, smoking rates among high school students soared by nearly a third between 1991 and 1997. Among African-Americans, the rates have soared by 80 percent. More than 36 percent of high school students smoke, a 1991 year high. . . . With youth smoking at crisis levels and still increasing, we cannot rely on halfway measures. Congress must use the strongest legislative tools available to reduce youth smoking as rapidly as possible.

Well, the Senate told the American public that the passage of a massive FDA tobacco regulation back in 1998 contained the strongest legislative tools available to address youth smoking issues.

By the way, they have decreased since 1998—youth smoking has decreased. As a matter of fact, overall smoking has decreased. I don't want anybody to think there is no light at the end of the tunnel. As a matter of fact, what this shows is a comparison—a study done by the Centers for Disease Control and Prevention and then a Congressional Budget Office estimate after reviewing the Kennedy bill, or Waxman bill, H.R. 1256. What the CDC said was that if we do nothing, we reduce smoking to 15.97 percent by 2016, and the Congressional Budget Office, under H.R. 1256, said that if we pass the Kennedy bill, the rate would be 17.80 percent. As a matter of fact, I miscalculated when I put the chart together, and it is actually 2 percent higher, meaning we do 4 percent better if we do nothing.

You see, my point is this, and it is exactly what I said at the beginning: The authors of this bill said its purpose is to reduce the risk of death and disease and to reduce youth smoking. I would tell you that a caveat to that should be that we should reduce smoking. Clearly, the Centers for Disease Control and Prevention says that if you do nothing, it goes to this point, and the Congressional Budget Office, after looking at the bill, suggests it is 2 percent or 4 percent higher if, in fact, we pass the bill. Why is that? How could it possibly be higher if you pass legislation that is supposed to fix it? Well, it is for this reason: It is because of what H.R. 1256 does. It is not a public health bill. It is a bill that locks in the most risky products and grandfathers them to the Food and Drug Administration and allows no pathway for reduced-harm products to come to market. It actually takes some reduced-harm products that are currently on the market, that haven't been sold since February 2007, and says, therefore, they are gone. There is no ability for the FDA to look at this product and say: My gosh, in the name of public health, let's keep this product on the market, because the Senate is legislatively telling the FDA what to do.

Why does it matter what agency we put this in? If Congress believes they can fix it, then why haven't they fixed it up until now? If writing a bill that legislates how to fix it would work, why haven't we done it? Well, I would contend that all I have to do is go to this chart of 50 States, and for the majority of the States the prevalence of marijuana usage is higher than the prevalence of youth smoking, which tells you there is no regulatory body that can eliminate the usage of an illegal product by those who choose to use it, unless—unless—it is through education. There is no education in H.R. 1256. Let me say it again: There is no education in H.R. 1256.

If the goal is to reduce the risk of death and disease and education is the only way to accomplish that, if the goal is to reduce youth prevalence of smoking and the only tool to accomplish that is education, then I ask the sponsors to come to the floor and show me where the education is in FDA regulations.

I am on day 5 now—maybe day 6 if you count that I was here for a short period of time last Monday, but I didn't make it yesterday, Monday—day 6, and I have yet to have anybody come to the floor and ask a question, refute anything I have said or question the facts I have produced. Why? Because I am using the same agencies most Members come to the floor and reference: the Centers for Disease Control and Prevention and the Congressional Budget Office. It is hard to say that they are wrong, that they are not reputable entities within the Federal Government, and then turn around next week and bring your own statistics using the same entities we use as a gauge.

One can question whether the Royal College of Physicians came to the right conclusion when they said:

In Sweden, the available low-harm smokeless products have been shown to be an acceptable substitute for cigarettes to many smokers, while ''gateway'' progression from smokeless to smoking is relatively uncommon.

Let me say that again: ''. . . while gateway progression from smokeless to smoking is relatively uncommon.''

Some authors of H.R. 1256 have come to the floor and said: Well, my gosh, if we let reduced-harm products come to the marketplace, this is going to create a gateway to youth usage of tobacco products that will eventually turn them into smokers.

Read the substitute bill. The substitute bill requires the Reduced Harm Center to actually list for the American public the most risky tobacco products and the least risky. The bill that consolidates all this jurisdiction for tobacco within the Food and Drug Administration doesn't even require the Food and Drug Administration to rank the most risky products. Why? Because those are the ones we have grandfathered. We have said they can't touch them.

Compassion would tell you that if you want people to switch from smoking and give it up, you have to give them a tool to get there. But what we have said is that the future will consist of no new tools except those manufacturers that were on the market before February 2007—some magical date in history we will all look back on and probably find that to blame as to why this program doesn't work.

In a little over an hour, we will have an opportunity to come to the floor and to vote on the substitute. Let me say to my colleagues, if you want a real public health bill, vote for the substitute. If you want to reduce the prevalence of youth smoking, vote for the substitute. If you want to reduce the rate of death and disease, vote for the substitute. Don't just listen to me, listen to public health experts and authors who now have written on this issue.

This happens to be a book—and I am not sure how long ago it was published, although I am sure I can probably find that out—that I think I spent $50 today to get, either that or it is on loan. That seems like a lot of money, but the truth is, it is a book about how the Senate of the United States is getting shafted. It is a book about the collusion that happened behind closed doors between the authors of this bill and Philip Morris. It is written by an author named Patrick Basham. I want to read a few things he has printed in his book.

Handing tobacco regulation over to the FDA, as Congress is poised to do, is an epic public health mistake. It is tantamount to giving the keys of the regulatory store to the Nation's largest cigarette manufacturer.

It goes on:

There are significant and numerous problems with the FDA regulating tobacco and virtually no benefits to public health.

Let me say that again.

There are significant and numerous problems with FDA regulating tobacco and virtually no benefits to public health.

Do you get it? I mean, if you are going to bill it as a public health bill, for God's sake, put something in there that is to the benefit of the public health of this country.

Mr. Basham goes on to say:

Kennedy, Waxman, and the public health establishment present their legislation as a masterful regulatory stroke that will end tobacco marketing, preventing kids from starting to smoke, make cigarettes less enjoyable to smoke, and reduce adult smoking. But FDA regulation of tobacco will do none of these things.

This is not a fan of the tobacco industry. This is an author, an individual, who has been covered in numerous publications. He is an adjunct

scholar with the Cato Center for Responsible Government. He is a lecturer at Johns Hopkins University. He has written a variety of policy issues, and his articles have appeared in the New York Times, the Washington Post, USA Today, the New York Post, and the New York Daily News, just to name a few. His book is titled ''Butt Out! How Philip Morris Burned Ted Kennedy, the FDA & and the Anti-Tobacco Movement.'' This is no fan of tobacco. This is a guy who is calling balls and strikes. He is one person who is so concerned about the public health in this country and making sure what we do accomplishes good public health policy that he is willing to be outspoken.

He goes on in his book and says this:

The process of validating new reduced-risk products appears to be designed to prevent such products from ever reaching the marketplace, thus giving smokers the stark, and for many the impossible, choice of ''quit smoking or die.''

You might want to remember that part. We can now call the continuum of risk ''quit or die.''

Rather than making smoking safer for those who continue to smoke, it will deny smokers access to new products that might literally save their lives. That is hardly a sterling prescription for good public health.

If the objective is public health, H.R. 1256 falls way short. Even if the idea of FDA regulation were good in theory and practice, several things, including the FDA's competence in tobacco policy and science, its public image, its fit with the tobacco file, its available resources, and its overall current competence, argue strongly against giving it regulatory responsibility for our Nation's tobacco policy.

This is a scholar, Mr. President.

FDA regulation of tobacco need not be a public health tragedy, however. By bringing the crafting of tobacco policy out into the light of day, by taking it out of the hands of the special interests and, most importantly, by keeping it away from the FDA, there is every opportunity to begin to create a policy that not only serves the interest of nonsmokers and smokers, but a policy that might really work.

To Senators of the U.S. Senate: If you want a policy that really works, do not adopt H.R. 1256. Consider strongly the merits of the substitute amendment, which does focus on the public health of this country.

Mr. Basham is a professor who studies and writes on a variety of topics, and when he took an objective view of the situation, he saw H.R. 1256 for what it was. He saw it as misguided legislation.

Our amendment—mine and Senator HAGAN's—accomplishes exactly what Mr. Basham raises. Our amendment sets up a new agency under the auspices of HHS and a Secretary who will examine all tobacco products and set up a regulatory framework that will save lives. That is in the public health interest of America. We don't preclude new reduced-risk products from entering the marketplace. We do not preclude reduced risk products from coming into the marketplace; H.R. 1256 does. We mandate the Tobacco Harm Center post the relative risk of each tobacco product currently on the market. Wouldn't that be incredible if we had a ranking between cigarettes and all the other things? We wouldn't need that if H.R. 1256 passed because we would only have nonfiltered cigarettes, filtered cigarettes, and smokeless tobacco. I can tell you the ranking would be unfiltered cigarettes the worst, filtered cigarettes next to the worst, and smokeless third. Those are the choices that adults would have in this country, and for somebody who is addicted to smoking, if smokeless wasn't something that enticed them to quit smoking, they would be left out because the legislation does not create a pathway for new products.

We also give current users the information they need to decide whether they want to migrate from a more harmful product, such as cigarettes, to less harmful products.

I have heard my colleagues and many other advocacy groups boast how the underlying bill will give the FDA authority to remove toxins in cigarettes, boast how granting the FDA the ability to regulate advertising will encourage people to not use, and current smokers to quit.

I agree, better warning labels will act as a deterrent to nonsmokers. But what about current smokers? Dr. Basham sites a very interesting study conducted in Canada and the United States by an independent organization. The study consisted of showing smokers packages of their current cigarettes with an increased warning label and graphic pictorials of cancer and other diseases. The study concluded that no statistically significant change in smoking behavior could be expected to be followed from the redesigned packages.

If you have noticed, over this 45 minutes, so far, I have sort of knocked all the things out that the sponsors of this bill said it accomplished. It does not do any of them. It does do one thing: it grandfathers the most risky products and consolidates their regulation at the FDA. It does not reduce risk of death, disease, or youth prevalence of smoking.

Since H.R. 1256 bans any reduced risk smokeless products from entering the marketplace, it locks current smokers only into cigarettes. However, our amendment does not lock them into just cigarettes. We provide this consumer with the ultimate amount of choice. The purpose of my amendment, as I said, is to reduce the risk of death and disease and to reduce youth prevalence of smoking.

The regulated products under my amendment? All tobacco and nicotine products. There are no holes in the substitute. It covers the entire scope of tobacco products. New smoking provisions in H.R. 1256, ''change current tobacco advertising to black and white only and require graphic warning labels on packages of cigarettes.''

We require graphic warning labels on the package of cigarettes, and we eliminate print advertising. Somehow the authors of this bill would have us believe if we go from color to black and white advertising that people under 18 actually will not read it or can't read it. Maybe today's youth can only read in color. But they suggest theirs is a stronger regulatory bill. But the substitute eliminates print advertising. No longer will the Vogue magazine that a mom finds in the grocery store attractive, that might not be one of those publications that is considered a publication that youth would purchase, but a 14-year-old might go to her mother's Vogue magazine and flip open and see a tobacco ad by mistake—it can't happen under the substitute legislation. It will happen under H.R. 1256, but only in black and white.

H.R. 1256 uses user fees to fund the FDA, about $700 million over 3 years. We asked the Secretary of Health and Human Services: How much do you need to stand up a complete new agency that is only focused on tobacco legislation? One hundred million dollars a year because these fees that we charge the tobacco companies are passed on to the consumers, the people least likely to fund it, the ones who are already funding the Children's Health Insurance Program, funding the majority of the State Medicaid programs. Let's give these folks a break. Let's not put this entire burden on their backs, especially if it is not going to do any good.

It is not just Mr. Bashan. As a matter of fact, Brad Rodu wrote, March 26—Brad Rodu, the Endowed Chair of Tobacco Harm Reduction Research, School of Medicine, University of Louisville—I will read a couple of excerpts of what he wrote.

According to the American Association of Public Health Physicians, the bill ''will do more harm than good in terms of the future tobacco-related illnesses and death.'' While the AAPHP favors ''effective regulation of the tobacco industry. . . . This bill does not meet this standard.'' The bill, introduced by Rep. Henry Waxman, is supported by medical groups that are engaged in a crusade against the tobacco industry. That's the problem: In a blind desire to kill tobacco manufacturers, the Waxman bill may end up hurting smokers.

It goes on and on. Again, an endowed chair of a major academic institution says don't do this.

How about Michael Siegel, Professor in the Social and Behavioral Sciences Department at—get this—Boston University School of Public Health, home of the authors of the bill. The Los Angeles Times, op-ed, June 3—not long ago. Let me read a couple of excerpts out of Mr. Siegel's op-ed.

In the end, it ensures that federal regulation of tobacco products will remain more about politics than about science.

H.R. 1256 gives the FDA the ability to lower nicotine levels in cigarettes. Since H.R. 1256 locks current users into cigarettes only by banning reduced risk products, H.R. 1256 ensures that 40 million Americans who currently smoke are doomed to death and disease associated with cigarette smoking. H.R. 1256 will cost lives, not save lives.

This is a professor in the Boston University School of Public Health, talking about his Senator's bill. He goes on to say:

Even worse, by giving a federal agency the appearance of regulatory authority over cigarettes without the real ability to regulate, the legislation would seemingly create a FDA seal of approval for cigarettes, giving the public a false sense of security about the increased safety of the product.

In fact, the bill's crafters are apparently so worried about the harmful effects of such a public perception—

Get this—

that they have written a clause into the bill that prohibits the cigarette companies from even informing the public that cigarettes are regulated by the FDA or that the companies are in compliance with FDA regulations.

The legislation forbids a company from even referring to the regulator. He goes on to say:

This is clearly an unconstitutional provision, as it violates the free speech rights of the tobacco companies; nevertheless, it suggests that even the supporters of the legislation are aware that the bill creates a false perception of the increased safety of cigarette smoking.

There is a charge I have not made. The bill is actually unconstitutional. When we recognize things as unconstitutional, I know it is the inclination of some Members of the Senate to wait and have it passed and somebody refer it to the Supreme Court so the Supreme Court can tell us it is unconstitutional. When scholars tell us it is unconstitutional, I believe our responsibility is then: don't pass it, don't do it.

Let me conclude with Michael Siegel, professor in the School of Public Health, Boston University.

During the previous administration, the FDA was accused of making decisions based on politics, not health. If the Senate passes the FDA tobacco legislation, it will be institutionalizing, rather than ending, the triumph of politics over science in federal policymaking. This is not the way to restore science to its rightful place.

I am not saying it. It is a professor from the School of Public Health at Boston University.

What is this bill about? Its author said reducing the rate of death and disease and prevalence of youth smoking. Michael Siegel's assessment: It is about politics.

Patrick Bashan's conclusion in ''Butt Out,'' the book: It is about politics. As a matter of fact, it says on the back of the book:

Philip Morris outwitted this coalition of useful idiots at every turn.

The decision in front of Members of the Senate is simple. Do you want to reduce the risk of death? Do you want to reduce the risk of disease? If you want to reduce the prevalence of youth smoking you only have one chance, and that is support the substitute amendment.

If you want to do politics as usual, if you want to let politics trump science, if you want to lock in a category of products that have a high likelihood of risking the American people, if you want to ignore the research from around the world that suggests by allowing lower harm smokeless products on the marketplace it allows smokers to get off the tobacco products, support H.R. 1256.

I believed 5 days ago when I came to the Senate floor that was all I needed to put up to win this debate. I actually believed that was all I needed to put up for the American people. I have learned over the past 5 days just how stubborn Members of the Senate are. I hope that now, after 6½ hours of coming to the Senate floor on this one bill, staff members through every office—Republican, Democrat, and Independent—have taken the opportunity to check the facts that I have presented, and they have found I am right; they have found a study did exist in Sweden. I didn't make it up; they have found that CDC did do a study—if we did nothing we would reduce smoking more than if we pass this bill; they have found that in Sweden, people did become healthier because of the decision to use smokeless products.

I thought this was all it took for the American people to understand it; that you can't take an agency of the Federal Government that is ''responsible for protecting the public health by assuring the safety, efficacy and security of human and veterinary drugs, biologic products, medical devices, our Nation's food supply, cosmetics and products that emit radiation''—it is impossible to take an agency where that is their core mission and give them a product where you ask them to ignore the gold standard on everything else they regulate. I think the American people would say it seems reasonable to create a new entity to regulate tobacco, if for no other reason than—if you didn't believe any other science that I have shown and the data that has been proven—if for no other reason than why would we jeopardize this gold standard? Why would we make one American at home wonder whether that pharmaceutical product they were taking was actually safe or effective?

Why would we have them question for a minute whether that medical device was approved and reviewed by the most seasoned reviewer versus maybe somebody who was fresh on the job because that seasoned person went over to regulate tobacco products?

Why would we put the American people in a more difficult situation today on their question of food safety with the incidents we have had of death in the United States of America because the Agency could not quite meet their mission statement?

Why would we dump on them now? Why would we do this to the American people? It is beyond me. But when you turn to some of the folks who have written on this issue—whether it is Brad Rodu, whether it is Patrick Basham, whether it is Michael Siegel, in the public health department at Boston University—I guess the only answer is, it is politics over science, that for 10 years people have said we have to put this in the FDA, that Matt Meyers, head of Campaign for Tobacco-Free Kids, is the most powerful ''U.S. Senator'' because he is getting his wish, he is getting exactly what he has been trying to do for decades. He is not a science expert. If he was, he would be voting for the substitute, if he were here.

He wrote the bill. I am surprised he did not catch the mistake of February 2007. Nobody caught that. But the truth is, the bill has not changed much in 10 years, though the world has changed a lot. The science has changed a lot. Health care has changed a lot.

There is a real opportunity to do the right thing in the Senate. But Members will have to show a degree of independence and vote for the substitute and not wait for the base bill. I hope Members will heed the words of people who have no dog in this fight who have suggested, if we pass this bill—not the substitute, the base bill—we will have done a great disservice to the public health of America. More importantly, we will have done a disservice to those individuals to get locked into these categories, as shown on this chart, because their certain future is death and disease. They are counting on us. They are. They are counting on us to do the right thing.

I can leave this debate tonight and say: I left nothing in the bag. I have tried everything to convince my colleagues not to make a huge mistake. I will sleep well tonight. If this substitute does not pass, if H.R. 1256 passes and becomes law, it is others who are going to have to live with the way they voted. When people die because of what they did, it is others who are going to have to live with it.

There are going to be more articles. This is just the tip of the iceberg of health professionals, of public health individuals, people who detail in great quantity exactly what has been going on. As a matter of fact, as they say, the wool has been pulled over our eyes. Well, it has not. That is why we have a substitute amendment. That is why the majority leader allowed a nongermane amendment to come to the floor. Well, it might have had something to do with that he did not have the votes for cloture without allowing it to come to the floor, but I give him the benefit of the doubt that he understood this was an important debate to have, that this was worth extending the opportunity for people to vote up or down.

I see my colleague is here to speak, and I am not going to prolong this debate. In less than an hour, Members will have an opportunity to come to the floor. Most Members will get probably 2 minutes equally divided; 60 seconds to hear what it has taken me 6 hours to say in this debate. Clearly, that is not much time. But now it is in their hands. It is a decision Members of the Senate will have to make about the future of the public health policy of this country.

I urge my colleagues, on both sides of the aisle, to support the substitute amendment today at 4:20 and make sure the future of our country is one we will be proud of and not one we will find as an embarrassment.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MIDDLE CLASS TAX

Mr. JOHANNS. Mr. President, I rise this afternoon to speak about the President's announcement a few hours ago relative to pay-go.

Today, the President said:

> Paying for what you spend is basic common sense. Perhaps that's why, here in Washington, it has been so elusive.

Well, I could not agree more. But I must ask: Where was that common sense when the President proposed to add $10 trillion to the national debt in the fiscal year 2010 budget submission? Where was this basic common sense when he signed a bill earlier this year that adds $1 trillion in debt this year alone? Where was this newfound fiscal discipline when he proposed a massive universal health care proposal that is now turning out to be a government-run proposal with just a downpayment of $650 billion?

The President's announcement undoubtedly was meant to quell rising fears about the amount of spending and borrowing his administration has undertaken. It was likely intended to calm the fears of those who buy our debt who are wondering if it is just paper.

But do the President's words today in any way address the mountain of debt and increased taxes he proposed and supported just a few weeks ago with the budget submission? The answer to that is no.

Today's announcement does absolutely nothing to decrease the rising, crushing debt we have accumulated. In fact, this President has significantly added to our debt, causing it to rise to an unprecedented level, an unsustainable level. Let me repeat that. The President's announcement does absolutely nothing to address our record spending and borrowing. This is akin to maxing out on the personal credit card and then promising not to use it anymore but offering no plan to pay off the balance.

The President rightly pointed out today:

> The debate of the day drowns out those who speak of what we may face tomorrow.

Maybe it is an appropriate time to thoughtfully consider what we face tomorrow because of the unpaid credit card balance.

It is important to dissect the rhetoric and speak to Americans who have been promised something I would suggest the President cannot deliver. Remember that those in the so-called middle class—and the definition of that has changed—have been told they will be shielded from tax increases. Well, I would suggest the evidence is obvious. The rug is about to be pulled out from underneath them by the President's explosive growth in spending and borrowing.

If Congress continues to follow the President's unlimited spending spree and tries to balance the budget at the same time, the middle class will get hammered with tax increases. This, I would suggest, is the elephant in the room that no one in the Obama administration wants to discuss for fear of the consequences.

But the American people deserve an open discussion about the real-life consequences of big government and the runaway freight train of spending and borrowing that comes with bigger government.

Supporters of the current budget claim that only individuals earning more than $200,000 will see their taxes go up; therefore, there will be no tax increase on the middle class. Yet such a tax on higher income earners still results in an average annual deficit hovering around $1 trillion per year for the next 10 years, described by many to be unsustainable.

Our national revenue simply cannot keep up with the bloated spending in the budget, and that is resulting in a shortfall.

Let me illustrate this in an example. This is equivalent to a Lincoln, NE, teacher earning $33,000 per year but spending $58,000 per year—year after year. It cannot last long. So is the Obama administration going to continue this spending increase with only the revenue from the so-called rich? How can they continue running annual deficits with no end in sight? They cannot. Inevitably, the spending spree and exploding deficits will land squarely on the middle class in the form of higher taxes, unless we do something.

The reality is, the Obama administration cannot continue the unprecedented level of spending while claiming to hold the middle class harmless.

If you do not believe me, listen to leading economists.

Martin Sullivan, a former economic aide to President Reagan, actually, who backed President Obama last fall, said:

> You just simply can't tax the rich enough to make this all up.

He went on to say:

> Just for getting the budget to a sustainable level, there needs to be a broad-based tax increase.

Leonard Burman, director of the liberal Tax Policy Center, said:

> [T]here's no way we're going to be able to pay for government 10, 20 years from now without coming up with a new revenue source.

Finally, economist Paul Krugman, a New York Times columnist, wrote:

> I, at least, find it hard to see how the federal government can meet its long-term obligations without some tax increases on the middle class.

All of these experts echo the point I am making: You cannot tax the rich enough to cover all the spending. Inevitably, what all of this is leading to is that the middle class will fall victim to massive taxation.

I will put this into more tangible terms by examining how much the tax rate would need to rise to make up for only this year's projected budget deficit—just this year's projected budget deficit. The deficit for this year alone is an eye-popping $1.8 trillion. This does not even take into consideration the more than $12 trillion public debt we currently owe.

Here is what would have to happen to the tax rate. The rates for the top four brackets would skyrocket from the current rates of 35 percent, 33 percent, 28 percent, and 25 percent to an alarming 90 percent across the board. Imagine, people would have to work until Thanksgiving just to pay their taxes.

Some may say: Well, this is great. Tax the rich because they can afford to pay more in taxes. Yet those making up the third and fourth brackets from the top can hardly be characterized as rich.

Let's look at who actually falls in those income brackets. Currently, for tax year 2008, people who fall under the 25-percent bracket earn about $32,000 to $78,000.

Does anyone want to come to the Senate floor and make the case that somebody making $32,000 a year in Nebraska is rich? The average salary in Nebraska is $35,000. I do not know anyone who would suggest that only wealthy people fall within the bracket.

The average Nebraskan would have something to say about that in terms of whether they are wealthy. Let's look at the next bracket, those taxed at 28 percent. The income levels for this bracket are roughly $78,000 and $164,000 for singles. For married couples, it is $131,000 to $200,000. What does that mean? This means that a landscape architect in Nebraska making $75,000 a year, hypothetically, married to an emergency room nurse making $59,000 a year would fall into a 90-percent tax rate. Again, I suggest if you asked this couple, I am quite confident they would not describe themselves as wealthy. Taxing the middle class to the tune of 90 percent would bring this economy to its knees.

There is some notion in America that we, the people, should be the masters of our own economic success. If you tax someone at a 95-percent rate, you take away the economic incentive to be innovative, to strive for greater success. Eventually you end up with slim or no productivity or competitiveness. Yet this administration keeps spending as though it is monopoly money. Just this week, more directions: Get that money

out there. Get that spending going. Their spending binge has an unsustainable course. Complying with pay-go alone won't even come close to fixing it. Maybe Congress would benefit from being coached by the same credit card counselors who help Americans who are drowning in debt. I will bet those counselors would have some stern words.

My point is simple: This is not the right direction for our country. We must start to make spending decisions today that paint a realistic and candid picture of the impact on the middle class, and if it is the purpose of our Nation to hold them harmless, then we have to cut spending and we have to smart size our government.

Working families across our Nation and in my State deserve an honest debate. It is time for Washington to take responsibility. The people at home I believe are demanding it. I often say Nebraskans have great wisdom to convey. I couldn't agree more with a gentleman from North Platte, NE, who wrote me a letter recently and he said this:

> It's important to remember that while government consumes wealth, transfers wealth and sets the ground rules for the generation of wealth, it is the private individuals that create it.

As a final note, the President today rightly acknowledged:

> The reckless fiscal policies of the past have left us in a very deep hole.

I would add to that: And the present.

> Digging our way out will take time, and patience, and tough choices.

Again, I could not agree more, other than I would add to that: The present.

However, instituting pay-go does nothing to cut the deficit or the debt, it simply attempts to hold the line, which the President's budget fails to do. His proposal is actually a more liberal approach than what is already in House rules. Right-sizing government and cutting spending is far from revolutionary. So while the President is saying when you find yourself in a massive hole, stop digging, the more important question might be: How are we going to start filling up this gaping hole?

Our country needs leadership, not the empty rhetoric I would suggest we heard today. The President's speech today sought to subdue the fears of many regarding our country's exploding deficits. I am sure it was targeted to those who buy that debt, who are expressing concerns about what they are purchasing. Yet people should not be fooled into thinking that pay-go is the holy grail for solving all of our spending and borrowing woes. I believe that while pay-go is a useful tool, when you look at the hard facts, you realize that President Obama's speech today, though, is simply too little and it is too late. The horse is already out of the barn, and the President is talking to us about closing the barn door.

Thank you, Mr. President.

Mr. ENZI. Mr. President, I rise today to speak in support of the Burr amendment No. 1246. The Burr substitute amendment takes major steps to restrict tobacco. It creates a new office within HHS to regulate tobacco. It puts in place a realistic, science-based standard for the approval of new and reduced risk products. It also requires states to do more on tobacco control—something we can all support.

As many of you know, I support strong tobacco regulation. I want to remind my colleagues that supporting a different approach to tobacco regulation doesn't mean being soft on tobacco.

The Burr amendment is extensive—longer and more detailed even than the underlying bill. It makes it more difficult for kids to get tobacco and start smoking, and that is the most important thing of all.

Whether we see the Burr proposal or the Kennedy proposal put in place, we still have our work cut out for us when it comes to putting out tobacco use. I am going to keep working on this issue, and I am going to keep putting forward new ideas to stop smoking. These proposals are a first step, but we have a long way to go.

I urge my colleagues to support the Burr amendment.

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

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. DODD. Mr. President, I further ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

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

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. I thank the Chair. I will try and be brief on this. I know I have spoken at some length about the bill before us, the Family Smoking Prevention and Tobacco Control Act. I wish to begin by again thanking our colleagues who voted yesterday to allow us to move forward by supporting the cloture motion. It took a bipartisan effort and I am grateful to colleagues, both in the majority and the minority, for lending their support to that effort. I am also pleased we are having an opportunity to vote on the Burr-Hagan amendment. There were some questions raised as to whether that amendment would be permissible under a postcloture environment from a parliamentary standpoint. As I told my friend from North Carolina, Senator BURR, even though I disagree with his amendment, I would vote against a point of order if one were raised against it so he would have a chance to make his case. His State is going to be affected by this decision we are making. As I recall, I think he told me there are some 12,000 to 15,000 tobacco farmers in North Carolina, hard-working families who have been in the business for generations. This will have an impact on them. It may not be as dramatic as some suggest, but it certainly will have a negative impact if we are successful in reducing the amount of smoking and use of tobacco products by young children.

I am pleased my colleague from North Carolina has had a chance to make his case, along with his colleague from North Carolina, Senator HAGAN.

Having said I would support his right to be heard, now I wish to take a few minutes to express why I support the underlying bill. This bill has been supported over the years by a substantial number in this body, as well as in the other body, the House of Representatives—as I pointed out in the past, this matter, which has been under consideration for almost a decade, has not become law because neither House of Congress has adopted the legislation in the same Congress. We have ended up with the Senate passing a bill, the other House passing a bill, but never in the same Congress. So for all of these years, the Food and Drug Administration has not been able to regulate tobacco products.

We are about to change that if we, in fact, reject the Burr amendment and several others that are pending and give the Food and Drug Administration the power, the authority, to regulate the sale, production, and marketing of tobacco products, particularly to young children. So for the first time, the FDA will have this authority and put in place tough restrictions that for far too long have been absent. This will provide support for families when it comes to how cigarettes are marketed to their children.

I am sure my colleagues are tired of hearing me speaking over the last several weeks about the number of young people who start smoking every day. We have been at this matter now for about 2 or 3 weeks, considering the floor action, as well as the action in the HELP Committee, which is the committee of jurisdiction. You can do the math yourself: Over 20 days, 3,000 to 4,000 children every day starting to smoke while we have been deliberating this piece of legislation. Needless to say, I don't know of a single person in this country with an ounce of sense who wants that many children who begin this habit to continue. I don't know of anybody with any sense at all who believes our country is better off if day after day we allow an industry to market products designed specifically to appeal to young people, knowing what danger and harm it causes. Four hundred thousand of our fellow citizens expire, die every year because of smoking-related illnesses—400,000 people. That is more than the number of people who lose their lives as a result of automobile accidents, AIDS, alcohol

abuse, illegal drug abuse, and violent crimes with guns. All of those combined do not equal the number of deaths that occur because of people's use of tobacco and tobacco products. That does not include the number of people who lead very debilitated lives, who are stricken with emphysema or related pulmonary illnesses that fundamentally alter their lives and the lives of their families.

I apologize to my colleagues for continuing to recite these numbers, but I pray and hope these numbers may have some impact on those who wonder if every aspect of the bill makes the most sense or not. None of us should ever claim perfection, but we have spent a lot of time on this, a lot of consideration on this. There are 1,000 organizations, faith-based, State organizations—leading organizations dealing with lung cancer and related problems and they are all speaking with one voice. They are telling us to pass this bill, pass this bill, and allow finally for the FDA to be able to control the marketing, the selling, and the production of these tobacco products.

Absent any action by this Congress, more than 6 million children who are alive today will die from smoking. Mr. President, 1 out of 5 children from my State of Connecticut smokes today, and 76,000 children, we are told by health care professionals, will die prematurely because of their addiction to tobacco.

As I mentioned earlier, we are on the eve of passing major health care reform legislation. The centerpiece of that bill, as I hear my Republican friends and Democratic friends talk about it, is prevention. That is the one piece about which there is a great deal of unanimity. How can we deal with health care reform? The best way to treat a disease is to have it never happen in the first place. This bill may do more in the area of prevention, if adopted, than anything else we may include in the health care bill in the short term. The estimates are that 11 percent of young people would not begin the habit of smoking if this bill is adopted. Imagine 11 percent of the young people not smoking of that 3,000 to 4,000 every day who start. That in itself would be a major achievement.

My friend from North Carolina, Senator BURR, does not give authority to the FDA. The FDA is 100 years old. His bill creates a completely new agency, an untested agency, to oversee tobacco products. But the FDA is the right agency because it is the only agency that has the regulatory experience and scientific experience and the combination of that with a public health mission. Unlike the Kennedy bill, the underlying bill, the Burr substitute fails to provide adequate resources to do the job. In the first 3 years, if the Burr substitute is adopted, it would allocate only one-quarter of the funding allocated in Senator KENNEDY's proposal. The Burr substitute fails to give the authority to remove harmful ingredients in cigarettes, which the Kennedy bill would do. It doesn't go far enough in protecting children and has weaker and less effective health warnings as well.

I say respectfully to my friend, setting up and creating a whole new agency, providing a fraction of the funding necessary to get it done, and providing inadequate resources in order to support these efforts is not the step we ought to be taking. All of us can agree that the FDA is basically the agency we charge with the responsibility of regulating everything we consume and ingest, including the products ingested by our pets. The FDA has jurisdiction over your cat food, dog food, and what your parakeet may have, but your child's use of tobacco is not regulated by anybody. Your child's safety, in many ways, is being less protected than that of a household pet. That needs to change.

For a decade, we have debated this. We have been through countless arguments. Now we have come down to the moment as to whether this Congress, in a bipartisan fashion, as we did yesterday, will say enough is enough. We have come to the end of the debate.

Mr. President, 400,000 people are losing their lives every day, and 3,000 to 4,000 children are starting to smoke, a thousand of whom will be addicted for life, and one-third of that number will die because of the use of these products. That is over with. The marketing, the production, as well as the selling of these products has to come to an end. This is the best way to save money, if you are not impressed with the ethics and morality of the issue.

This is a self-inflicted wound we impose on ourselves as a country, knowing the damage it causes, the costs it imposes, the hardships, the horror, and the sorrow it brings to families. I don't know a single person who smokes and wants their child to begin that habit. If they could stand here collectively—the families across this country who are smokers—they would say with one voice: Pass this bill. Please do everything you can to see to it that my child doesn't begin that habit.

Ninety percent of smokers start as kids, we know that. So we need to change how we regulate these products. That is what this bill does. It has had tremendous support from our friends, both Republicans and Democrats, over the years. We have never done it together, and we are on the brink of doing that and making a significant change in our country for the better. It is long overdue.

When the vote occurs on the Burr amendment, I urge my colleagues to vote against the amendment. I want to do everything I can to help those farmers. The bill makes a difference in providing real help to the farmers. I see my friend from Kentucky. He knows I went to law school there, and he knows I have an affection for the people there. We owe it to them to provide real help so they can get back on their feet. I say to my friend from North Carolina, and others, I know what it means to have an industry in your State face these kinds of challenges, but clearly the challenge to our Nation is to begin to reduce the number of children who smoke and to save lives every year. I say respectfully that there is no more paramount issue for our Nation as a whole.

I urge my colleagues to reject the Burr amendment.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, the ranking member of the Senate Judiciary Committee, Senator SESSIONS, Senator KYL, and I will take a few moments to discuss the pending Supreme Court nomination and the proceedings leading up to that. I have notified the Democratic floor staff that it might slightly delay the 4:20 vote. I find that not objectionable on the other side.

I would inform our colleagues that we are going to proceed as if in morning business. I ask unanimous consent that we may do so.

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

Mr. MCCONNELL. It will not cause much of a delay on the 4:20 vote.

Senator SESSIONS is up and will be first to speak.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Mr. President, I thank Senator MCCONNELL for his leadership in so many ways but in particular the concern he has shown repeatedly on the U.S. judiciary. He is on the Judiciary Committee, and he takes these issues seriously. I think it is important that we all do so.

I have to say I am disappointed that this morning we learned from media reports—I did—that the chairman of the Judiciary Committee, Senator LEAHY, announced we would begin the hearings on July 13 on Judge Sotomayor. I believe that is too early. I don't believe it is necessary. It is far more important that we do this matter right than do it quick. When the announcement was made, President Obama said the time we should look to is October 1, when the new Supreme Court term starts. I think that always was an achievable goal, and it is something I said I believe we could achieve and still do it in the right way.

The question is, Can we get all this done in this rush-rush fashion? It will be the shortest confirmation time of any recent nominee. It is a time well shorter than that of Justice Roberts—now Chief Justice—and we had a need to move that a bit because he was confirmed, as it turned out, on September 29, a couple of days before the new term began. He was going to be Chief Justice. But the last nominee, whose record was much like this nominee, Justice Alito, was coming up in late December, and the Democratic leader

then on the Judiciary Committee, Senator LEAHY, asked that it be put off until after Christmas. The Republican chairman at that time, Senator SPECTER, despite President Bush's desire that it move forward, said: No, I think that is a reasonable request, and so we put it off. It was 90-some-odd days before that confirmation occurred. It was well over 70 days before the hearings began.

Mr. President, first and foremost, we are committed to giving this nominee a fair, good, just hearing. But to do so requires that we have an opportunity to examine her record of probably more than 4,000 cases. In addition to that, she has given a lot of speeches and written law review articles, which need to be analyzed.

Make no mistake about it, this is the only time, the only opportunity this Congress and the American people have to play a role in what will turn out to be a lifetime appointment, an appointment to a Federal bench of independence and unaccountability for the rest of their lives. I think it is important that we do this right.

I thank Senator MCCONNELL for his leadership in trying to insist that we do it right. I believe, from what I know today, the timeframe set forth is unrealistic. More than that, it is not necessary. Let's do this right, take our time, and do it in a way that I hope—as I have said repeatedly, this would be what people could say is the finest confirmation process we have ever had.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my good friend from Alabama for his observation about this nomination. He and I have been involved in a number of these confirmation proceedings over the years. In every one of them, I think there is a sense of fairness that can be reached on a bipartisan basis so that the nominee is adequately and appropriately vetted. That is what the Senator from Alabama is looking for as we go forward on the Judiciary Committee.

Frankly, I was surprised to learn that the majority decided unilaterally, basically, that the schedule would involve hearings beginning on that specific date, July 13, to which Senator SESSIONS referred.

During the Senate's consideration of both the Roberts and Alito nominations, we heard a lot from our Democratic colleagues about how the Senate wasn't a rubberstamp and about how it was more important to do it right than to do it fast. If that was the standard, I suggest to our colleagues, just a few years ago, why wouldn't it be a good standard today? If that was the standard when the Republicans were in the majority, why wouldn't it be a good standard when the Democrats are in the majority? We are talking about the same Supreme Court, the same lifetime appointment to which Senator SESSIONS referred.

The chairman of the Judiciary Committee, today, said back then that ''We need to consider this nomination as thoroughly and carefully as the American people deserve. It is going to take time.'' That was Senator LEAHY then. He also said, ''It makes sense that we take time to do it right.'' I think the American people deserve nothing less. He also said that we want to do it right, we don't want to do it fast. Again, if that was the standard a few years ago when Republicans were in the majority, I don't know why it wouldn't be the standard today.

I don't know what our friends in the majority are fearful of. This nominee certainly has already been confirmed by the Senate twice. She has an extensive record, and it takes a while to go through 3,600 cases. In the case of the Chief Justice, there were only 327 cases. He had only been on the circuit court for a couple of years. She has been on one court or another for 17 years. It is a larger record. I am confident, and our ranking member, Senator SESSIONS, confirms that the staff is working rapidly to try to work their way through this lengthy number of cases. But a way to look at it is the committee had to review an average of six cases a day in order to be prepared for Judge Roberts' hearings—six cases a day. The committee will now have to review an average of 76 cases—76 cases—per day in order to be ready by the time the majority has proposed for the Sotomayor hearing.

The Senate functions on comity and cooperation, and the majority leader and I are a big part of that every day, trying to respect each other's needs and trying to make the Senate function appropriately. Here the Democratic majority is proceeding, in my view, in a heavy-handed fashion, completely unnecessary, and is basically being dismissive of the minority's legitimate concerns of a fair and thorough process. There is no point in this. It serves no purpose, other than to run the risk of destroying the kind of comity and cooperation that we expect of each other in the Senate, all of which was granted in the case of Chief Justice Roberts and Justice Alito.

Let me be clear. Because of what our Democratic colleagues are doing and the way they are doing it, it will now be much more difficult to achieve the kind of comity and cooperation on this and other matters that we need and expect around here as we try to deal with the Nation's business.

I hope they will reconsider their decision and work with us on a bipartisan basis to allow a thorough review of this lengthy record that the nominee possesses.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to join the ranking member of the committee on which I sit, as well as the distinguished minority leader, in asking the question of why we have to set a date right now on the hearing for Judge Sotomayor. There is no reason for us to do that because there is no way to know at this point whether we will have our work done by that time.

Historically—and it is for good reason—you want to have the review completed before you question the witness about the matters under review. That makes sense. So there is no reason to set that date today, and that is troublesome. We don't know if we will be ready by July 13, but there is a lot of history to suggest it is going to be very difficult to be ready by that time.

The leader just pointed out the fact that if you compare the work required to consider the nomination of the now-Chief Justice John Roberts as opposed to this nominee, you have more than 10 times as many cases to look at with Judge Sotomayor as you had with Justice Roberts. That takes a lot of time. And even with 20-some staffers reading these 4,000-plus decisions, it is not just a matter of reading the cases; it is a matter of then looking to see what the precedents cited were to determine whether you think the judge was right in the decision that was rendered, to look at the other references in the case to see how closely this followed existing law, and whether it appears the judge might be trying to make law as opposed to deciding law.

That is important in this particular case because of the standard the President laid down for his nominees which strongly suggests something beyond deciding the law. In 5 percent of the cases, as he said, there is no precedent, there is no legal mechanism for deciding how the case should come out. You have to base it on other factors. Everybody is well aware of some of the factors this particular nominee has talked about and the President has talked about—the empathy, the background, the experience in other matters.

The question is, in reading these opinions, do you find a trend of deciding cases on something other than the law, potentially the making of law in this particular case? And even if, as the leader said, you have to review 76 cases a day, that is only the decisions she has participated in or the opinions she has written or joined in.

How about the other writings—her law review writings, her speeches she has given, the FBI report, the ABA report, which we do not have yet, the questionnaire which has not been completed; in other words, a variety of things that have been reviewed and read. And then you discuss the nomination with witnesses to say this matter has been raised, this matter has been raised, what do you think about that?

She will have a variety of people who will be writing to the committee on her behalf. We will receive reams of letters and comments from people who think she is a good nominee, and we will receive a lot of comments, I suspect, from people who think she is not a good nominee. We need to go through all of that. When people write to us

about these nominees, for or against, we don't ignore what they say; we take it to heart. That is part of our job. All of this takes a great deal of time and effort.

Final point, Mr. President. We don't want to leave this to staff. We are going to read those opinions. I have instructed my staff on the opinions I want to read. I am used to reading court opinions, but not everybody has done that fairly recently in their career, and that takes a lot of time as well, considering all the other work we have to do.

To do this right, to conduct the kind of fair and thorough hearing that Senator SESSIONS talked about, and to follow the kind of precedents and tradition that the minority leader talked about, I think it is important for us to do it right, to get it right, to take the time that requires. And if that means going beyond July 13, then do that.

Senator SPECTER, when he was chairman of the committee, worked in a bipartisan way with Senator LEAHY. Senator LEAHY can certainly work in a bipartisan way with us to ensure there is an adequate amount of time.

At the end of the day, what we want is a hearing that everyone can say was fair, was thorough, resulted in a good decision and, hopefully and presumably, will allow this nominee, if she is confirmed, to take her position prior to the beginning of the October term. Justice Roberts was confirmed, I believe, on the 29th of September, and that was 4 days ahead of the time, I think—or 2 days. The Court reconvenes on October 5. Therefore, I see no reason why, if we do this right, we cannot have the nominee—if this nominee is confirmed—confirmed by the time the October term begins.

I say to my colleagues, let's do this right and not try to push things beyond the point that is appropriate under the circumstances.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator KYL for his leadership on this committee. He is one of the Senate's great lawyers. I appreciate his insights, as we all do.

I note that I think this rush is ill advised. In truth, the White House was determined to get the nominee's questionnaire to the Senate in a hurry. There were a number of cameras and crews and press releases that went out when boxes were delivered. In many ways, the questionnaire was incomplete, the result, I think, of that kind of rush. In others, the nominee failed to provide sufficient details that are required by the questionnaire.

For example, the judge did not include a troubling recommendation to the Puerto Rican Legal Defense Fund to lobby against a New York State law that would reinstate the death penalty, and it had quite a bit of intemperate rhetoric in it. After that was noted, she admitted she had failed to include but got that document in. But I suggest perhaps if somebody had not been aware of that omission, maybe we would not have received that document at all. What else might she have failed to include that might be an important bit of information as our committee does its oversight work?

In addition, the nominee was supposed to provide opinions and filings for cases going to verdict, judgment, or final decision. For three cases, she indicates that the District Attorney's Office is searching its records for information on this case, and she did not provide those.

In 14 cases, she noted that she tried, the record is incomplete and not provided. So we don't have any documents related to these cases.

As another example, the nominee is supposed to list speeches, remarks, and lectures she gave and, in the absence of having a prepared text, to provide outlines, notes, and then a summary of the subject matter.

Several of the entries lacked any subject matter descriptions or are so vague as to be utterly uninformative, including these quotes I will note for the record, and we have had some problems with her speeches. A lot of speeches she has given she has no text for.

I note this is on her questionnaire: ''I spoke on Second Circuit employee discrimination cases.'' She did not indicate what or give any summary of that.

Another one: ''I spoke at a federal court externship class on 'Access to Justice.' '' It is not clear what that was in any way, and no summary and certainly no text.

''I participated in a panel entitled 'Sexual Harassment: How to Practice Safe Employment.' '' Similarly, no additional explanation.

Next: ''I spoke on the United States judicial system.''

Next: ''I spoke on the topic 'Lawyering for Social Justice.' I discussed my life experiences and the role of minority bar organizations.''

''I participated in a symposium on post-conviction relief. I spoke on the execution of judgments of conviction.''

''I spoke on the implementation of the Hague Convention in the United States and abroad.''

''I participated in an ACS panel discussion on the sentencing guidelines.''

''I participated in a roundtable discussion and reception on 'The Art of Judging' at this event.''

It would be nice to know what she thought about the art of judging.

''I contributed to the panel, 'The Future of Judicial Review: The View from the Bench' at the 2004 National Convention. The official theme was 'Liberty and Equality in the 21st Century.' ''

Those are some of the things that I think are inadequate responses to the questionnaire's requirements. This questionnaire is one we have used for nominees of both parties for a number of years.

The chairman justifies this rushed schedule because of the need, he says, to allow the nominee to respond to unfair criticisms of her record. But the chairman and all our Democratic colleagues know that the Republican Senators who will actually be voting on this nominee, I am confident and certain, have been nothing but extremely fair and courteous and respectful of the nominee. Even when she made mistakes, such as omitting several things from her questionnaire, we have not criticized her for that. So in return for this courtesy, I am disappointed that we are being rushed to complete this process in a time based on what I know now is not a wise approach. I don't think it is a good way to begin the proceedings.

I look forward to working with my colleagues on this date. Perhaps we can do better as we move forward. It is an important process. It is the public's only opportunity to understand what this is about. I think we ought to do it right. As Senator LEAHY has said, do not rush it.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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, let me say a few words regarding the excellent work of the Judiciary Committee, the work that has been done by Chairman LEAHY. He has informed me that Senator SESSIONS has been most cooperative during the entire time Senator SESSIONS has had this new assignment.

Senator MCCONNELL asked me one day last week to delay a floor vote on Judge Sotomayor until after the August recess, and he sent me a letter, which I was happy to receive, making his case for this delay. I indicated to him this morning—he, Senator MCCONNELL—that I had a telephone call scheduled with the chairman of the Judiciary Committee and the President to go over the content of Senator MCCONNELL's well-written letter.

We had quite a long conversation with the President. Time? I don't know, 15 minutes, 10 minutes. But it was certainly enough to learn very quickly that the President was well versed on this nomination.

After having spoken with the President and the chairman of the committee this morning, I had an obligation to convey to Senator MCCONNELL my conclusion based on my conversation with the President.

What I wish to do now, Mr. President, is read into the RECORD a letter I had delivered this morning to Leader MCCONNELL:

DEAR MITCH:

Thank you for your letter regarding the process for considering the nomination of Judge Sotomayor to the United States Supreme Court. I have taken your concerns

into consideration and have discussed the confirmation process with the President and the Chairman of the Judiciary Committee.

Judge Sotomayor's judicial record is largely public and has been undergoing extensive review by all interested parties at least since the President announced her nomination on May 26. In addition, she has returned her questionnaire, including available records of her speeches and writings, in record time. Her record for review is now essentially complete.

In contrast, both Judge Roberts and Judge Alito had spent significant time in the executive branch and much of their record was not public or available for review following their nominations. Numerous executive branch documents were not included with their questionnaires, and much staff preparation time was devoted to extensive negotiations over document production with both nominations.

In 2005, Senator LEAHY agreed to a September 6 hearing date for the Roberts nomination before Judge Roberts had submitted his questionnaire, and before more than 75,000 pages of documents, primarily from the Reagan Library and the National Archives, came in throughout August and before the hearing began in September. Indeed, on the eve of the planned start of the hearing, on August 30, the Archives notified the Judiciary Committee they had found a new set of documents consisting of about 15,000 pages. These were delivered September 2, further complicating the hearing preparations. The hearings went ahead on September 12.

Furthermore, Hurricane Katrina hit New Orleans and Chief Justice Rehnquist passed away while Judge Roberts' nomination to be an Associate Justice, leading to a week-long delay in his hearing after he was then nominated to be the new Chief Justice.

Despite these obstacles, Judge Roberts was confirmed 72 days after President Bush named him as a nominee to the Supreme Court. If Judge Sotomayor is confirmed before the Senate recess in August, she will have been confirmed on a virtually identical timetable. If, however, she is not confirmed until the beginning of the Court's term in October, consideration of her nomination will have lasted nearly twice as long as that of Judge Roberts.

Confirming Judge Sotomayor before the August recess would give her time to prepare adequately for the Court's fall term, including the review of hundreds of petitions for certiorari for the Court's first conference and preparation for merits arguments. It would also allow her time to move and hire law clerks. I do not believe it is fair to delay Judge Sotomayor's confirmation if it is not absolutely necessary.

I appreciate that Senate Republicans are committed to a fair and respectful confirmation process for Judge Sotomayor. I believe it is important that Senators be permitted the opportunity to thoroughly review Judge Sotomayor's record and to fulfill our constitutional duty to provide advice and consent. I believe our proposed schedule for hearings and a floor vote on her confirmation will do so.

I signed that letter HARRY REID.

The hearing date is just 48 days after Judge Sotomayor was selected and is consistent with the 51-day average time between announcement of a Presidential selection and the start of their hearings. It has been that way for the past nine Court nominees who were confirmed.

The proposed alternative, that the hearings be held after the August recess, or the first Tuesday after Labor Day, Tuesday, September 8, would subject Judge Sotomayor to the longest delay between selection and her confirmation hearing of any Supreme Court nominee in history, so far as we can tell. We stopped checking, frankly, when we got back to 1960. The GOP plan would delay her hearing until the 107th day after her selection. Robert Bork, the current record holder, waited 76 days. Thomas and Alito waited 64 and 67 days, respectively.

We are doing our utmost to have this nominee have a fair hearing. We want to make sure the Republicans have all the time they need, but history doesn't lie, and history suggests we are being overly generous with this good woman. She will be a wonderful addition to the Court, and I would hope we can move forward and have this matter resolved quietly, respectfully, and fairly.

Mr. LEAHY. Mr. President, if the Senator would yield. I might add to that. When I met with the distinguished Senator from Alabama last week, I had originally suggested it would be well within the appropriate timeframe of the other Justices—including Justice Roberts—that we have the hearing the week we came back from our week-long break of the Fourth of July. He had expressed—and I will let him speak for himself—some concern about that week after, and so I said: OK, we will put it a week later.

He, obviously, wanted to speak with his leadership, and that is fine. I had originally intended to speak about it on Friday, but I understood that the Republican leader had sent a letter to the majority leader because the majority leader had told me about that, and we are all aware of the date. There was never a question about what date I intended to start. I had known that for some time. But this morning I told him by telephone I was going to do that date. I talked to the President, and I so advised Judge Sotomayor.

The fact is, we are not doing something where we have problems with tens of thousands of pages just days before the hearing. We have all the material. I can't speak for other Senators, but we have a lot of work to do. We are paid well, and we have big staffs. I had hoped to take some vacation time during the Fourth of July week—I will not. I will spend that time preparing for it in my farmhouse in Vermont. I would suggest Senators may have to spend some time doing that. I know a lot of our staffs—both Republican and Democratic staffs—are going to have to plan to take time off. They are going to be working hard.

We have a responsibility to the American people. Certainly, we have a responsibility to have a Justice have time enough to get a place to live down here, hire law clerks, and get going.

Mr. REID. Will my friend yield for a moment?

Mr. LEAHY. Sure.

Mr. REID. It is also true, is it not, the announcement was made that during the 5 weeks we are in session during July we are going to be working Mondays through Fridays, and you have informed the members of the Judiciary Committee—Democrats and Republicans—that would be the case? That is why—it is my understanding from the distinguished chair—you had announced the hearing was going to start on a Monday?

Mr. LEAHY. We are going to be in anyway. I would also note this gives us plenty of time.

We get elected in November, most of us—the first week in November—and when we are new Senators, we find it difficult to put everything together in 2 months, to go into the Senate in January. We should at least give the same courtesy to a Justice of the Supreme Court that we expect the American voters and taxpayers to give us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to confirm and agree with most of what the majority leader and our chairman have said. The bottom line is, this is a nomination that should be easy to study up on. The record is public. The record has been available from the day she was nominated. There are not thousands and thousands of pages given to us at the end of the days, as I know my colleague, the chairman, has said.

I would like to make one other point. I know my colleague, our ranking minority member, Mr. SESSIONS, said Alito took some 90 days. That is true. But that included both the Thanksgiving and Christmas breaks. If you look at the actual working days, it was much shorter, as it has been for every other Justice. Let me repeat. If we were to do what the minority leader asks, and not vote on this nomination until well after the September break, it would be the longest nomination proceeding we have had for the most publicly available and most concise record.

This is not somebody whom we have to dig and find out things about, because she has had 17 years—17 years—of Federal decisions at the district and at the court of appeals level, more than any other nominee to the Supreme Court in 100 years—in 70 years, excuse me. No, in 100 years for Federal and in 70 years for Federal and State because Justice Cardozo had 29 years on the State bench. The record is ample and the record is public. Given the staff that I know the Judiciary minority has, as chairman of the Rules Committee, any lawyer worth their salt could more easily research the whole record in less than a month. So, actually, Chairman LEAHY has been kind of generous by delaying a week or two beyond that month.

Every day, as we speak now, there are, I daresay, tens of thousands of lawyers who have larger research dockets to do and are doing them in less

time. So the bottom line is very simple. One can only come to the conclusion that the reason for delay is delay alone, not needing time to study a public, ample record. So I would urge my colleagues on the other side to reconsider.

I have been told, at least on my subcommittee, that no one is going to participate in any meetings on anything. I don't know if that is true—I hope it isn't—that there is going to be an attempt to close down the Judiciary Committee on all the important issues we face.

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. I will yield to the Senator.

Mr. KERRY. Mr. President, I ask my colleague, in terms of the public record, is it true not only that this is the longest period of time, but if we were to delay it until September, that would be the longest period of time for consideration of any Justice for the Supreme Court in history?

Mr. SCHUMER. I believe my colleague from Massachusetts is correct.

Mr. KERRY. Certainly much longer than Justice Alito, Justice Roberts or any of the others whom we considered very rapidly?

Mr. SCHUMER. Clearly, longer than Roberts—much longer than Roberts—and somewhat longer than Alito. But Alito had both the Thanksgiving and Christmas breaks that were counted in that time, and we all know people are busy celebrating the holidays.

Mr. KERRY. I would also ask my colleague whether there is any rationale here whatsoever, that we have seen, for why this Justice's entire record, which is public, and has been poured over already, requires having the longest period in history, in terms of Justices of the Supreme Court, particularly given the issues that are at stake and the convening of a new Court in October?

Mr. SCHUMER. Well, I thank my colleague, and I think his points are well taken. As I mentioned before, the bottom line is, any lawyer worth his salt—and there are many very qualified lawyers in the minority on the Judiciary Committee—could research this record within a month, easily—easily. Right now, in the buildings here in Washington and in the buildings in New York and in the buildings in Birmingham, AL, are lawyers who have far more extensive research to do in less time and they do it well.

Mrs. BOXER. Would my friend yield for a question?

Mr. SCHUMER. I would be happy to yield.

Mrs. BOXER. I know we have to vote, but I wish to speak for a minute. As a woman, and being from California, we have such excitement about this nomination. I know we all agree this is a historic first, this nomination, and I think, given that and the fact that the women of this country comprise a majority and there is only one woman on the Court—and we certainly have never had a Latino on the bench—I am asking my friend, does he not believe this nominee should be accorded equal treatment—equal treatment as it relates to the others who have been nominated to the same post?

That is all I am asking for. I am not on the committee, but I am supporting our Chairman LEAHY and the rest of the committee—at least those who are moving toward this in a schedule similar to Justice Roberts. I would ask, once again: Shouldn't we, who are very excited about this nomination and want to see it move forward, expect to have Judge Sotomayor treated in an equal fashion?

Mr. SCHUMER. I think my colleague from California makes an excellent point, and I would answer in the affirmative. We are not asking for more time. We are actually asking for less time, if you include vacation time.

It is not a situation like with Justice Roberts and even Judge Alito, where there were weeks and weeks before we were able to get private records that were available. No one has requested—Judge Sotomayor has not worked with the executive, so you don't have all those issues that have to be discussed and negotiated about executive privilege. She has a 17-year career on the bench. She has 3,000 opinions. If that is not an adequate record?

My office just in 2 days looked at every one, for instance, of the immigration asylum cases that were brought before her. There were 83—a pretty good sample, 83 percent. I don't recall the number, but there were a large number of cases, and 83 percent of the time we found she denied asylum to the immigrant applicant, which we concluded made it pretty clear that her fidelity to rule of law trumped her natural sympathy for the immigrant experience.

We just did that in a day or two. I don't have the kind of staff that my good friend, the Senator from Alabama, has. He should have it. He is the ranking minority Member. So it is very easy, given the number of staff, given the public record, given that there is no litigation or discussion about executive privilege—as there was with both nominee Alito and nominee Roberts—that a month seems to me to be ample time. The chairman, in his wisdom, to which I will defer, gave more than a month to the day of the nomination.

Mr. SESSIONS. Will the Senator yield for just one question?

Mr. SCHUMER. I am happy to yield to my colleague.

Mr. SESSIONS. I know the Senator from California raised the question of doing for this nominee as the others. If this goes forward as planned, it would be 48 days from nomination announcement to the first hearing. I wonder if the Senator from New York would acknowledge that for Justice Breyer it was 60 days; for John Roberts it was 55, the shortest; and Sam Alito was 70. This would be much shorter a period of time than the period we are being given for this nominee, who has 3,500 cases.

I would ask if the Senator remembers saying with regard to the Alito nomination, when our Democratic colleagues asked that it be held over past Christmas, and at their request it was done so, he said:

> It is more important to do it right than to do it quickly. And now we have a bipartisan agreement to do that.

So we just ask for a bipartisan agreement to do it right and not too fast. I don't know how we can work it out, but I think this is an arbitrary date, designed to move this process forward by a certain end game, faster than we need to. The vacancy, as the Senator knows, does not occur until October when Justice Souter steps down. So we do need to complete it by then. I have told the President I will work to make sure that occurs.

Mr. SCHUMER. I thank my colleague.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. If I might respond, with nominee Alito, now Justice Alito, there was a Christmas break. As I understand it, according to Chairman LEAHY it was the majority, Republicans, who asked we go to that Christmas break, not the Democrats. In Justice Roberts' case, I believe Katrina intervened and everybody had to drop everything and work on the emergency of Katrina.

If you look at days where the record is available, and it has been available right from the get-go here, and no vacation, no intervening long recesses and things like that, the minority here, any Senator here, will have had more time to scrutinize this record than we have had for most other Judges. Again, underscored by the fact that the record is public, is open and ample.

No one has to go look for needles in a haystack to try to figure out the record of Judge Sotomayor. It is very extensive and ample. With Justice Roberts, we only had a few years where he was on the bench and all the rest of his record was in the executive and it took us weeks, I think—the chairman probably remembers this better than me—or months to get the record.

With that, I yield the floor. I know we want to get on with the vote.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for up to 3 minutes before the vote.

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

Mr. DURBIN. Mr. President, I join in saying the chairman of the Senate Judiciary Committee, Senator LEAHY, has come up with a reasonable timetable for considering this historic nomination. I believe his setting Monday, July 13, for the hearing is well within the ordinary bounds of time allotted for Supreme Court nominees. The important date is when paperwork is submitted. When it came to the submission of paperwork before the hearing

actually took place, basically, when it came to Judge Sotomayor, she completed her paperwork setting forth her key information, background, on June 4. The July 13 hearing will take place 39 days after that paperwork was submitted.

In the case of Justice Alito—who incidentally had participated in 4,000 cases, 1,000 more than Judge Sotomayor—in that case, in Justice Alito's case, the hearing took place 40 days after we received his work; for Chief Justice John Roberts, 43 days. This is entirely consistent.

I might also add a point that was raised by Senator UDALL of New Mexico. Judge Sotomayor is no stranger to this Chamber. She was nominated first for the district court bench by President George Herbert Walker Bush and then nominated for the district court by President Clinton. That is an indication that we have seen her work before. We are aware of her background.

The last point I would make, consistent with the Senator from California, is that justice delayed could be justice denied. In this case, if we continue this hearing for a record-breaking period of time—which has been requested by the Republican side—it will mean we will have a vacancy on the Supreme Court when it begins its important work this fall.

What Chairman LEAHY has asked for is reasonable. It is consistent with the way Judges were treated under President Bush and at the time the Republicans had no objection or complaint about it. This is a reasonable timetable. I urge my colleagues to support Chairman LEAHY.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1256), to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Burr/Hagan amendment No. 1246 (to amendment No. 1247), in the nature of a substitute.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees retirement.

The PRESIDING OFFICER. The question occurs on amendment No. 1246 by the Senator from North Carolina, Mr. BURR.

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Mossouri (Mrs. MCCASKILL) are necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—36

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Crapo	Kyl	Wicker

NAYS—60

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Grassley	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (CO)
Cornyn	Lincoln	Udall (NM)
Dodd	Lugar	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NOT VOTING—3

Byrd	Kennedy	McCaskill

The amendment (No. 1246) was rejected.

Mr. DODD. 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.

Mr. DODD. Mr. President, if I may—I wish to ask unanimous consent to go into morning business at the conclusion of these brief remarks—there are several amendments that are germane amendments to this bill that we ought to consider, and my hope is that will happen. I will let the leadership determine what the rest of the day will be like, but my hope is we can complete these other germane amendments that are before us. I know there is a package of amendments on other things to be looked at, and I am certainly prepared to do that.

My good friend, the Senator from Wyoming, Senator ENZI, is not on the floor at this minute, but he and I have had a good relationship on this bill, and we would like to complete it if we could. We have been now almost a week and a half on this legislation, so it shouldn't take much more to get to final passage.

So I make that offer to my colleagues, that they can sit down and see if we can't resolve some of those matters or at least allow for some time for debate on those outstanding germane amendments that are pending.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent to proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Missouri be given a couple of minutes to make his speech for the record and that afterwards I immediately be given the floor.

Mr. WYDEN. Mr. President, reserving the right to object, and I do not intend to object, I would ask unanimous consent to be recognized following the remarks of the distinguished Senator from Missouri, and then following the remarks of the distinguished Senator from Utah, that I be allowed to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I wish my colleague to understand that I may take longer than 10 minutes, so I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri is recognized.

NOMINATION OF LIEUTENANT GENERAL STANLEY MCCHRYSTAL

Mr. BOND. Mr. President, today in the Appropriations Defense Subcommittee we heard about some good things going on in South Asia and the new strategy for both Afghanistan and Pakistan to bring military and civilian efforts into that region.

I understand the Armed Services Committee has just approved the nomination of LTG Stanley McChrystal, an ex-commander of the international security forces, the final senior-level military position in the theater.

The dedicated members of the American military, our intelligence professionals and State Department officials continue to serve our country well, but it is essential that the efforts of each be woven together to form a comprehensive strategy that will not only win the battle but win the war. This will take senior leaders of great vision in all areas of our government.

Last November I reached out to many of these leaders when I sent then President-elect Obama and his national security team my report on the way forward in Afghanistan and Pakistan. President Obama has taken many of the steps I outlined, steps that are critical to our long-term success in the region.

Earlier this year the President appointed a special envoy for the region who will oversee the implementation of the new strategy and he appointed a new ambassador to Afghanistan, who will focus the efforts of U.S. Government agencies in country. With General Petraeus firmly in place as the CENTCOM commander and the recent nomination of LTG Stanley McChrystal as the next commander of International Security Forces, Afghanistan—COMISAF—the President will have filled the senior-most military and civilian positions in-theater.

I recently met personally with General McChrystal to talk about our way forward in the region and to listen to his ideas on Afghanistan and Pakistan. I must say I was impressed. He is not only a dedicated and accomplished soldier who has years of combat and counterterrorism experience, he is also an effective leader who understands the critical challenges we face in the region. More importantly, he understands that the war will not be won with military might alone—that to win this war we must combine the outstanding work of our military with effective diplomatic and economic efforts.

A true counterinsurgency—or COIN—strategy, one that wins the hearts and minds of the local population and gains grassroots support for development and governance efforts, includes an effective public diplomacy campaign. General McChrystal not only understands the importance of good public diplomacy, he is dedicated to ensuring that our actions on the ground speak as loudly for our intentions as do our information efforts. That is part of what I call ''smart power''—combining diplomatic, economic, informational and military efforts.

I have seen first-hand the success of these smart power efforts. In Nangarhar Province, the Missouri National Guard Agriculture Development team gained the trust and cooperation of the local leaders. These Missourians have given Afghans in Nangarhar the skills they need to grow and harvest legitimate and sustainable crops. As a result, Afghan farmers are not only improving their own lives and land, but poppy production in the region has virtually been eliminated. I am confident that General McChrystal will support increased focus and investment in smart power efforts such as these.

General McChrystal understands how critical putting an ''Afghan face'' on our combat operations is to our ultimate success. I was pleased that when we talked about accomplishing this goal by improving our efforts to train the Afghan National Army and Police, General McChrystal acknowledged the Afghan component is essential to any successful COIN strategy. Years of special operations experience has led him to know inherently how important it is to have the populace gain confidence in its own government institutions. Having met with the general in Iraq and seen the good work he did there, having watched his work on the Joint Staff, and having spoken with him at length over the past several weeks, I can unequivocally state that he is the kind of officer who intends to do just this—build public trust in Afghanistan.

Just look at his testimony. According to the general, more intelligence, surveillance and reconnaissance (ISR) is good not only because it gives you a better understanding of the battle space, but also because it increases precision which ultimately reduces civilian casualties. Reducing civilian casualties is a must and will gain trust in Afghanistan.

General McChrystal also believes that corruption is ''one of the things that must be reduced for the government to be legitimate, and therefore for the people to trust it.'' The general intends for us to partner with Afghans at every level to help them rid or reduce the widespread corruption because it has a corrosive effect on the legitimacy of the government and is perceived by the Afghan people to be a real problem. This will also gain trust in Afghanistan.

Finally, he believes it is important that we succeed in Afghanistan not only because it removes access to safe havens for al-Qaida and associated groups, but because it is the right thing to do. According to the general's testimony, ''we have the ability to—to support the people of Afghanistan and to move and to shape a better future that they want. And I think that that will make a difference in how we are viewed worldwide.'' This gains trust in general.

Everything I have seen or heard about Lieutenant General McChrystal, from my conversations with him and from his testimony before the Senate Armed Services Committee, his impeccable record of military command and operations, to the comments of his fellow officers, tells me that Stan McChrystal will be a wise, measured, and excellent commander of our operations in Afghanistan. I strongly urge my colleagues to support this nomination without delay so General McChrystal can get on the ground.

I thank the Chair, and I particularly thank my distinguished colleague from Utah.

CONFIRMATION PROCESS

Mr. HATCH. Mr. President, I wish to associate myself with the remarks and concerns expressed earlier by both the Judiciary Committee's ranking member, Senator SESSIONS, and the distinguished Republican leader and whip, Senators MCCONNELL and KYL.

The White House talking points tell us that the Supreme Court nomination, Judge Sonia Sotomayor, has more Federal judicial experience than any Supreme Court nominee in a century. My friends on the other side of the aisle have taken, used, and aggressively circulated these talking points. I assume by stressing judicial experience they are saying that this overwhelmingly deep, broad, and vast judicial record provides the basis on which to judge the nominee's fitness for the Supreme Court. Well, that coin has two sides. The flip side is that a 17-year judicial career that has produced thousands of judicial decisions takes time to evaluate adequately and properly to consider. The question is whether the majority is at all interested in a genuine, serious, deliberative process by which the Senate can fulfill one of our most important constitutional responsibilities. This process should be fair and thorough. Instead, it is being rigged and rushed for no apparent reason other than that the majority can do so.

This process should be bipartisan, and instead it is becoming entirely partisan. The ranking member was not even given the very same courtesy that the chairman was given when he was in that position at the time of the previous Supreme Court nominations.

Let me focus on the process followed to consider the previous Supreme Court nominee, Justice Samuel Alito. He had served on the U.S. Court of Appeals for the Third Circuit for more than 15 years when he was nominated to the Supreme Court. This is 5 years longer than Judge Sotomayor has served on the Second Circuit and nearly the same as Judge Sotomayor's combined judicial service on both the district and circuit courts.

The other party demanded and was granted 70 days from the announcement of the nomination to the hearing to study then-Judge Alito's record. The Senator from Pennsylvania, Mr. SPECTER, was chairman at the time. He made no unilateral partisan announcements. He imposed no truncated, limited timeframe. No, he consulted the ranking member, and they agreed there would be 70 days to study that voluminous judicial record.

Oh, what a difference an election makes. With the unilateral partisan edict announced today by the chairman, we are being given only 48 days to study the same lengthy record. We are told we must consider the largest judicial record in a century in the shortest time in modern memory, and that is simply not enough. It is not enough to do the job right, and I would remind my friends on the other side that it was their leaders who once said that it is more important to do it right than to do it fast. That was when there was a Republican President and a Republican Senate. Are we to assume from the unilateral imposition of a stunted and inadequate process that the majority today no longer cares that the confirmation process be done right, only that it be done fast?

The chairman has actually suggested that he really has no choice, that some intemperate criticism by a few people has somehow forced his hand. He cannot be serious about this. This nominee has the full force and weight of no less than the entire administration of a currently popular President, a compliant media, and the largest partisan congressional majority in decades to come to her defense. Interest groups are mobilizing, lobbying campaigns are in full swing, Web sites are already in operation. With all of that, are we to believe a few ill-considered remarks by a few people outside this body are enough to cut the confirmation process off at the knees? Are we to believe this is all it takes to set aside fairness, to undercut the ability of the Senate to do its confirmation duty, and to inject this degree of partisanship and rancor into the process? Give me a break.

This is choice, plain and simple, and it is the wrong choice. The distinguished Senator from New York, Mr. SCHUMER, has said that Senators on our side of the aisle oppose this nominee at their peril, as if there is any peril in fairly applying basic principles and standards to this as well as to other nominees. But the distinguished majority leader has apparently said the same thing to Senators on this side of the aisle, literally daring any of them to vote against this nominee. That is a strange tactic, indeed, especially so publicly and so early on in the process. It makes me wonder whether there are concerns, even on the majority side, that the leadership simply cannot allow to be expressed.

I urge my friends on the other side to reconsider and not be intimidated and not be pushed around. There is more than enough time to do the confirmation job right, to have a fair and thorough process that can have a confirmed Justice in place when the Supreme Court begins its term in October. There is no need gratuitously to further politicize the confirmation process. Injecting such partisanship at the beginning easily can result in greater conflict and division further down the confirmation road, and that is not good for Judge Sotomayor or anybody else in this body. That is not in the best tradition of the Senate, it is not how the Supreme Court nominations have been considered in the past, and it is not the way we should do this today.

I have been informed there have been some 4,000 decisions. My gosh, it is going to take some time to go through those decisions.

I believe we ought to be fair in this body, and fairness means giving enough time to be able to do the job properly and to get it done within a reasonable period of time and not be pushed in ways that really don't make sense.

HEALTH CARE REFORM

Mr. HATCH. Mr. President, I wish to take a few minutes now to talk about the perils of creating a government plan on American families and health care.

I am very disappointed that the President and my friends on the other side of the aisle have chosen to pursue the creation of a new government-run plan—one of the most divisive issues in health care reform—rather than focusing on broad areas of compromise that can lead us toward bipartisan reform in health care legislation.

Yesterday, I spearheaded a letter with my Republican Finance Committee colleagues urging the President to strike a more conciliatory tone on health care reform. Having played a profound role in almost every major health care legislation for the last three decades and having worked repetitively in a bipartisan manner with everyone from Senators KENNEDY and DODD to Congressman WAXMAN, I know something about getting things done for our families in a thoughtful manner. You advance legislation by focusing on areas of compromise, not strife.

First and foremost, let me make this point again, even though I am starting to sound like a broken record: Reforming our health care system to ensure that every American has access to quality, affordable, and portable health care is not a Republican or Democratic issue; it is an American issue. When we are dealing with one-sixth of our economy, it is absolutely imperative that we address this challenge in a bipartisan manner. Anything less would be a huge disservice to our families and our Nation.

Clearly, health care spending continues to grow too fast. This year will mark the biggest ever 1-year jump in health care's share of our GDP—a full percentage point to 17.6 percent. You can think of this as a horse race between costs and resources to cover these costs. The sad reality is that costs win year after year.

Growing health care costs translate directly into higher coverage costs. Since the last decade, the cost of health coverage has increased by 120 percent—three times the growth of inflation and four times the growth of wages. It is not the only problem, but cost is one part of the reason more than 45 million Americans do not have health insurance.

I believe we need to do more to ensure we achieve universal and affordable access to quality health care for every American. We can do this by reforming and improving the current system. However, the creation of a government plan is nothing more than a backdoor approach to a Washington-run health care system.

At a time when major government programs such as Medicare and Medicaid are already on a path to fiscal insolvency, creating a brand new government program will not only worsen our long-term financial outlook but also negatively impact American families who enjoy the private coverage of their choice.

To put this in perspective, as of this year, Medicare has a liability of almost $39 trillion, which in turn translates into a financial burden of more than $300,000 per American family.

In our current fiscal environment, where the government will have to borrow nearly 50 cents of every dollar it spends this year, exploding our deficit by almost $1.8 trillion, let's think hard about what we are doing to our country and our future generations.

The impact of a new government-run program on families who currently have private insurance of their choice is also alarming. A recent Milliman study estimated that cost-shifting from government payers, specifically Medicare and Medicaid, already costs families with private insurance nearly $1,800 more each year. Creating another government-run plan will further increase these costs on our families in Utah and across the country.

Let me make a very important point. A new government plan is nothing more than a Trojan horse for a single-payer system, a one-size-fits-all government-mandated system, where we are going to put bureaucrats between you and your doctors. Washington-run programs undermine market-based competition through their ability to impose price controls and shift costs to other purchasers.

The nonpartisan Lewin Group has concluded that a government plan open to all, and offering Medicare-level reimbursement rates, would result in 119.1 million Americans losing their private coverage. This is almost three times the size of the entire Medicare Program, which is already in trouble. More important, this would run contrary to the President's own pledge to the American families about allowing them to keep the coverage of their choice. So far as I know, no one has disputed the Lewin Group. They are well known as one of the most nonpartisan groups in the country.

Proponents of this government plan seem to count on the efficiency of the Federal Government in delivering care for American families, since it is already doing such a great job with our banking and automobile industry.

Medicare is a perfect example. It is on a path to fiscal meltdown, with Part A already facing bankruptcy within the next decade, and we all know it. It underpays doctors by 20 percent and hospitals by 30 percent, compared to the private sector, forcing increasing numbers of providers to simply stop seeing our Nation's seniors. According to the June 2008 MedPAC report, 9 out of 10 Medicare beneficiaries have to get additional benefits beyond their Medicare coverage—9 out of 10.

We have a broken doctor payment system in Medicare that has to be fixed every year, so seniors can continue to get care. This year alone, this broken formula calls for a more than 20-percent cut. I can keep going, but the point is simple: Washington and a government-run plan is not the answer.

Talk about creating problems. The supporters of the government plan

know these facts. So they are trying a different approach by claiming that the government plan is simply competing with the private sector on a so-called level playing field. Give me a break.

History has shown us that forcing free market plans to compete with these government-run programs always creates an unlevel playing field and dooms true competition.

The Medicare Program, once again, provides an important lesson. As a political compromise, Medicare was set up in 1965 to pay doctors and hospitals the same rates as the private sector. Faced with rising budget pressures, Congress quickly abandoned this level-playing-field approach and enacted price limits for doctors and hospitals. Today, as I have said, Medicare payments are 20 percent less for doctors and 30 percent less for hospitals compared to the private sector. I have been told by doctors from Utah and across the country that if this continues, they will simply stop seeing patients altogether. A number of them are ready to quit the profession. I cannot tell you the problems that will arise if we go to a government-run program—a Trojan horse to lead us to a government-mandated, government-run, one-size-fits-all massive program.

In his March, 2009, testimony before the House Energy and Commerce Committee, Doug Elmendorf, the Director of the nonpartisan Congressional Budget Office, testified that it would be ''extremely difficult'' to create ''a system where a public plan [government plan, if you will] could compete on a level playing field'' against private coverage. The end result would be a Federal Government takeover of our health care system, taking decisions out of the hands of our doctors and our patients, placing them in the hands of a Washington bureaucracy, and inserting that bureaucracy right between them.

Here is the bottom line: We are walking down a path where stories such as Jack Tagg's could become increasingly common in our great country. In 2006, Jack Tagg, a former World War II pilot, suffered from a severe case of macular degeneration. The regional government bureaucrats rejected his request for treatment, citing high costs, unless the disease hit his other eye also. It took 3 years to overturn that decision—3 years, while he had to suffer, when we could have done this in a better way.

Let's remember that a family member with cancer in an intensive care unit would probably neither have the time nor the resources to appeal such an egregious bureaucratic decision. We need to remember the real implications of these policies—not simply in terms of political spin and special interests but in terms of its impact on real people, who are mothers, fathers, husbands, wives, brothers, sisters, and children.

Similar to the ill-conceived stimulus legislation and flawed auto bailout plan, health care reform has the potential of simply becoming another example of the Democrats justifying the current economic turmoil to further expand the Federal Government.

To enact true health care reform, we have to come together as one to write a reasonable and responsible bill for the American families who are faced with rising unemployment and out-of-control health care costs.

I do look forward to working together to transform our sick-care system into a true health care system. I continue to hold deep in my heart that we will move beyond these beltway games and work together in a bipartisan way to fix Main Street. The time is now and I am ready.

I am absolutely positive the way to go is not with a government-run, government-mandated health care program, which will bring the lowest common denominator in health care to everybody. I think you are going to find that the costs are so astronomical, the way it is being formed in the HELP Committee, in particular, that we are leaving a burden on our kids and grandkids and great grandkids that is going to be insurmountable.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Oregon is recognized.

Mr. WYDEN. Before the Senator leaves the floor, I wish to tell the Senator from Utah how much I am looking forward, on a personal level, to working with him in this 5-month sprint to figure out a way to fix American health care in a bipartisan fashion. Some of the moments I am proudest of have been those when the two of us have been able to team up on health reform. Without getting into it this afternoon, let me say that millions of poor young people who use community health centers are getting services there at no extra cost to our taxpayers, because Senator HATCH was willing to work with this Senator and a group of others, including public interest groups and a wide variety of health care advocates, in order to change malpractice rules. This was done to make sure not only that those who had a legitimate claim got served but also that the bulk of the money went to patients in need. Thousands of low-income Americans get care because Senator HATCH was willing to take a stand for low-income folks. I wish to tell him I am very much looking forward to working with him and our colleagues on a bipartisan basis over the next 5 months to get this job done.

Mr. HATCH. If the Senator will yield, I am very appreciative of the Senator's remarks. I have spent 33 years working on virtually every health care bill that has come up. We have always done it in a bipartisan way. I certainly enjoy working with the distinguished Senator from Oregon. He is one of the more thoughtful people in health care on the Finance Committee and in this whole body. I am grateful to him for wanting to work together and in a bipartisan manner. We need to do that. You cannot work on a partisan basis on issues regarding the American economy. There are some in the White House and on the Democratic side who want to do that. I am grateful the Senator from Oregon is not one of them. I, personally, will do everything in my power to try to put together a bipartisan approach to this that would work and would put the best of the private sector in with the best of the government sector and work for our folks in this country. When you are talking about one-sixth of the American economy, if we do that, it will be for the betterment of the country and for everybody. If we go in a partisan, one-size-fits-all way—especially, in my opinion, with a government-run plan—we are going to be anything but good as far as health care is concerned. I am grateful for the Senator's kind remarks.

Mr. WYDEN. Mr. President, I share the Senator's interests. There are a lot of Senators of good will on both sides of the aisle who want to get this done right.

Mr. HATCH. I thank the Senator.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

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

Mr. WYDEN. When I was a young man, I got involved working with senior citizens as codirector of the Oregon Gray Panthers. Every day back then, we got up and said we are going to make a difference. We are going to help people and, particularly, for senior citizens we are going to make it possible for them to have a better quality of life.

The distinguished occupant of the chair is, I think, close to my age. We can both recall that in those days if a town had a lunch program for senior citizens, that was considered a big deal. There weren't a whole lot of discount programs. People didn't even talk about home and community-based health care services. In most of the country, back then, if a town had a lunch program for senior citizens, that was considered a full-fledged program for older people.

In those early days with the Oregon Gray Panthers I started thinking about the importance of good-quality, affordable health care. I spent hours and hours back then watching what happened when seniors and their families got exploited in the health care system. The first issue I was involved with concerning senior citizens was a real tragedy. At that time, there were a lot of older people who needed insurance to supplement their Medicare. It was very common for senior citizens then, every time some fast-talking salesman came through, to buy another policy. When I was running the legal aid office for senior citizens I would go to visit older people in their homes, and very often they could take out a shoe box full of

health insurance policies—15 or 20 policies. A lot of them weren't worth the paper they were written on. In fact, they had what were known as subrogation clauses, so that if you had another policy, the first one would not pay off. It was tragic to watch senior citizens walking on an economic tightrope every week, balancing food against fuel and fuel against medical bills, and getting sold all this junk health insurance, and as I said earlier, most of it wasn't worth a lot more than the paper it was written on. I starting saying to people, I want to do something about this. In a few years, I got elected to the House of Representatives, and I had a chance to work with both Democrats and Republicans, a number of them in the Senate today. Chairman BAUCUS was very involved in the effort.

In the early nineties, we finally drained that swamp of paper. Today it is possible for a senior to have just one of these policies, not 15 or 20, and have the extra money to spend on other essentials. The coverage is standardized so you don't need to be some kind of Houdini in order to figure it out.

That effort resulted in the only tough law on the books today that really has teeth in it to regulate and stop some of these private insurance ripoffs. I am very proud to have taken a role along with some of my colleagues in the Senate in changing it.

Democrats and Republicans, as part of health reform, are going to have to fix the insurance market for the nonelderly population. The insurance market today for those who are not in Medicare or in the veterans system, but who instead have private coverage, is inhumane. It is all about cherry-picking. It is about trying to find healthy people and send sick people over to government programs more fragile than they are. That is today's insurance market.

Fortunately, a big group of Democratic Senators and Republican Senators are now on record saying they want to change that. They want to make sure, for example, that people cannot be discriminated against if they have a preexisting condition. These Senators want to make sure, for example, that instead of being sent off to the individual insurance market, where people don't really have any clout or any bargaining power, people will be able to be part of a bigger group so they get more value for their health care dollar. In this larger group market, insurance companies pay out a bigger portion of the premium dollar in terms of benefits.

Democrats and Republicans are prepared to, in effect, turn the current system of private insurance around completely and say: Instead of basing it on cherry-picking, which is what it is about today, in the future, private insurers should have to take all comers. They should not discriminate. People should pool into large groups, and the companies should compete on price, benefits, and quality. There will have to be prevention and wellness so it is not just sick care, as Senator HATCH touched on very eloquently.

That is something Democrats and Republicans already are on record as coming together to support. Fixing the private insurance marketplace is a fundamental part of health reform.

There are other areas where Democrats and Republicans can join forces. One that I care most about is making health care coverage portable so that you do not lose your coverage when either you leave your job or your job leaves you.

This is an especially serious problem for the millions of folks who are laid off today. They go to a program called COBRA, which, I might note, is the only Federal program named after a poisonous snake. Colleagues have improved it, certainly, in the stimulus to try to provide additional assistance. But it is still part of a dysfunctional system that has not changed a whole lot since the 1940s. Much of the rules with respect to coverage—and certainly, in my opinion, that have led to the lack of portability—were made in the 1940s, when there were wage and price controls, and when big decisions got made that affect health care today.

Back in the 1940s, the rules made some sense for those times. People would usually go to work somewhere and pretty much stay put for 20 or 25 years until you gave them a gold watch and a 20,000-calorie retirement dinner. That is not what the workforce is about today.

Today the typical worker changes their job 11 times by the time they are 40. So what workers need is portable health care coverage, coverage they can take from place to place. People do not need to find that when they lose their jobs, they go out and face discrimination in the insurance marketplace where they are not able to afford insurance, even with the COBRA subsidies which, of course, run out often before they get their next position.

The current system is also anti-entrepreneur because very often somebody who works for a business has a good idea and they would like to go into the marketplace and try it out, but if they have an illness, they cannot leave their job because they are not going to be able to get coverage at their next job.

Once again, Democrats and Republicans in the Senate are on record as being willing to make a fundamental change in the way the system works today. They are on record in favor of portability and guaranteeing to Americans who lose their job or want to go somewhere else the ability to take their coverage with them. This system would be administered in a seamless kind of way so you wouldn't have to go out and reapply and have physicals and incur excessive costs.

Which leads me to my next point where Democrats and Republicans are in agreement, and that is lowering the crushing costs of health care administration. This Senate has begun to move in the right direction, with the leadership of the Obama administration, to promote electronic medical records. As far as I am concerned, we ought to send these paper medical records off to the Museum of American History and put them next to the typewriter and telegraph.

The Obama administration has made good progress in moving in that direction. But much more needs to be done to lower administrative costs in health care.

Once again, Democrats and Republicans have teamed up. They've said, let's use the withholding system. We already do that for administering much of the human services benefits on which our people rely. We will make sure people sign up once so they don't have to go through it again and again. We will pool people into these larger groups so they don't have to experience the excessive administrative costs that are associated with smaller groups, and they will have portable coverage so our people do not have to apply time and again, every time they change their job.

For each one of these issues—insurance reform, portability, lower administrative costs—already there exists a significant group of Democrats and Republicans in the Senate willing to join forces.

My own view is these are not partisan issues, and I think there are other areas that can also be tackled together by Democrats and Republicans.

One of the most contentious of those upcoming issues involves the tax rules for American health care. The reason these are so important is, of course, they are vital to Americans who are trying to pay for their health care and other essentials. These tax rules, which are upwards of $250 billion a year, amount to the biggest federal health care program.

Prominent Democrats and prominent Republicans, just in the last few weeks, have said these rules do not make sense. Let me give some examples for colleagues on our side of the aisle of some of the progressives who have called for reforms just in the last couple of weeks. Robert Reich, the former Secretary of Labor, certainly one of the leading progressive thinkers in our country, has talked about the regressivity of these rules, how they disproportionately favor the most affluent. Bob Greenstein, the head of the Center on Budget and Policy Priorities, is on record with the same views. Both of those reflect the comments of individuals who are progressive.

Suffice it to say, a number of conservatives have spoken out against these rules as well. Milton Friedman, going back to a legendary conservative, began to speak out against these rules some time ago.

We ought to deal with these issues on a bipartisan basis. I know of no Senator—not a single one—who is going to support taxes on middle-class people on

their health care. It is off the table. It is not going to happen. There are 100 of us. Not a single one of us is going to support taxing those individuals. But I do think Democrats and Republicans, just like Robert Reich and Bob Greenstein on the Democratic side and conservatives going back to Milton Friedman on the Republican side, have said we can come together and find a way to make sure in the future these rules do not subsidize inefficiency and also disproportionately favor the most affluent.

What is tragic in the State of Delaware, the State of Oregon, the State of Georgia, is, if somebody does not have health care coverage and works in a furniture store outside Atlanta, they, in effect, have their Federal tax dollar subsidize somebody who is particularly well off who decides they want to get a designer smile in their health care plan.

Can we not all say in the interest of protecting taxpayers and fairness that we want that person who is interested in their designer smile to be able to buy as many of them as they want; but can we not agree, Democrats and Republicans, that if they are going to get a designer smile, they are going to pay for it with their own money rather than with subsidized dollars?

In each of these areas I mentioned there is an opportunity for Democrats and Republicans to come together. What each of the areas I have touched on deals with is making health care more affordable—more affordable for individuals, more affordable for families, and more affordable for taxpayers who are getting pretty darned worried about the debts that are being incurred and the prospect that their kids and their grandkids are going to have to pick up some of these bills.

I believe one of the keys to making health care more affordable is to make it possible for the individual, largely as part of a group where they can have some clout, to be rewarded for making a financially sound decision for herself and her family and to have a choice to go to the kind of program that makes sense for her and her family.

The current statistics show 85 percent of our people who are lucky enough to have employer coverage get no choice. Let me repeat that. Eighty-five percent of those who are lucky enough to have employer coverage get no choice.

Every one of us is going to require that a final bill protect somebody's right to keep the coverage they have. Mr. President, 100 Senators are going to vote for the requirement that you can keep the coverage you have. But can we not agree, as Democrats and Republicans, that we are also going to say you ought to have some other choices? I would like those choices to be in the private sector. If you can find a plan that is financially in your interest, you can keep the difference between what your health care costs today and what this new health package you buy costs. You can keep the difference. We will have a functioning market. If you save $600, $800 on the health care you buy, you have $800 to go fishing in Oregon, and I suspect the Senators from Delaware and Georgia may have some other ideas for where people can use their savings.

The point is, we will have created a market where there is none now. I consider the current health care system today, for all practical purposes, a money-laundering operation. What we have done largely since World War II is set it up so that third parties call the shots, and there are not any opportunities for individuals who want to make a cost-conscious choice to buy a good quality health care package. In effect, the individual has been divorced from the process completely.

I am not calling for individuals to go off into the health insurance marketplace by themselves. What I am saying is they ought to have the opportunity, as we have as Members of Congress, to be part of a large group where they can have clout, where they aren't discriminated against, where they do have power in the marketplace to make a sensible choice for themselves and their family.

So in each of these areas, Mr. President—and this is why I wanted to come to the floor of the Senate today, because I know emotions are starting to run hot on this health issue—I have outlined ways in which Democrats and Republicans can come together. The Congressional Budget Office, which is the independent arbiter of all of this, has largely scored the proposals I have outlined in the legislation that 14 Senators are in support of as being budget neutral over a 2-year phase-in period. The CBO has said that in the third year the proposals would actually start bending the cost curve downward.

I close with this—and I thank my colleague and friend from Georgia for his patience—I think we have five of our most dedicated legislators working now on a bipartisan basis in two committees to bring Democrats and Republicans together. The leaders on the Finance Committee on which I serve—Chairman BAUCUS and Senator GRASSLEY have been extremely fair and gracious. They have put untold hours into this issue. Both of them have spent an exceptional amount of time with me, and they have extended that offer to literally any Member of the Senate, to sit down and spend time with them to try to address this bill in a bipartisan way. In the HELP Committee, Senator KENNEDY, Senator DODD, and Senator ENZI who serves on both committees, are extending the same kind of goodwill. I have told the leaders of both of these committees I am going to do everything I can to bring to them the ideas I have outlined today that have strong bipartisan support and have been scored by the Congressional Budget Office as saving money and pushing the cost curve downward. I have great confidence in the leaders of those two committees, because they are showing they want to spend the time to bring the Senate together.

I see the distinguished Senator from Maine on the floor, and I know that for a lot of us who have worked together on health care over a lot of years, this is a historic opportunity. This is the place—the Senate—and this is the time to get it done. I believe Democrats and Republicans coming together can make it happen.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

Ms. SNOWE. Mr. President, I rise to speak about the Family Smoking Prevention and Tobacco Control Act, but before I do I want to compliment the Senator from Oregon for his passion and his eloquent statement on behalf of renovating and reforming our health care system. That certainly will be a historic occasion. I have worked with him on so many instances in the past, in a bipartisan fashion, on key issues, such as prescription drugs and adding the critical Part D benefit to the Medicare Program. That also was a historic event in the Medicare Program—the first major expansion of Medicare since its inception. I look forward to working with him in a genuine bipartisan way to build a consensus for this historic occasion that is so essential and so important to all Americans.

It is important to get it right. It is important that we work together in a concerted fashion, as we have in the past. And certainly on the Senate Finance Committee, as we begin to proceed to mark up legislation in the future, I certainly am looking forward to working with him.

Mr. REED. Madam President, would the Senator yield for a parliamentary request?

Madam President, at the conclusion of the remarks of the Senator from Maine, I ask unanimous consent to be recognized for 5 minutes, and then following me that Senator ISAKSON be recognized for 10 minutes.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there objection?

Without objection, it is so ordered.

Mr. REED. I thank the Senator and the Chair.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Ms. SNOWE. Madam President, I am proud to join my colleagues in expressing first and foremost my admiration for Senator KENNEDY, for his longstanding, vigorous leadership, which has been the impetus behind this legislation. Undeniably, Senator KENNEDY continues to serve as the strongest of champions on so many matters relating to health care, and I am certainly,

as we all are, grateful for his tireless contributions to this major initiative. I also commend Senator DODD, who has been guiding this legislation here in the Senate, and I certainly appreciate all of his efforts to make sure that this legislation becomes a reality. I also appreciate the public health agencies and advocates who work ceaselessly to address these serious public health problems associated with tobacco, as we all well know, and who are committed to the task of reducing youth smoking. I certainly want to commend States such as Maine that have used their funds from the 1998 tobacco settlement to reduce smoking rates.

First and foremost, it is regrettable as the first decade of the 21st century draws to a close that we are even having this debate when the American Lung Association reports that cigarette smoke contains more than 4,800 chemicals, 69 of which are known to cause cancer, and that smoking is directly responsible for approximately 90 percent of lung cancer deaths, and that 8.6 million people in the United States have at least one serious illness caused by smoking.

In addition, the Centers for Disease Control and Prevention estimates that smoking costs the country $96 billion a year in health care costs and another $97 billion a year in lost productivity.

It didn't have to be this way. Looking back over the last several Congresses, I can tell you that many of my Senate colleagues have engaged on this issue of tobacco usage's ill effects for the better part of a decade. I well recall during the 105th Congress at least five comprehensive tobacco policy bills which were introduced in the Senate. The Senate Commerce Committee, on which I have served, held no fewer than 10 hearings on issues ranging from how to implement the tobacco settlement to protecting children from the health risks of becoming a smoker to reviewing marketing and labeling restrictions that were under consideration at the time.

In 1997, Senator MCCAIN, who then chaired the Commerce Committee, introduced the National Tobacco Policy and Youth Smoking Reduction Act, which contained many of the very same safeguards as the measure currently before us. While on the one hand it is irrefutable that protecting youth from the harms of smoking and ensuring tobacco products are manufactured under high standards was the correct course of action in 1997, how is it conceivable it has taken 12 years to get this right? Why, after the first warning 25 years ago by the Surgeon General on the hazards of smoking, has that message not been translated into law?

Why is Congress taking this action now? What has changed since 1997 to prompt this renewed action? For one, there has been a justifiable drumbeat of outrage over fraudulent findings that has grown louder by the decade as the tobacco industry has been less than forthcoming, and at times deceitful, in providing consumers with information to make informed decisions about smoking.

In fact, in August of 2006, a district court judge found that several tobacco companies intentionally manipulated information, lied, and conspired ''to bring new, young and hopefully long-lived smokers into the market in order to replace those who die or quit.'' Furthermore, the Harvard School of Public Health study in 2008 found that cigarette companies strategically manipulated menthol levels in cigarettes to attract and addict young people. It is bad enough Congress could have acted and chose not to do so, but what makes the situation even worse is that, in the interim, tobacco companies have ratcheted up their marketing campaigns.

Congress is tackling the tobacco issue again in the wake of discovering how tobacco manufacturers add substances to cigarettes to increase their addictiveness, enhance the taste—and this is unbelievable—making them more palatable to children. Menthol makes an individual's airways less reactive to the harsh effects of smoking, and ammonia is often added to speed the delivery of nicotine to the smoker's brain.

That is not to say we haven't made progress in trying to limit some of the negative health effects of cigarette smoking. We have. Since 1983, the proportion of Americans who smoke has declined from 30 to 24 percent, and since the landmark 1964 Surgeon General report, our knowledge of health risks of tobacco has expanded greatly. And yet, without substantial initiatives by Congress, in the past 10 years the rate of tobacco use has not dropped but merely stabilized. Today, approximately 1 in 5 youth and adults smokes regularly.

The first step toward addressing the enormous toll taken on our Nation by smoking is to equip the Federal Government with the tools it requires to hold purveyors of tobacco to account. For too long, there has been a vacuum in authority when it comes to regulating smoking at the Federal level. Our bill, the Family Smoking Prevention and Tobacco Control Act, would create the kind of restrictions that the Food and Drug Administration unsuccessfully tried to impose on the tobacco industry in 2000. Unfortunately, the Supreme Court held that Congress had not yet granted the FDA explicit authority to regulate tobacco. The purpose of the FDA restrictions was to prevent the tobacco industry from marketing its products to kids or to create products that are specifically attractive to children, such as flavored cigarettes. Granting FDA the authority to protect the children from these potentially deadly products is paramount. Thus, the legislation before us would allow regulation of manufacturers of tobacco products in order to ensure standards of content, label, and marketing.

Under our bill, the Secretary of Health and Human Services would be authorized to develop regulations that impose guidelines on the advertising and promotion of a tobacco product consistent with and to the full extent permitted by the first amendment to the Constitution. These regulations would be based on whether they would be appropriate for the protection of public health. It is imperative that we provide the FDA the flexibility to respond to inevitable tobacco industry attempts to circumvent restrictions, while acknowledging the rights of the tobacco industry to sell its products to consenting adults.

While this bill allows that informed adults ought to be able to purchase tobacco products, we must also understand that many smokers want to quit smoking. In 2006, 44 percent of smokers stopped smoking at least 1 day in the preceding year because they were trying to quit smoking completely. Undoubtedly, for some, cessation is more difficult, and as they struggle to limit their risk, those individuals will seek out products which they understand to be less hazardous, such as lower tar and nicotine products. While these actions are admirable, their benefits are indisputably limited. That is partially because the tobacco industry has waged a marketing campaign to convince consumers that they can continue to smoke and mitigate the negative health impacts of smoking by choosing alternatives, such as light, low tar, and low nicotine cigarettes. Again, an FDA with the authority to regulate the production and marketing of tobacco products is the most viable answer.

Our approach would also ensure that the scientific expertise of the FDA is applied to appropriately regulate tobacco. Current smokers deserve to learn more about the products they consume. Additionally, we must have much improved marketing oversight, so that children and adults are not targeted with false or deceptive advertising of a dangerous product.

To that end, I was pleased to join with Senator LAUTENBERG in sponsoring legislation that would end the fraud of allowing the tobacco industry to perpetuate the Orwellian idea of the safer cigarette. The Truth in Cigarette Labeling Act was a bill Senator LAUTENBERG and I introduced to prohibit the cigarette companies from using the ''FTC method'' for measuring tar and nicotine, which had been found to be a deceptive method of presenting data on tar and nicotine exposure through smoking.

Thankfully, the Federal Trade Commission agreed to implement the Lautenberg-Snowe bill by not allowing tobacco companies to label their products with low tar, low nicotine, and light. To augment that effort, Senator LAUTENBERG and I sent a letter to the FTC supporting the decision to curtail these deceptive marketing tactics and finally holding cigarette producers to higher standards in advertising their products.

As I stated at the outset, since 2000, efforts at smoking reduction have largely atrophied. A Harris poll released just last year demonstrated that after two decades of reduction in smoking rates, progress has stalled. In 2009, do we really want to say that one in four Americans smoking is an acceptable statistic, and that we will turn a blind eye to the fact that all too many young Americans have taken up smoking? Do we really want to say that although in the last 12 years America created YouTube, the IPod, the Iphone and more—yet we can't keep children from smoking altogether or substantially lower the instances of smoking by adults. Our response must be nothing less than the bill we are championing today.

And make no mistake, time is of the essence. The reality is the average smoker begins at age 19. So many individuals take up tobacco use before they can ever legally purchase the product. And let there be no mistake about it—our youth are targeted to be the next generation of tobacco consumers.

In fact, in my home State of Maine, 1 in 7 high school students currently smokes, and each year, 1,600 youth become new daily smokers. And most concerning, an estimated 27,000 youth now living in Maine will die prematurely from health consequences related to cigarette smoking, and health care costs in Maine directly caused by smoking have reached a whopping $602 million annually.

Maine has responded with a comprehensive tobacco prevention and control program known as the Partnership for a Tobacco-Free Maine which is funded with proceeds from the tobacco settlement. And I am proud to say that Maine is among the States that have maximized their tobacco settlement money for the purpose of reducing smoking rates and easing related health problems. That is why Maine has established Healthy Maine Partnerships, including 31 local partnerships that span the entire geography of Maine, which are engaging in more than 156 policy and environmental change efforts to reduce tobacco use, increase physical activity, and encourage healthy eating at local schools, worksites, hospitals, recreation centers and other community sites.

While I commend the efforts of States such as Maine in attempting to stem the tide of youth smoking, what we have not yet dealt with is the known practices of tobacco companies marketing directly to our children. The fact is, the industry has not only targeted children as its new customers, but it has designed products for them as well. Even as one prohibition is imposed—such as restricting the use of cartoon characters like ''Joe Camel''—we find that the tobacco industry devises a new scheme. We witnessed the new flavored products in packaging which was designed to appeal to a new generation. Many ''child-oriented'' flavors have been developed including such varieties as chocolate, vanilla, berry, lime and the package I am holding—coconut-and-pineapple-flavored Kauai Koala.

Although State-level bills to ban flavored cigarettes have been introduced in New York, Minnesota, West Virginia, Connecticut, Illinois, North Carolina, and Texas—a move in the right direction to be sure—there is more we must do. It is time for Congress to act to protect our youth—to safeguard our children and in the process send a clear message to those in the tobacco industry that we will not permit them to recruit our children at increasingly younger ages to become lifelong cigarette smokers.

Our bill will achieve what we failed to accomplish 12 years ago, and we can ill afford to allow this opportunity to pass. I urge my colleagues to join me in supporting this timely and necessary legislation to protect the health of all Americans, especially the millions of children at risk of becoming cigarette smokers.

I yield the floor.

COMMENDING ERIK NECCIAI

Ms. SNOWE. Madam President, I rise today to recognize the outstanding service Erik Necciai has provided to the Senate Committee on Small Business and Entrepreneurship in his capacity as a professional staff member and counsel. When Erik joined the Committee staff just—over 2 years ago—in June 2007 I knew that I had selected a top-notch staffer who cared deeply about making a difference in peoples' lives, and I will feel a deep loss with his departure from Capitol Hill later this week.

Indicative of the dedicated person Erik is, he began his work on the committee the day after he arrived home from his honeymoon in romantic Italy with his new bride, Tina. During his first weeks here, Erik was focused on preparing for a committee roundtable regarding legislative suggestions to improve the Small Business Innovation Research, SBIR, program. He was simultaneously studying for the Maryland bar exam—no small feat! As if that was not enough, Erik faced a daily commute of roughly 2 hours each way, coming from his home in Solomon's Island, MD. After a whirlwind first month, Erik settled in quickly, remaining a proactive staff member who consistently sought new and critical avenues to increase contracting opportunities to small businesses and reform the Small Business Administration's HUBZone program.

Over his 2 years on the Hill, Erik has helped me develop thoughtful and probing legislation regarding small business contracting and procurement. Committee Chair Mary Landrieu and I will soon be introducing crucial legislation to reauthorize and make significant improvements to the SBIR and Small Business Technology Transfer, STTR, programs, and Erik was instrumental in helping us craft this bill. Additionally, Erik always prepared comprehensive and insightful background materials for me that included meticulously researched statistics for committee hearings and roundtables. He has also been personally responsive to small businesses seeking help navigating the confusing and difficult maze known as Federal contracting. And Erik has been an aggressive watchdog, exhorting government agencies to not just meet but exceed their small business contracting goals.

Prior to joining the committee staff, Erik had already assembled an impressive and varied resume. A contracting specialist and procurement technician and Navy acquisitions consultant for the Department of the Navy, Erik came to the Senate armed with the necessary experience and knowledge to hit the ground running in procurement. A 2006 dean's list graduate of the Thomas M. Cooley Law School in Michigan, Erik has also interned for the circuit court of his home county in Frederick, MD, in addition to serving as a law clerk for the District Court of Ingham County, MI. These experiences all led to the in-depth and extensive knowledge Erik possess about contract law.

He graduated from Virginia Tech in 2002 with a major in biology and chemistry. This led to his work in 2003 as a research scientist for the National Cancer Institute at the National Institutes of Health. Prior to taking that position, Erik went overseas to South Africa to take part in student research. He organized and presented several lectures on government and conservation issues, including voting rights and the AIDS epidemic.

Erik has also given generously of his time in the service of others. He has been a dental assistant at the Virginia Homeless Dental Clinic, and received the Volunteer of the Year Award for his stellar work as a hospital operating room assistant. A division I varsity scholarship athlete in track and field—who was named a 2002 Virginia Tech Athlete of the Year—Erik has also combined his athletic prowess and engaging speaking skills to participate as a motivational speaker for Special Olympics athletes.

Erik's perpetual smile and charming demeanor make him eminently likeable and easily approachable. His responsible nature and insightful analytical skills make him a key member of any group, and a talented Hill staffer. The consummate team player, Erik never seeks credit or recognition for himself, but always looks for ways that government can empower people to improve their lot.

A proud native of Maryland, Erik Necciai has already led an exciting life. But on Thursday, Erik leaves the Senate to begin a new chapter as the director of an international consulting firm headquartered locally in Northern Virginia. I only hope that he can find a way to reduce his commute time. That

said, Erik's determination, sincerity, thoughtfulness, and character will be sorely missed in the halls of the Russell Building. I wish Erik and his beautiful wife Tina the best in all of their endeavors, and sincerely thank Erik for his remarkable commitment to public service.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

HONORING MICHAEL McGOVERN

Mr. REED. Madam President, I rise to recognize and honor the significant accomplishments of Special Olympics Rhode Island executive director Mike McGovern. Mike is retiring this month after 21 years of working to expand opportunities for Rhode Islanders with disabilities. He has been a lifelong friend, since grammar school and high school. He is someone I respect and admire immensely, and this respect and admiration is shared by the entire community of Rhode Island.

He has demonstrated a lifelong commitment to upholding the mission and values of the Special Olympics. Mike's special dedication and enthusiasm have ensured that the Special Olympics Rhode Island remains one of the most impressive organizations in our State, providing year-round sports training and competitions to approximately 2,700 young and adult athletes across the State.

Mike began his involvement with Special Olympics Rhode Island as a volunteer for 18 years, every year pitching in, helping out. That is the way he is—a generous heart, a great sense of community and neighborliness. He then served as assistant executive director for Special Olympics Rhode Island from 1988 to 1998, when he took over the role of executive director.

Under his leadership, Special Olympics Rhode Island expanded the number of sports offered to 20. His athlete-centered approach helped the program experience a 40-percent increase in competitors.

Mike has also worked hard to ensure that the funding goals of Special Olympics Rhode Island were achieved. During his time with Special Olympics Rhode Island, the organization built a budget surplus of over $1 million. He also helped launch a capital campaign to establish a permanent home for Special Olympics Rhode Island. His innovative spirit, which characterized his entire tenure, was evident in many different ways—particularly 33 years ago, when he and several friends cofounded the Penguin Plunge, which is an annual New Year's Day ritual in Jamestown, RI, where hardy souls, hundreds of them, brave the frigid waters of Narragansett Bay to raise money for Special Olympics Rhode Island and raise a feeling of camaraderie, fellowship, and good spirits to begin the year.

Last month, Mike attended his final games as executive director. Held at the University of Rhode Island in Kingston, Special Olympics Rhode Island dedicated its 2009 State summer games to Mike McGovern for his outstanding, long-time commitment to the Special Olympics. Speaking at the games, he spoke of being inspired by the courage of the athletes through their ability to defy stereotypes, to compete, to strive—all of them—to win. We, too, are inspired by his commitment to a very noble cause.

Through his presence at the organization, he imbued it with a special spirit. That spirit will be missed. But he will continue to serve because that is his nature.

Thank you, Mike, for your exemplary service. You have been a strong advocate for thousands of Special Olympics athletes, both on and off the playing field. Your dedicated leadership and hard work have helped thousands of Rhode Islanders with disabilities achieve their goals.

Also, you have been a great success in something as important—as a husband, as a father, as a friend. I wish you and your lovely family, your wife and your children, the best in your well-deserved retirement.

Let me conclude by saying Rhode Island's special athletes have never had a more special friend than Mike McGovern.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I ask unanimous consent to address the Chamber as in morning business for up to 10 minutes.

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

HONORING JIM WOOTEN

Mr. ISAKSON. Madam President, it is a distinct honor and privilege for me to stand on the floor of the Senate to pay tribute to a gentleman I went to college with, a gentleman who has reported on politics and government in Georgia for the better part of the last 35 years, a gentleman who recently announced his retirement at the end of this month from the associate editorial page responsibilities at the Atlanta Journal and Constitution.

Mr. Jim Wooten, born and raised in McRae, GA, veteran of Vietnam, 20 years in the Georgia Air National Guard, former President of the Georgia Press Association, lifetime trustee of the Georgia Press Association's educational fund, has made a tremendous contribution to our State and to the public lives of all our people. I rise to pay tribute to him.

One of the greatest tributes of all that I can share is what happened on Monday, at lunch this week. I had a luncheon with the Board of Cox Enterprises. The Cox newspapers own the Atlanta Constitution, as they do the Palm Beach Post and the Dayton paper. They own many other businesses. It is a huge privately held company.

At that luncheon, unsolicited by me, the name of Jim Wooten came up and, one by one, the leaders of Cox Enterprises talked about the tremendous contributions that Jim Wooten has made to their newspaper.

As one who was first elected in 1976 and has been written about many times by Jim Wooten, I wanted to add my tribute to his journalistic talent and the contribution he has made. I am not sure I know of any other writer I have read who has reported on what is going on in politics in our State, who has gotten it right more often—in fact always—than Jim Wooten.

Conservative? Yes, he is conservative. But he is pragmatic. When he writes his opinions on the editorial page of the Atlanta Constitution, it makes a difference in the minds and attitudes of Georgia's people.

I say job well done to Jim Wooten. I hope his retirement is successful and rewarding in every way he wishes it to be, and I thank him very much for all the contributions he has made to the lives of all Georgians and, in one case, to this Georgian.

HOUSING

Mr. ISAKSON. I would like to talk for a minute, if I can, Madam President, about a very important issue. I don't come to the floor all that often, but people will tell you I come to the floor too often to talk about the housing industry. I am going to do it for a little bit tonight because it is critically important to our economy and to our country.

A year and a half ago, I introduced a piece of legislation, in January of 2008, creating a housing tax credit of $15,000 for any family who would buy and occupy their home as a principal residence in the United States. I did so because housing had collapsed, foreclosures were beginning to become rampant and are rampant today. Standing inventory proliferated, builders were going out of business, and our economy was in a downward slide.

The CBO score on that $15,000 tax credit is $34.2 billion, and I was told last January that was too expensive, we couldn't afford to do it. By my last count—Senator COBURN is a better counter than I am—we spent about $5.5 trillion trying to fix an economy that has been in a continual downward slide.

Fortunately, in July of last year, with the help of Members on both sides, we did get a tax credit passed, but it was basically an interest-free loan for $7,500, it was means tested to families who were first-time home buyers or had incomes under $150,000. It did no good.

Later in the year, I finally convinced this body, and we took off the limitation in terms of the payback and made it a real tax credit and raised it from $7,500 to $8,000 and it has made a difference. First-time home buyers used it and the market stabilized, but we don't

have a recession in first-time home buyers. We have a recession in the move-up market.

The man who is transferred from Missouri or Georgia who can't sell his house in Missouri, can't come to Georgia, can't take the transfer. The corporation can't afford to buy the house and hold it for him because of the proliferation of inventory that is owned and today in the United States of America one in two sales made every day is a short sale or a foreclosure. That is an unhealthy market, and it is continuing to precipitate a downward spiral in values, loss of equity by the American people, and a protracted, difficult economic time for our country.

Tomorrow, joined by a number of Members of this Senate on both sides, I will reintroduce the $15,000 tax credit that is available to any family or individual who buys or occupies any home in the United States of America as their principal residence with no means test for first-time home buyers, no means test or income limitations. Tomorrow it also will be announced in New York the Business Roundtable has adopted this tax credit as its No. 1 suggestion to the U.S. Government as the one thing we can do to turn around the American economy.

I am getting to be a pretty old guy. I went through the second recession of my career in 1974. Gerald Ford was President, it was a Democratic Congress. America had a 3-year standing inventory of new houses built and unsold. The economy went into a tailspin. Values started to go down. We were in deep trouble.

That Republican President and that Democratic Congress came together and passed a $2,000 tax credit for any family who bought and occupied as its principal residence a new house that was standing and vacant. In 1 year's time, a 3-year inventory was reduced to 1 year; values stabilized, the economy came back, home sales became healthy, and America recovered. That is precisely what will happen this time.

I am not so smart that I figured it out, I am lucky enough that I lived through it in 1974, and 30 years later we need to do the right thing for America and the right thing for our economy and put in a time-sensitive, 1-year significant tax credit for anyone who buys and occupies as their residence a single-family home.

An independent group estimated, when I introduced this last year, that it would create 700,000 house sales and 684,000 jobs this year. I think it is ironic that house sales today are at half a million. A normal to good year in the United States is 1.2 to 1.5 million sales.

If you could get the tax credit and the 700,000 sales that have been estimated it will introduce and add it to the 500,000 sales we have today, it will return our housing market to normalcy. It will stabilize the values of the largest investment of the people of the United States of America. It will recreate equity lines of credit that have dissipated and disappeared in the American family. And over time it will restore our vibrant economy back to the economy we all hope and pray will come.

So I ask all of the Members of the Senate to reconsider their positions in the past and consider joining me in the introduction of this legislation tomorrow. We have three Democrats and three Republicans who have come on board. I would like to see all 100 of us because in the end all of our problems will be more easily solved if the problems of the American taxpayers and citizens are solved, and their biggest problems today are an illiquid housing market, a decline in their equity, a decline in their net worth, and a depression in the housing market that we are obligated to correct if we possibly can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

HEALTH CARE

Mr. COBURN. I wish to take a few minutes this evening to kind of discuss with the American people what is going to happen on health care—what it looks like is going to happen.

As a practicing physician, there are things I know that if we start from ground zero we would do in health care in this country. But as I was reading some articles, I pulled this quote. This is by Adrian Rogers, and it really belies what is happening right now with this idea of transferring the wealth. Here is what he said:

> You cannot legislate the poor into freedom by legislating the wealthy out of freedom. What one person receives without working for, another person must work for without receiving.
>
> The government cannot give to anybody anything that the government does not take first from someone else. When half of the people get the idea that they do not have to work because the other half is going to take care of them, and when the other half gets the idea that it does no good to work because somebody else is going to get what they worked for, that, my dear friend, is about the end of any Nation. You cannot multiply wealth by dividing it.

Those are pretty wise words.

As I think about the trillions of dollars that have gone through Congress this year and the fact that our spending is totally out of control, with minimal effect other than things like the Senator from Georgia—had we actually spent the $35 billion on a tax credit to stimulate housing rather than spending about $100 billion on true, true stimulus activities and another $680-some billion on other items, and the fact that all of a sudden we are now talking about pay-go—that is about me paying and you going—and we have spent $800 billion in the last year and avoided pay-go 15 times in the Senate in the last year. Fifteen times we have said: Oh, time out, pay-go does not count. And we spent another $800 billion. What that means is we did not have the money, we borrowed it.

So as we start into the health care debate, there are some things I believe are critically important that I think most Americans would agree with.

The first is that individuals ought to be in charge of their health care. Nothing should stand between you as a patient and your physician. No bureaucrat, no government-run program should get in between that relationship.

The second thing I know is you ought to be able to pick what you want, you ought to be able to afford what you want, and you ought to be able to do that at the time that is appropriate for your health care needs. That means you have to be in charge of your health care, you cannot have someone else. I am reminded of that fact because we have a Medicaid Program in which 40 percent of physicians in this country do not participate, and what we are really saying to people on Medicare is: We will give you health care, but we will limit a large number of physicians and providers because we are not willing to pay what it actually costs to do that.

The third thing is that we cannot assume, which we have, and I am worried we will, that people cannot manage their own health care, that they have to have Uncle Sam manage it for them. Nothing could be further from the truth.

There are some key components. Health care is about people. It is not about an insurance company, it is not about your employer, and it is certainly not about the government. It is about you. And if it is about you, you ought to be in control of that—absolutely, without a fact be in control. You ought to have a caring professional who will be able to spend the time with you to truly teach you prevention, to truly work with you on wellness, to truly manage your chronic disease, and then we ought to recognize that those services ought to be paid for, not outlandish fees but appropriate payment.

You recognize that in none of the government-run programs, which is now 60 percent of health care, do we truly pay for prevention. We will pay for it when you get sick. That is why we have ''sick care'' in America. We do not have health care, we have sick care. And we do not have real insurance. What we have is prepaid health expense, which about 20 percent, 25 percent of the money that went into that health insurance doesn't ever come back to help you get well or prevent you from getting sick.

So we ought to be about the fact that we know there is something wrong with health care in America today. We all know that. We are dissatisfied, whether it is the bills you get after you get a test that you can't read or can't understand or you have to wait or have an approval to get something. Regardless of what your doctor thinks, you still may not be able to access that care. There is no question we need to

fix health care, and I will be the first to admit we need to do that. But how we do it—how we do it is ultimately important, not just for the health care of Americans, but it will markedly impact our economy.

The very idea that we have to have another $1.3 trillion to $2 trillion to fix health care does not fit with any realistic set of facts anywhere else in the world. We spend twice as much per person in this country as anybody else in the world save Switzerland. We are not getting value for what we are buying.

Now, why aren't we? One of the reasons we are not is because you are not in control of your health care. You do not get to see a transparent price or quality or availability for what you purchased because we have given over the payment for that to some other organization. So we are less inclined to be prudent purchasers because it is not coming out of our pocket, whether it is Medicaid or Medicare or a health insurance plan. We ought to be about fixing that. And our health care cannot be about bureaucrats in Washington. It is personal. It is also local.

The trust in a patient-doctor relationship is enhanced by transparency of the cost and transparency of the quality. You ought to be able to go and buy a health care service and know what it is going to cost before you buy it, and you ought to know that you are likely to get great outcomes based on transparency of quality. That has to be there.

The second thing that has to be there is you have to know we are going to spend the dollars in a way to prevent you from getting sick, not just take care of you once you get sick. Grandmom was right: An ounce of prevention is worth more than a pound of cure. Yet we do not incentivize that in any of the Federal Government programs we have today. And we do some—especially in the ERISA-based plans or the company-owned plans, they have learned this.

A great plan that is out there that people are fortunate to have is Safeway. Safeway's health care costs have risen one-half of 1 percent in the last 4 years. The average of other plans of other employers has risen 42 percent. What is the difference? Why is it that Safeway, with 200,000 employees, has been able to have only half a percent, plus they also have increased satisfaction with the health care they are getting? What is the difference? The difference is prevention and wellness and management of chronic disease.

So anything we do that does not address prevention and incentivize it, wellness and incentivize it, and management of chronic disease and incentivize it will not make any fix we do here sustainable. We can cover everybody in the country. We can charge $1.2 trillion or $1.3 trillion to our kids over the next 10 years and we can get everybody covered, but if we have not fixed the sustainability to where we do not have a 7.2-percent automatic inflation in health care every year, we will not have done anything. And it will not be long before we will not be able to afford it, and then we will take the people in the government-run option and we will put them into Medicare, and then we will do a price control.

There is no question that we need to carefully address America's health care challenge. We need to find immediate measurable ways to make it more accessible and affordable without jeopardizing quality. We need to make sure we give individuals choice at every point in the health care continuum. And we need to make sure we allow personalized care. We are not a bunch of cattle lining up in the chute. Everybody is different. Everybody needs to be able to make their own decisions.

On top of that, the No. 1 thing we have to do is protect the doctor-patient relationship. Half of getting well is having confidence in the person who is treating you. When you do not get to choose that, as you do not in Medicaid and oftentimes in Medicare because we are limited to the doctors who are taking Medicare, you are limiting the outcome.

If you cannot get treatment when you need it, there is a crisis. If you are denied the ability to choose the doctor or hospital that is best for you, that is a crisis for you. If you cannot afford the coverage you need for you and your family, then you have a crisis.

We need to stop looking at it from a global perspective and restore the humanity to health care. We need to focus more on people and less on the system.

I have a lot of ideas on health care. I, along with many others, have introduced the Patient's Choice Act, where we allow everybody to have insurance in this country. We equalize the tax treatment for everybody in this country.

All the studies say that any plan Congress puts forward, our plan will do as well or better with some major differences. We do not raise the cost at all. It does not cost anything. As a matter of fact, it saves the States $1.3 trillion over the next 10 years just on Medicaid alone. And every Medicaid patient out there will have a private insurance program, and nobody will ever know if they got it through Medicaid or not. They will be truly accessing and having the care, and we will not raise taxes on anybody to do that—no one.

The other thing we do is, if you like what you have today, you can keep it. You absolutely can keep it. If what you have is what you want, it gives you care when you want it, access to the doctors you want or to the hospital you want, and you can afford it, you are going to keep it. But if you would like something different, and not be locked in, not having to stay at a job because you are afraid you will not have insurance when you leave, you need to look at what we are talking about.

There is no preexisting illness exclusion. There is no individual mandate, although there is an auto enrollment where you can opt out. If you do not want health insurance, you do not have to take it, but you do not get the tax credit that goes along with buying it.

So, in fact, of the 46 million people who do not have access to care today through an insurance program, they will have it under this program, and they will have prevention, and they will have wellness, and they will have a medical home or an accountable care organization to manage their chronic disease, help them manage it. And they will get to do that where they want to do it, not where some bureaucrat tells them they will do it or where some insurance company tells them where they will do it.

We have a chance to hit a home run for the American people on health care—not just on their health care, but keeping us globally competitive, keeping jobs here at home instead of shipping them off where the labor costs and health care costs are less. We have a chance to hit two home runs. The question is, Will we do it?

We have before us in the HELP Committee a draft of a bill that has three big blanks on it. We do not have any analysis by the CBO on what it is going to cost. We have no knowledge about what it costs, and we are going to be marking that up in a week. We are supposed to get health care done in 6 weeks in this country, which is 17 percent of our GDP, one-sixth of our economy, and we are going to do it without knowing what we are doing.

The parameters under which this Senate is addressing health care are a prescription for disaster. What we should do is put out the bills, have a legitimate debate about what is a proper way to go, and let the American people hear the debate and see which way to go. I will tell you, if you allow the American people to decide: Here is a government-controlled option or here is my option, with me choosing everything, me not depending on the government, me making the choices for my family—when I want it, where I want it, and how I want it—individual freedom and liberty will win every time over a government-mandated program or a, quote, public government-run insurance company.

The PRESIDING OFFICER. The Chair reminds the Senator that his time under morning business has expired.

Mr. COBURN. Madam President, I ask for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. I do not object. It will be the last extension?

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

Mr. COBURN. I thank the Chair.

One of the questions we ought to ask the American people is: Would you rather pay the costs you pay today for the quality of care you currently receive or would you rather get in line, pay less, not have the same quality,

and not get to choose the health care you are going to get or your family is going to get—defer the decisionmaking about you and your family's health care to a government bureaucracy?

All of us agree, Democrats and Republicans, we want to fix health care. All of us want prevention, wellness, management of chronic disease. All of us want as much freedom as we can give the American people. But the difference lies in how we do it and who pays the bill. That is why I started out with the article from Adrian Rogers. We are going to spend $2.4 trillion on health care this year, and we are going to get back $1.7 trillion worth of health care.

We should not be spending a penny more. What we should be saying to the Senate is: Why aren't you fixing what is wrong with this terrible, broken system? And the answer is: We need more money. That is the government's answer every time. Every time: We need more money. We need a new program.

We do not need a new program. What we need is to allow the individual entrepreneurship and ingenuity of the American people and give them the resources with which to buy their health care and make their personal choices, and what you will see is a dynamic that squeezes $500 billion to $700 billion out of the cost of health care in this country.

There are a lot of components. Health care is a complex issue. Everybody who worked on it knows it. It is hard in a 20- or 30-minute talk on the floor to explain a bill fully. But if you had absolute access, and you could afford health care, and you got to make the choices, and it did not cost your kids any more in the future to pay for that by borrowing against their future, most Americans would say: I will buy something like that. That is a fix.

And by the way, we are going to incentivize the $40 billion we spend every year supposedly on prevention to where it is actually making some difference on cost. We are going to quit paying for food that is terrible for you through the Food Stamp Program. We are going to fix the School Lunch Program so we do not feed you high carbohydrates and fat. And we are going to give you protein, fruits, and vegetables. We are going to do that which is necessary to put us on a glidepath to where we have real health care instead of sick care in this country. People will buy that.

I cannot wait for the real debate to start on health care. When you hear the talk, and you read the articles that have been written—just for example, on comparative effectiveness, the director who is involved in that in England said it was the biggest mistake they ever made. It explains why people in England die earlier. It explains why they have a cancer cure rate about a third lower than ours. It explains why people cannot get care because they have a government option. They have a government option that eliminates the ability for true choice, true access, and true affordability.

One of the things our bill will do is make sure, no matter how sick you are, you get an insurance policy. When it comes time for renewal, they cannot deny you. Our bill gives everybody insurance in this country and incentivizes you to the point where you will have extra money with which you pay for the additional costs associated with that care.

Our plan does not mandate anything, except the base minimum plan is the base minimum plan the Members of Congress get. If you want to buy more than that, you can. But nobody is going to tell you what you have to buy. You buy what is right for you, what is right for your family.

One of the costs of health care in this country—and it is about 8 or 9 percent of the cost of health care—is doctors like me ordering tests you do not need because I fear a malpractice lawsuit. We incentivize the States to make changes—very simple changes—do not eliminate the right of any individual to go to court, but set up health courts or set up judge-doctor-lawyer panels or a combination thereof, and we give them extra money if, in fact, they will do that. It is an easy, cheap buy. Because if we reform the tort system State by State, we get back about a hundredfold for every dollar we put out that comes out of health care that will then go to prevention, wellness, and management of chronic disease.

We have cost-shifting in this country. If you opt out and you go to an ER, your State can buy you a high-deductible policy, whereas you are still covered. You are not going to ever lose your home because you had an accident or you had a major health complication because you will be auto enrolled as soon as you hit the ER. So we eliminate about $200 billion in cost-shifting.

I have just outlined $500 billion that can go away under our bill out of $2.4 trillion—money that does not help anybody get well, money that does not prevent anybody from getting sick.

I had an orthopedist in my office today and he had a patient who he thought had a torn anterior cruciate ligament. That is a ligament connecting the femur to the tibia. And she could not relax. He is a good orthopedist. By clinical exam, you can tell if somebody has torn an ACL, anterior cruciate ligament. So he said: Well, you can't relax. We'll do an MRI. So she comes back a week later and says: Doctor, I didn't do the MRI. I didn't want to pay for that. And she brought a glass of wine with her, a glass of chardonnay. She said: I think if I drink this, about 15 minutes after I drink this, I think I will be relaxed enough for you to do it. Well, sure enough, she did, and she relaxed. She had a torn ACL, and she never had to have an MRI. It just saved us about $1,800. It saved her and us $1,800. He could have given her xanax and done the same thing.

But the point is, she made a logical decision not to spend $1,800 because there was another way of doing it. Part of that was because she had a $5,000 deductible health care policy, so she made a good economic choice. Multiply that 100,000 times in this country every month and see how much money we can take out of the health care system by people acting in their own best health interest and financial interest.

We have a lot in front of us, and we have a lot that is riding on us. I hope we get to see the bills, which we have not seen yet, and what people want to do. The first bill out is: The government does everything; the government is in control. There is not one government program that either offers the services or is not bankrupt that we have on health care today. Medicare is bankrupt. Medicaid—we are bankrupt, so they are bankrupt. They have $80 billion worth of fraud in Medicare; $40 billion worth in Medicaid. The Indian Health Service is a sham, especially on the reservation, because we do not have the quality and we have not put the money there. Why shouldn't a Native American have an insurance policy to be able to buy health care wherever they want? Why shouldn't a veteran be able to get care wherever they want rather than have to travel 200 miles to a VA health care center? Why can't we keep the commitment that we would say: If we are going to offer you access, then we are going to offer you access to the best, the highest quality health care, with you making the decisions about your care, when you get that care, and who gives you that care.

The patient has to come first. Senators' egos have to come second. And we have to fix this program in a way that not only solves the health care crisis but does not create another crisis for our children down the road.

With that, I yield the floor.

I thank my colleague from Rhode Island for his patience, and I wish him a good night.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is always a pleasure to hear the Senator from Oklahoma discussing health care, which I know is very dear to him. So I did not feel my time was wasted listening to him speak on that subject, and I wish him a good evening as well.

Mr. President, I ask unanimous consent, if I may, to speak in morning business, but to exceed the 10-minute rule.

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

GASPEE DAY

Mr. WHITEHOUSE. Mr. President, the Boston Tea Party is one of the celebrated events in American history. From a young age, Americans learn the story of the men who crept onto British ships moored in Boston harbor on December 16, 1773, to toss overboard

shipments of tea that the English sought to tax. These Massachusetts patriots yearned for liberty, opposed ''taxation without representation,'' and stepped into history books with this simple act of defiance.

But conspicuously absent from too many of those same history books is a group of Rhode Island men who took on the British Crown in a bold, insubordinate gesture matching the temper of their bold and insubordinate colony more than a year earlier than the Boston Tea Party. This evening, I would like to share the story of the H.M.S. *Gaspee*, a daring group of Rhode Islanders, and the real beginning of the fight for American independence.

In the early 1770s, as tensions between England and her American colonies grew increasingly strained, King George III stationed the H.M.S. *Gaspee*, under the command of Lieutenant William Dudingston, in the waters of Rhode Island. Its mission was to search incoming ships for smuggled goods and contraband and to enforce the payment of taxes.

On June 9, 1772, 237 years ago tonight, the sailing vessel *Hannah* was traveling from Newport to Providence, when it was intercepted by the *Gaspee* and ordered to stop to allow a search. On board the *Hannah*, CAPT Benjamin Lindsey refused and continued on his course, despite warning shots fired by the *Gaspee*. Under full sail and into a falling tide, the *Hannah* pressed north up Narragansett Bay with the *Gaspee* in hot pursuit. Overmatched in size, Captain Lindsey found advantage in guile and in his greater knowledge of Rhode Island waters. He led the *Gaspee* to the shallow water of Pawtuxet Cove. There, the lighter *Hannah* sped over the shallows, but the heavier *Gaspee* ran aground in the shallow waters off Namquid Point. The *Gaspee* was stuck, until the higher tides of the following day would lift her from the mud.

Captain Lindsey proceeded on his course to Providence, where he met with a group of Rhode Islanders, including John Brown, a community leader whose family helped found Brown University. The two men arranged for a meeting of local patriots at Sabin's Tavern, on what is now Providence's east side, later that evening. At the meeting, the assembled Rhode Islanders decided to act. The HMS *Gaspee* was a symbol of their oppression and she was helplessly stranded in Pawtuxet Cove. The opportunity was too good to pass up.

That night, there was no moonlight on the waters of Pawtuxet Cove. The *Gaspee* lay silent on the sandbar. Down the bay from Providence came 60 men in longboats, led by John Brown and Abraham Whipple, armed and headed through those dark waters for the *Gaspee*.

When the men reached the *Gaspee* and surrounded it, Brown called out and demanded that Lieutenant Dudingston surrender his vessel. Dudingston refused and instead ordered his men to fire upon anyone who attempted to board the *Gaspee*.

That was all these Rhode Islanders needed to hear, and they rushed the *Gaspee* and forced their way aboard her. In the violent melee, Lieutenant Dudingston was shot in the arm by a musket ball. Rhode Islanders had drawn the first blood of the conflict that would lead to American independence, right there in Pawtuxet Cove, 16 months before the ''Tea Party'' in Boston.

Brown and Whipple's men seized control of the *Gaspee* from its British crew and transported the captive Englishman safely to shore. They then returned to the abandoned *Gaspee* to set her afire and watched as the powder magazine exploded, blowing the ship apart and leaving her remains to burn to the water line. That historic location is now called Gaspee Point.

Since that night in June, 237 years ago tonight when the *Gaspee* burned, Rhode Islanders have marked the event with celebration. This year, as I do every year, I will march in the annual Gaspee Days Parade in Warwick, RI. Every year, I think about what it must have been like to be among those 60 men: muffled oars on dark waters; comrades pulling with voices hushed; a shouted demand, the indignant response, and then a pell-mell rush to clamber aboard; the oaths and shouts of struggle, gun shots and powder smoke, the clash of sword and cutlass; and when it was over, the bright fire of the ship in the night, the explosion turning night to day and reverberating across the bay and the hiss and splash as the pieces fell and the water claimed the flames.

I hope that one day the tale of the brave Rhode Islanders who stormed the HMS *Gaspee* will be remembered among the other stories of the Revolution and that they will be given their due place in our Nation's history beside the tea partiers of Boston.

I hope, frankly, on an annual basis, to come back to this floor and relate that story over and over and over again. It is a proud part of Rhode Island's heritage.

TORTURE

Mr. WHITEHOUSE. Mr. President, I wish to now change the subject and speak about an incident that is not part of anybody's proud heritage and that is the evidence we have recently heard about America's descent into torture. I know it is an awkward subject to talk about, an awkward subject to think about. On the one hand, we, as Americans, love our country, we hate the violence that has been done to us, and we want more than anything to protect our people from attacks. On the other hand, torture is wrong and we have known it and behaved accordingly in far worse circumstances than now.

When Washington's troops hid in the snows of Valley Forge from a superior British force bent on their destruction, we did not torture. When our capital city was occupied and our Capitol burned by troops of the world's greatest naval power, we did not torture. When Nazi powers threatened our freedom in one hemisphere and Japanese aircraft destroyed much of our Pacific fleet in the other, we did not torture. Indeed, even when Americans took arms against Americans in our bloody Civil War, we did not torture.

I know this is not easy. Our instincts to protect our country are set against our historic principles and our knowledge of right versus wrong. It is all made more difficult by how much that is untrue, how much that is misleading, and how much that is irrelevant have crowded into this discussion. It is hard enough to address this issue without being ensnared in a welter of deception.

To try to clarify it, I wish to say a few things. The first is that I see three issues we need to grapple with. The first is the torture itself: What did Americans do? In what conditions of humanity and hygiene were the techniques applied? With what intensity and duration? Are our preconceptions about what was done based on the sanitized descriptions of techniques justified? Or was the actuality far worse? Were the carefully described predicates for the torture techniques and the limitations on their use followed in practice? Or did the torture exceed the predicates and bounds of the Office of Legal Counsel opinions?

We do know this. We do know that Director Panetta of the CIA recently filed an affidavit in a U.S. Federal court saying this:

> These descriptions—

He is referring to descriptions of EITs—enhanced interrogation techniques—the torture techniques.

He says in his sworn affidavit:

> These descriptions, however, are of EITs as applied in actual operations and are of a qualitatively different nature than the EIT descriptions in the abstract contained in the OLC memoranda.

The words ''as applied'' and ''in the abstract'' are emphasized in the text.

> These descriptions, however, are of EITs as applied in actual operations and are of a qualitatively different nature than the EIT descriptions in the abstract contained in the OLC memoranda.

The questions go on: What was the role of private contractors? Why did they need to be involved? And did their peculiar motivations influence what was done? Ultimately, was it successful? Did it generate the immediately actionable intelligence protecting America from immediate threats that it had been sold as producing? How did the torture techniques stack up against professional interrogation?

Well, that is a significant array of questions all on its own, and we intend to answer them in the Senate Intelligence Committee under the leadership of Chairman FEINSTEIN, expanding on work already done, thanks to the

previous leadership of Chairman ROCKEFELLER.

There is another set of questions around how this was allowed to happen. When one knows that America has over and over prosecuted waterboarding, both as crime and as war crime; when one knows that the Reagan Department of Justice convicted and imprisoned a Texas sheriff for waterboarding prisoners; when one sees no mention of this history in the lengthy opinions of the Office of Legal Counsel at DOJ that cleared the waterboarding—no mention whatsoever; when assertions of fact made in those OLC opinions prove to be not only false but provably false from open source information available at the time; when one reads Chairman LEVIN's excellent Armed Services Committee reports on what happened at the Department of Defense, it is hard not to wonder what went wrong. Was a fix put in? And, if so, how? A lot of damage was done within the American institutions of government to allow this to happen.

If American democracy is important, damage to her institutions is important and needs to be understood. Much of this damage was done to one of America's greatest institutions—the U.S. Department of Justice. I am confident the Judiciary Committee, under Chairman LEAHY's leadership, will assure that we understand and repair that damage and protect America against it ever happening again.

Finally—and I am very sorry to say this—but there has been a campaign of falsehood about this whole sorry episode. It has disserved the American public. As I said earlier, facing up to the questions of our use of torture is hard enough. It is worse when people are misled and don't know the whole truth and so can't form an informed opinion and instead quarrel over irrelevancies and false premises. Much debunking of falsehood remains to be done but cannot be done now because the accurate and complete information is classified.

From open source and released information, here are some of the falsehoods that have been already debunked. I will warn you the record is bad, and the presumption of truth that executive officials and agencies should ordinarily enjoy is now hard to justify. We have been misled about nearly every aspect of this program.

President Bush told us ''America does not torture'' while authorizing conduct that America itself has prosecuted as crime and war crime, as torture.

Vice President Cheney agreed in an interview that waterboarding was like ''a dunk in the water'' when it was actually a technique of torture from the Spanish Inquisition to Cambodia's killing fields.

John Yoo, who wrote the original torture opinions, told Esquire magazine that waterboarding was only done three times. Public reports now indicate that just two detainees were waterboarded 83 times and 183 times. Khalid Shaikh Mohammed reportedly was waterboarded 183 times. A former CIA official had told ABC News: ''KSM lasted the longest on the waterboard—about a minute and a half—but once he broke, it never had to be used again.''

We were told that waterboarding was determined to be legal, but we were not told how badly the law was ignored and manipulated by the Department of Justice's Office of Legal Counsel, nor were we told how furiously government and military lawyers tried to reject the defective OLC opinions.

We were told we couldn't second guess the brave CIA officers who did this unpleasant duty, and then we found out that the program was led by private contractors with no real interrogation experience.

Former CIA Director Hayden and former Attorney General Mukasey wrote that military interrogators need the Army Field Manual to restrain abuse by them, a limitation not needed by the experienced experts at the CIA.

Let's look at that. The Army Field Manual is a code of honor, as reflected by General Petraeus' May 10, 2000, letter to the troops in Iraq. He wrote this:

> Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. . . . In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.
>
> We are indeed warriors. . . . What sets us apart from our enemies in this fight, however, is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect.

Military and FBI interrogators, such as Matthew Alexander, Steve Keinman, and Ali Soufan, it appears, are the true professionals. We know now that the ''experienced interrogators'' referenced by Hayden and Mukasey had actually little to no experience.

Philip Zelikow, who served in the State Department under the Bush administration, testified in a subcommittee that I chaired. He said the CIA ''had no significant institutional capability to question enemy captives'' and ''improvised'' their program of ''cooly calculated dehumanizing abuse and physical torment.'' In fact, the CIA cobbled its program together from techniques used by the SERE Program, designed to prepare captured U.S. military personnel for interrogation by tyrant regimes who torture not to generate intelligence but to generate propaganda.

Colonel Kleinman submitted testimony for our hearing, in which he stated:

> These individuals were retired military psychologists who, while having extensive experience in SERE (survival, evasion, resistance, and escape) training, collectively possessed absolutely no firsthand experience in the interrogation of foreign nationals for intelligence purposes.

To the proud, experienced, and successful interrogators of the military and the FBI, I believe Judge Mukasey and General Hayden owe an apology.

Finally, we were told that torturing detainees was justified by American lives saved—saved as a result of actionable intelligence produced on the waterboard. That is the clincher, they stay—lives saved at the price of a little unpleasantness. But is it true? That is far from clear.

FBI Director Mueller has said he is unaware of any evidence that waterboarding produced actionable information. Nothing I have seen convinces me otherwise. The examples we have been able to investigate—for instance, of Abu Zubaida providing critical intelligence on Khalid Shaik Mohammed and Jose Padilla—turned out to be false. The information was obtained by regular professional interrogators before waterboarding was even authorized.

As recently as May 10, our former Vice President went on a television show to relate that the interrogation process we had in place produced from certain key individuals, such as Abu Zubaida—he named him specifically—actionable information. Well, we had a hearing inquiring into that, and we produced the testimony of the FBI agent who actually conducted those interrogations.

Here is what happened. Abu Zubaida was injured in a firefight and captured in Afghanistan. He was flown to an undisclosed location for interrogation. The first round of interrogation conducted professionally by Soufan and his assistant from the CIA produced such significant intelligence information that a jet with doctors on it was scrambled from Langley—from this area—and flown to the undisclosed location so that the best medical care could be provided to Abu Zubaida so he could continue to talk. That was the first round of information.

In the second interrogation, conducted consistent with professional interrogation techniques, Abu Zubaida disclosed that the mastermind of the 9/11 attacks was Khalid Shaik Mohammed. That may be the apex piece of intelligence information we have obtained during the course of the conflict.

At that point, the private contractors arrived, and for some reason Abu Zubaida was handed over to them so they could apply their enhanced interrogation techniques. Ali Soufan testified that at that point they got no further information. What triggered the first round of information was that Soufan knew about Zubaida's pet name that his mother used for him. When he used that nickname, Zubaida fell apart. He didn't know how to defend himself, and he began to disclose this very important information.

Knowledge, outwitting people, playing on mental weaknesses, taking advantage of our skills as Americans—that is what worked and got the information about Mohammed. He was

turned over to the private contractors for enhanced techniques and they got nothing.

It was then determined that because the interrogation had become unproductive, he should be returned to the FBI agent and CIA agent who had twice interrogated him. It was in the third round that he disclosed information about Jose Padilla, the so-called dirty bomber, which was so important that Attorney General Ashcroft held a press conference, I believe in Moscow, to celebrate the discovery of this information. Again, for some reason, he was turned back again to the private contractors for the application of more abusive techniques, and again the flow of information stopped.

For a third time, he was returned to the FBI and CIA agents again for professional interrogation, but by now he had been so compromised by the techniques, even they were unsuccessful in getting further information.

As best as I have been able to determine, for the remaining sessions of 83 waterboardings that have been disclosed as being associated with this interrogation, no further actionable information was obtained. Yet the story has been exactly the opposite. The story over and over has been that once you got these guys out of the hands of the FBI and the military amateurs and into the hands of the trained CIA professionals, who can use the tougher techniques, that is when you get the information. In this case, at least, the exact opposite was the truth, and this was a case cited by the Vice President by name.

The costs of this could be high. There has been no accounting of the wild goose chases our national security personnel may have been sent on by false statements made by torture victims seeking to end their agony; no accounting of intelligence lost if other sources held back from dealing with us after our dissent into what Vice President Cheney refers to as the ''dark side''; no accounting of the harm to our national standing or our international good will from this program; no accounting of the benefit to our enemies' standing—particularly as measured in militant recruitment or fundraising; and no accounting of the impact this program had on information sharing with foreign governments whose laws prohibit such mistreatment.

At the heart of all these falsehoods lies a particular and specific problem: The ''declassifiers'' in the U.S. Government are all in the executive branch. No Senator can declassify, and the procedure for the Senate as an institution to declassify something is so cumbersome that it has never been used. Certain executive branch officials, on the other hand, are at liberty to divulge classified information. When it comes out of their mouth, it is declassified because they are declassified. Its very utterance by those requisite officials is a declassification. What an institutional advantage. The executive branch can use, and has used, that one-sided advantage to spread assertions that either aren't true at all or may be technically true but only on a strained, narrow interpretation that is omitted, leaving a false impression, or that sometimes simply supports one side of an argument that has two sides—but the other side is one they don't want to face up to and don't declassify.

One can hope the Obama administration will be more honorable. I suspect and believe they will be. But the fact is that a cudgel that so lends itself to abuse will some day again be abused, and we should find a way to correct that imbalance. It is intensely frustrating to have access to classified information that proves a lie and not be able to prove that lie. It does not serve America well for Senators to be in that position.

Chairman LEVIN has already done excellent work in the Armed Services Committee, and there is no reason to believe that good work won't continue. Chairman ROCKEFELLER has done excellent work in the Intelligence Committee, and his successor, Senator FEINSTEIN, has picked up the mantle and continues forward with energy and determination. We can be proud of what she is doing. Chairman LEAHY has begun good work in the Judiciary Committee, and more will ensue when we see the report of the Department of Justice Office of Professional Responsibility about what went wrong in the Office of Legal Counsel. The new administration, I hope and expect, is itself drilling down to the details of this sordid episode and not letting themselves be fobbed off with summaries or abridged editions. In short, a lot is going on, and a lot should be going on.

While it is going on, I want my colleagues and the American public to know that measured against the information I have been able to gain access to, the story line we have been led to believe—the story line about waterboarding we have been sold—is false in every one of its dimensions.

I ask that my colleagues be patient and be prepared to listen to the evidence when all is said and done before they wrap themselves in that story line.

I thank the Presiding Officer. I know the hour is late. I appreciate his courtesy.

HONORING OUR ARMED FORCES

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of Major Matthew Philip Houseal, from Amarillo, TX. Matthew was 54 years old when he lost his life on May 11, 2009, from injuries sustained from a noncombat related incident in Baghdad, Iraq. He was a member of the 55th Medical Company, U.S. Army Reserve, Indianapolis, IN.

Today, I join Matthew's family and friends in mourning his death. Matthew will forever be remembered as a loving husband, father, son, and friend to many. He is survived by his wife Dr. Luzma Houseal; seven children, Teresa, Catherine, David, Isabel, Patrick, Monica and Kelly; his parents, William and Helen Houseal; eight siblings, Dr. Timothy Houseal and wife Leslie, U.S. Army Retired LTC Stephen Houseal and wife Julie, Joseph Houseal, Friar David Houseal, John Houseal and wife Gail, U.S. Air Force COL Anne T. Houseal and husband Paul Houser, Elizabeth Nightingale, and Maria Johnston and husband Jeff; 26 nieces and nephews; and a host of other friends and relatives.

Matthew, a native of Washington, DC, grew up in St. Joseph, MI, and received a bachelor's degree, master's degree, and medical degree from the University of Michigan. He spent his surgical internship at Henry Ford Hospital and went through the Officers Training School in the U.S. Navy. He served his psychiatry residency at Texas Tech University in Lubbock, TX, and spent over a decade at the Texas Panhandle Mental Health Mental Retardation, where he was a beloved member of the staff. He joined the Army Reserve as a major in 2007.

Matthew had many passions in life: known as a brilliant physician and an insatiable learner, Matthew held a private pilot license and was a certified flight instructor with more than 10,000 hours of flight time in different types of aircraft. His extraordinary accomplishments were only rivaled by his passion for his family, especially his seven children.

While we struggle to express our sorrow over this loss, we can take pride in the example Matthew set as a soldier and as a father. 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 Matthew's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of MAJ Matthew Philip Houseal in the official 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 Matthew.

TIMETABLE FOR SOTOMAYOR HEARING

Mr. GRASSLEY. Mr. President, earlier today, Chairman LEAHY announced July 13 as the start date for the Judiciary Committee hearings on Supreme Court Justice nominee Sonia Sotomayor. I am extremely disappointed with this unilateral decision on the part of my Democratic colleagues. In the past, the decision of when to start these Supreme Court hearings has been a bipartisan one. With the Roberts and Alito nominations, Republicans worked with our colleagues to accommodate Democrat concerns about the timing of the hearings for the highest court in the land. Senators LEAHY and SPECTER held joint press conferences announcing the Roberts and Alito hearings.

I would have hoped that Ranking Member SESSIONS and Judiciary Committee Republicans would have gotten the same courtesy for President Obama's nominee. Yet I understand that Ranking Member SESSIONS had no idea that Chairman LEAHY was going to the floor to make this July 13 announcement, and that he was not consulted about this decision. Clearly the July 13 date is not a bipartisan decision.

Moreover, July 13 is just not enough time to prepare for a thorough and careful review of Judge Sotomayor's record and qualifications to be a Supreme Court Justice. First, July 13 is a mere 48 days from the nomination announcement to the hearing, which is shorter than the timeframe for Justices Roberts and Alito. Moreover, Justice Roberts had just a few hundred decisions for the Judiciary Committee to analyze. Judge Sotomayor has over 3,000 cases over a 17-year period on the Federal bench for us to study. The Alito confirmation hearing timeframe is probably a better comparison since Justice Alito had a similar large number of decisions.

With respect to concerns that criticisms have been lodged against the nominee, we don't control what outside groups say, but I do I know that Senate Republican members have treated Judge Sotomayor fairly and have not engaged in personal attacks. So the idea that Judge Sotomayor needs a hearing scheduled as soon as possible to respond to criticisms by outside groups just doesn't hold water.

In addition, the Judiciary Committee has yet to receive everything we need from Judge Sotomayor. I understand that her questionnaire is not complete, that we have yet to receive all her documentation, memos, speeches and unpublished opinions, that we still don't have her ABA review and FBI background report. It seems like the rushed nature of the process has contributed to the deficiencies in the questionnaire and the number of documents that are still missing. We need all this stuff in order to fully vet the nominee.

Judge Sotomayor has an extensive record, and the July 13 timetable that Chairman LEAHY wants to impose will force us to consider a Supreme Court nominee with one of the lengthiest records in recent history in the shortest time in recent history. Republican members got no serious consideration to address concerns about timing, and no consultation or bipartisanship on setting the start date as has been done in the past.

I and my Republican colleagues are committed to give Judge Sotomayor a fair hearing, but we need to thoroughly review her extensive legal record and that takes time. It is important that we do the job right because this is a lifetime appointment and we are talking about the highest court of the land. As my Democrat colleagues have said before, the Senate cannot be a rubberstamp. We have a constitutional responsibility to carefully vet Judge Sotomayor and not rush the process. We owe this to the American people.

ADDITIONAL STATEMENTS

REMEBERING RONALD TAKAKI

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Professor Ronald Takaki, a pioneer and leader in the field of ethnic studies. Professor Takaki passed away on May 26, 2009, at the age of 70.

Ronald Takaki, the grandson of Japanese immigrants, was born and raised in Hawaii. In his youth he was an avid surfer, earning the nickname ''Ten Toes Takaki'' because of his ability to perform one of the most impressive and iconic stunts a surfer can do on a surfboard. Though uninterested in school when he was younger, Takaki applied to and was accepted at the College of Wooster in Ohio; he was the first in his family to attend college. After earning a bachelor's degree in history, he attended UC Berkeley, where he received a master's and doctorate in history. It was at UC Berkeley, doing a dissertation on the history of American slavery, that Takaki found his passion.

In 1967, Takaki was hired by UCLA, where he taught the University of California's first Black history course following the tumultuous Watts riots. Though an unlikely candidate to teach the course, students quickly came to respect and admire him, and he and his class became one of the most popular on campus. In 1971, Professor Takaki returned to UC Berkeley, where he served as the first full-time teacher in the Department of Ethnic Studies.

In addition to teaching Black history, Professor Takaki also established UC Berkeley's PhD program in ethnic studies, the first of its kind in the Nation. During the 30 years he taught at UC Berkeley, Professor Takaki succeeded in his desire to make the school's curriculum more multicultural and diverse. He inspired and engaged thousands of students with his thought-provoking and insightful perspectives on race and ethnicity in the United States.

Professor Takaki was also a distinguished and prolific writer. Among his most well-known books were Iron Cages: Race and Culture in 19th-Century America; A Different Mirror: A History of Multicultural America, which won the American Book Award, and Strangers from a Different Shore: A History of Asian Americans, which was nominated for a Pulitzer Prize.

Professor Takaki is survived by his wife Carol; his children Troy, Todd, and Dana; his brother Michael; his sister Janet; and his seven grandchildren. I extend my deepest sympathies to his entire family.

Professor Takaki was widely considered to be the father of multiculturalism. His trailblazing spirit and love of life was evident in everything that he did, and his many years of service as an educator, writer, and activist will not be forgotten. We take comfort in knowing that future generations will benefit from his tireless efforts to make America a better place to live.•

COMMENDING THE U.S. ARMY CORPS OF ENGINEERS—OMAHA DISTRICT

• Mr. NELSON of Nebraska. Mr. President, today I wish to recognize the 75th anniversary year of the establishment of the Omaha District as part of the U.S. Army Corps of Engineers.

Established on January 2, 1934, the immediate mission of the Omaha District was the creation of Fort Peck Dam in Montana, which was the first of six multipurpose main stem dams operating as part of a flood control system on the upper Missouri River. After completing the Fort Peck Dam, the Corps, operating under the Pick-Sloan Plan, went on to build the other five main stem structures on the Upper Missouri River. The Plan called for a coordinated effort with the Bureau of Reclamation for irrigation projects, flood control, navigation, and recreation facilities.

In the early 1940s, the Omaha District added military construction to its mission. Its first task was construction of Lowry Field in Colorado. Since then, the Omaha District has been involved in the construction of several historic projects, such as the Northern Area Defense Command in Cheyenne Mountain, Colorado; various missile control and launch facilities throughout the Midwest; and facilities for Space Command.

As the Cold War ended in the 1980s, the national focus switched to a stronger set of environmental principles. The Omaha District readily adopted a ''green'' program, providing outstanding leadership in environmental remediation. Today, the Omaha

District is managing one of the largest base realignment and closure and ''Grow the Army'' initiatives in the Nation.

For more than 75 years, the men and women of the Omaha District have served their country by harnessing the mighty Missouri River basin, building state-of-the-art facilities to serve our military, and recovering the earth from hazardous toxic and radioactive waste.

It is only fitting that we in the Senate recognize the impressive achievements of the U.S. Army Corps of Engineers—Omaha District during its 75th year.●

2009 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

● Mrs. SHAHEEN. Mr. President, today I congratulate the recipients of the 2009 New Hampshire Excellence in Education Awards. The New Hampshire Excellence in Education Awards, or ''ED''ies, honor the best and the brightest among New Hampshire's educators and schools.

For the past 16 years, the ''ED''ies have been presented to teachers, administrators, schools, and school boards who demonstrate the highest level of excellence in education. Outstanding individuals have been compared against criteria set by others in their discipline through their sponsoring organization. Experienced educators and community leaders select outstanding elementary, middle, and secondary schools based upon guidelines established by the New Hampshire Excellence in Education Board of Directors.

It is critical that all of our children receive a high quality education so that they can succeed in today's global economy. I am proud to recognize this year's recipients who will receive this prestigious award on June 13, 2009 for the positive examples they set for their peers and the lasting impact they have made on our children and communities.

I ask that the names of the 2009 New Hampshire Excellence in Education Award winners be printed in the RECORD.

2009 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARD RECIPIENTS

Diane Beaman, Nora L. Beaton, Doug Brown, Michelle Carvalho, Cathy Chase, Mary K. Coltin, Anne Delaney, Arthur R. Deleault, Irene M. Derosier, Kenneth Dugal, Denise Dunlap, Katherine J. Engstrom, Deborah A. Fogg, Venera Gattonini, Doris Grady, Nathan S. Greenberg, Gerri Harvey, Cathy Higgins.

Kathleen Collins McCabe, Eric ''Chip'' McGee, Dorothy M. Morin, Jackie Moulton, Sean P. Moynihan, Dorothy A. Peters, Marge Polak, Patricia Popieniek, Richard Provencher, Meagan Reed, Roberto Rodriguez, Fern Seiden, John J. Stone, Lyonel B. Tracy, Jacqueline R. Verville, Sheila A. Ward, Suzette Wilson, Otis E. Wirth, Joseph L. Wright.

Bicentennial Elementary School, Boynton Middle School, Inter-Lakes Elementary School, Kennett High School, Matthew Thornton Elementary School, Monadnock Community Connections School, Newfound Regional High School, Northwood School, Raymond School Board, Virtual Learning Center.●

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.)

LEGISLATIVE PROPOSAL RELATIVE TO THE ''STATUTORY PAY-AS-YOU-GO ACT OF 2009,'' OR ''PAYGO,'' TOGETHER WITH A SECTIONAL ANALYSIS—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Budget:

To the Congress of the United States:

Today I am pleased to submit to the Congress the enclosed legislative proposal, the ''Statutory Pay-As-You-Go Act of 2009,'' or ''PAYGO,'' together with a sectional analysis.

The deficits that my Administration inherited reflect not only a severe economic downturn but also years of failing to pay for new policies—including large tax cuts that disproportionately benefited the affluent. This failure of fiscal discipline contributed to transforming surpluses projected at the beginning of this decade into trillions of dollars in deficits. I am committed to returning our Government to a path of fiscal discipline, and PAYGO represents a key step back to the path of shared responsibility.

PAYGO would hold us to a simple but important principle: we should pay for new tax or entitlement legislation. Creating a new non-emergency tax cut or entitlement expansion would require offsetting revenue increases or spending reductions.

In the 1990s, statutory PAYGO encouraged the tough choices that helped to move the Government from large deficits to surpluses, and I believe it can do the same today. Both houses of Congress have already taken an important step toward righting our fiscal course by adopting congressional rules incorporating the PAYGO principle. But we can strengthen enforcement and redouble our commitment by enacting PAYGO into law.

Both the Budget I have proposed and the Budget Resolution approved by the Congress would cut the deficit in half by the end of my first term, while laying a new foundation for sustained and widely shared economic growth through key investments in health, education, and clean energy. Enacting statutory PAYGO would complement these efforts and represent an important step toward strengthening our budget process, cutting deficits, and reducing national debt. Ultimately, however, we will have to do even more to restore fiscal sustainability.

I urge the prompt and favorable consideration of this proposal.

BARACK OBAMA.

THE WHITE HOUSE, *June 9, 2009*.

MESSAGE FROM THE HOUSE

At 2:15 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. 466. An act to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities.

H. R. 1709. An act to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

H. R. 1736. An act to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 466. An act to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services; to the Committee on Veterans' Affairs.

H.R. 1709. An act to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1736. An act to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 31. An act to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Air Force nomination of Lt. Gen. Douglas M. Fraser, to be General.

*Army nomination of Lt. Gen. Stanley A. McChrystal, to be General.

*Navy nomination of Adm. James G. Stavridis, to be Admiral.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Catherine Radford Zoi, of California, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

*William F. Brinkman, of New Jersey, to be Director of the Office of Science, Department of Energy.

*Anne Castle, of Colorado, to be an Assistant Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1211. A bill to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN:

S. 1212. A bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. CONRAD):

S. 1213. A bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Patient-Centered Outcomes Research Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. CASEY, Mr. BOND, Ms. STABENOW, Mr. CARDIN, Mr. SANDERS, Mr. WHITEHOUSE, and Mr. CRAPO):

S. 1214. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself and Mr. SCHUMER):

S. 1215. A bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mr. NELSON of Florida):

S. 1216. A bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mrs. LINCOLN, and Mr. BEGICH):

S. 1217. A bill to amend title XIX of the Social Security Act to improve and protect rehabilitative services and case management services provided under Medicaid to improve the health and welfare of the nation's most vulnerable seniors and children; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1218. A bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals; to the Committee on Finance.

By Mr. KOHL:

S. 1219. A bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such subtitle for a 1-year period ending June 22, 2010; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 1220. A bill to require that certain complex diagnostic laboratory tests performed by an independent laboratory after a hospital outpatient encounter or inpatient stay during which the specimen involved was collected shall be treated as services for which payment may be made directly to the laboratory under part B of title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. ROBERTS):

S. 1221. A bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. KERRY, Ms. LANDRIEU, Mr. VITTER, Ms. CANTWELL, Mrs. GILLIBRAND, Mr. BURRIS, and Mr. SCHUMER):

S. 1222. A bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for business operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO:

S. Res. 173. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. ROBERTS, Mr. BROWNBACK, and Mrs. MCCASKILL):

S. Res. 174. A resolution recognizing the region from Manhattan, Kansas to Columbia, Missouri as the Kansas City Animal Health Corridor; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. Res. 175. A resolution expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. KERRY, Mr. INHOFE, Mr. BURRIS, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mr. DURBIN, Mr. CARDIN, and Mr. BROWNBACK):

S. Res. 176. A resolution expressing the sense of the Senate on United States policy during the political transition in Zimbabwe, and for other purposes; considered and agreed to.

By Mr. HARKIN:

S. Res. 177. A resolution recognizing the 10th anniversary of the International Labour Organization's unanimous adoption of Convention 182, ''Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour''; considered and agreed to.

By Mr. DURBIN (for himself, Mr. UDALL of Colorado, Mr. BURRIS, Mr. BENNETT, Mr. BENNET, and Mr. HATCH):

S. Res. 178. A resolution supporting Olympic Day on June 23, 2009, and encouraging the International Olympic Committee to select Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games; considered and agreed to.

By Mr. KAUFMAN:

S. Res. 179. A resolution congratulating the American Society of Mechanical Engineers on its 125 years of codes and standards development; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 180. A resolution to authorize testimony and legal representation in United States v Edward Bloomer, Frank Cordaro, Elton Davis, Chester Guinn, and Renee Espeland; considered and agreed to.

By Mr. MENENDEZ (for himself and Ms. STABENOW):

S. Con. Res. 25. A concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 214

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 214, a bill to amend title XXI of the Social Security Act to permit qualifying States to use their allotments under the State Children's Health Insurance Program for any fiscal year for certain Medicaid expenditures.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor

of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 301

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) 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. 316

At the request of Mrs. LINCOLN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 316, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 500

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 500, a bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 538

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 572

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 572, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 655

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. UDALL) 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. 688

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 688, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 711

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 711, 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.

S. 823

At the request of Ms. SNOWE, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 831

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of nonregular service retired pay.

S. 841

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 908

At the request of Mr. BAYH, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 910

At the request of Mr. WARNER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 941

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Missouri (Mr. BOND), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1023, supra.

S. 1034

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1136

At the request of Ms. STABENOW, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1136, a bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1185

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1185, a bill to amend titles XVIII and XIX of the Social Security

Act to ensure that low-income beneficiaries have improved access to health care under the Medicare and Medicaid programs.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1203, supra.

AMENDMENT NO. 1230

At the request of Mr. JOHANNS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 1230 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1256

At the request of Mr. LIEBERMAN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Maryland (Ms. MIKULSKI), the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. BEGICH), the Senator from Wisconsin (Mr. KOHL) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 1256 proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1270

At the request of Mr. CORKER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 1270 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1212. A bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems; 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. 1212

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 ''Credit Card Fair Fee Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCESS.—The term ''access''—

(A) when used as a verb means to use to conduct transaction authorization, clearance, and settlement involving the acceptance of credit cards or debit cards from consumers for payment for goods or services and the receipt of payment for such goods or services; and

(B) when used as a noun means the permission or authority to use to conduct transactions described in subparagraph (A).

(2) ACCESS AGREEMENT.—The term ''access agreement'' means an agreement between 1 or more merchants and 1 or more providers giving the merchant access to a covered electronic payment system, conditioned solely upon the merchant complying with the fees and terms specified in the agreement.

(3) ACQUIRER.—The term ''acquirer''—

(A) means a financial institution that provides services allowing merchants to access an electronic payment system to accept credit cards or debit cards for payment; and

(B) does not include an independent third party processor that may act as the agent of a financial institution described in subparagraph (A) in processing general-purpose credit card or debit card transactions.

(4) ADJUDICATION.—The term ''adjudication'' has the meaning given that term in section 551 of title 5, United States Code, and does not include mediation.

(5) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given that term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)); and

(B) includes—

(i) section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent section 5 applies to unfair methods of competition; and

(ii) State antitrust laws.

(6) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Federal Trade Commission.

(7) COVERED ELECTRONIC PAYMENT SYSTEM.—The term ''covered electronic payment system'' means an electronic payment system that routes information and data to facilitate transaction authorization, clearance, and settlement for not less than 10 percent of the combined dollar value of credit card or debit card payments processed in the United States in the most recent full calendar year.

(8) CREDIT CARD.—The term ''credit card'' means any general-purpose card or other credit device issued or approved for use by a financial institution for use in allowing the cardholder to obtain goods or services on credit on terms specified by that financial institution.

(9) DEBIT CARD.—The term ''debit card'' means any general-purpose card or other device issued or approved for use by a financial institution for use in debiting the account of a cardholder for the purpose of that cardholder obtaining goods or services, whether authorization is signature-based or PIN-based.

(10) ELECTRONIC PAYMENT SYSTEM.—The term ''electronic payment system'' means the proprietary services, infrastructure, and software that route information and data to facilitate transaction authorization, clearance, and settlement and that merchants are required to access in order to accept a specific brand of general-purpose credit cards or debit cards as payment for goods or services.

(11) ELECTRONIC PAYMENT SYSTEM JUDGES.—The term ''Electronic Payment System Judges'' means the Electronic Payment System Judges appointed under section 4(a).

(12) FEES.—The term ''fees'' means any monetary charges, rates, assessments, or other payments imposed by a provider upon a merchant for the merchant to access an electronic payment system.

(13) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 603(t) of the Fair Credit Reporting Act (15 U.S.C. 1681a(t)).

(14) ISSUER.—The term ''issuer''—

(A) means a financial institution that issues credit cards or debit cards or approves the use of other devices for use in an electronic payment system; and

(B) does not include an independent third party processor that may act as the agent of a financial institution described in subparagraph (A) in processing general-purpose credit or debit card transactions.

(15) MARKET POWER.—The term ''market power'' means the ability to profitably raise prices above those that would be charged in a perfectly competitive market.

(16) MERCHANT.—The term ''merchant'' means any person who accepts or who seeks to accept credit cards or debit cards in payment for goods or services provided by the person.

(17) NEGOTIATING PARTY.—The term ''negotiating party'' means 1 or more providers of a covered electronic payment system or 1 or more merchants who have access to or who are seeking access to that covered electronic payment system, as the case may be, and who are in the process of negotiating or who have executed a voluntarily negotiated access agreement that is still in effect.

(18) NORMAL RATE OF RETURN.—The term ''normal rate of return'' means the average rate of return that a firm would receive in an industry when conditions of perfect competition prevail.

(19) PROCEEDING PARTY.—The term ''proceeding party'' means collectively all providers of a covered electronic payment system or collectively all merchants who have access to or who are seeking access to that covered electronic payment system, as the case may be, during the period in which the Electronic Payment System Judges are conducting a proceeding under this Act relating to that covered electronic payment system.

(20) PERSON.—The term ''person'' has the meaning given that term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(21) PROVIDER.—The term ''provider'' means any person who owns, operates, controls, serves as an issuer for, or serves as an acquirer for a covered electronic payment system.

(22) STATE.—The term ''State'' has the meaning given that term in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).

(23) TERMS.—The term ''terms'' means any and all rules and conditions that are applicable to providers of an electronic payment system or to merchants, as the case may be, and that are required in order for merchants to access that electronic payment system.

(24) VOLUNTARILY NEGOTIATED ACCESS AGREEMENT.—The term ''voluntarily negotiated access agreement'' means an access agreement voluntarily negotiated between 1 or more providers of a covered electronic payment system and 1 or more merchants that sets the fees and terms under which the merchant can access that covered electronic payment system.

(25) WRITTEN DIRECT STATEMENTS.—The term ''written direct statements'' means witness statements, testimony, and exhibits to be presented in proceedings under this Act, and such other information that is necessary to establish fees and terms for access to covered electronic payment systems as set forth in regulations issued by the Electronic Payment System Judges under section 5(b)(4).

SEC. 3. ACCESS TO COVERED ELECTRONIC PAYMENT SYSTEMS; LIMITED ANTITRUST IMMUNITY FOR THE NEGOTIATION AND DETERMINATION OF FEES AND TERMS; STANDARDS FOR ESTABLISHMENT OF FEES AND TERMS.

(a) ACCESS TO COVERED ELECTRONIC PAYMENT SYSTEMS.—Access by a merchant to any covered electronic payment system and the fees and terms of such access shall be subject to this Act.

(b) AUTHORITY AND LIMITED ANTITRUST IMMUNITY FOR NEGOTIATIONS OF FEES AND TERMS AND PARTICIPATION IN PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any provision of the antitrust laws—

(A) in negotiating fees and terms and participating in any proceedings under subsection (c), any providers of a covered electronic payment system and any merchants who have access to or who are seeking access to that covered electronic payment system may jointly negotiate and agree upon the fees and terms for access to the covered electronic payment system, including through the use of common agents that represent the providers of the covered electronic payment system or the merchants on a nonexclusive basis; and

(B) any providers of a single covered electronic payment system also may jointly determine the proportionate division among such providers of paid fees.

(2) LIMITATIONS.—The immunity from the antitrust laws conferred under this subsection shall not apply to a provider of a covered electronic payment system or to a merchant during any period in which such provider, or such merchant, is engaged in—

(A) any unlawful boycott;

(B) any allocation with a competitor of a geographical area;

(C) any unlawful tying arrangement; or

(D) any exchange of information with, or agreement with, a competitor that is not reasonably required to carry out the negotiations and proceedings described in subsection (c).

(c) ESTABLISHMENT OF FEES AND TERMS.—

(1) VOLUNTARILY NEGOTIATED ACCESS AGREEMENTS.—

(A) AGREEMENTS BETWEEN NEGOTIATING PARTIES.—A voluntarily negotiated access agreement may be executed at any time between 1 or more providers of a covered electronic payment system and 1 or more merchants. With respect to the negotiating parties, such executed voluntarily negotiated access agreement shall supersede any fees or terms established by the Electronic Payment System Judges under paragraph (3) relating to that covered electronic payment system.

(B) FILING AGREEMENTS WITH THE ELECTRONIC PAYMENT SYSTEM JUDGES.—The negotiating parties shall jointly file with the Electronic Payment System Judges—

(i) any voluntarily negotiated access agreement that affects any market in the United States or elsewhere;

(ii) any documentation relating to a voluntarily negotiated access agreement evidencing any consideration being given or any marketing or promotional agreement between the negotiating parties; and

(iii) any amendment to that voluntarily negotiated access agreement or documentation.

(C) TIMING AND AVAILABILITY OF FILINGS.—The negotiating parties to any voluntarily negotiated access agreement executed after the date of enactment of this Act shall jointly file the voluntarily negotiated access agreement, and any documentation or amendment described in subparagraph (B), with the Electronic Payment System Judges not later than 30 days after the date of execution of the voluntarily negotiated access agreement or amendment or the date of the creation of the documentation, as the case may be. The Electronic Payment System Judges shall make publicly available any voluntarily negotiated access agreement, amendment, or accompanying documentation filed under this paragraph.

(2) INITIATION OF PROCEEDINGS.—The proceedings under this subsection to establish fees and terms for access to a covered electronic payment system shall be initiated in accordance with section 6.

(3) PROCEEDINGS.—

(A) IN GENERAL.—The Electronic Payment System Judges shall conduct proceedings as specified under this Act to establish fees and terms for access to a covered electronic payment system. Except as specifically provided in a voluntarily negotiated access agreement, a provider of a covered electronic payment system may not directly or indirectly charge fees or set terms for access to a covered electronic payment system that are not in accordance with the fees and terms established by the Electronic Payment System Judges pursuant to proceedings under this Act.

(B) PERIOD OF APPLICABILITY.—Except as provided in section 6, the fees and terms established under this paragraph with respect to a covered electronic payment system shall apply during the 3-year period beginning on January 1 of the second year following the year in which the proceedings to establish such fees and terms are commenced.

(C) STANDARD FOR ESTABLISHMENT OF FEES AND TERMS BY THE ELECTRONIC PAYMENT SYSTEM JUDGES.—

(i) IN GENERAL.—In establishing fees and terms for access to a covered electronic payment system under subparagraph (A), the Electronic Payment System Judges—

(I) shall be limited to selecting, without modification, 1 of the 2 final offers of fees and terms filed by the proceeding parties pursuant to section 5(c)(2)(A); and

(II) shall select the final offer of fees and terms that most closely represent the fees and terms that would be negotiated in a hypothetical perfectly competitive marketplace for access to an electronic payment system between a willing buyer with no market power and a willing seller with no market power.

(ii) STANDARDS.—In determining which final offer of fees and terms to select, the Electronic Payment System Judges—

(I) shall consider the costs of transaction authorization, clearance, and settlement that are necessary to operate and to access an electronic payment system;

(II) shall consider a normal rate of return in a hypothetical perfectly competitive marketplace;

(III) shall avoid selecting a final offer of fees and terms that would have anticompetitive effects within the issuer market, the acquirer market, or the merchant market;

(IV) may select a final offer that is a schedule of fees and terms that varies based upon cost-based differences in types of credit card and debit card transactions (which may include whether a transaction is of a signature-based, PIN-based, or card-not-present type);

(V) may select a final offer that is a schedule of fees and terms that provides alternative fees and terms for those acquirers or issuers that are regulated by the National Credit Union Administration or that, together with affiliates of the acquirer or issuer, have assets in a total amount of less than $1,000,000,000; and

(VI) may not select a final offer that is a schedule of fees and terms that varies based on type of merchant or volume of transactions (either in number or dollar value).

(D) USE OF EXISTING FEES AND TERMS AS EVIDENCE.—In establishing fees and terms for access to a covered electronic payment system under this paragraph, the Electronic Payment System Judges—

(i) shall decide the weight to be given to any evidence submitted by a proceeding party regarding the fees and terms for access to comparable electronic payment systems, including fees and terms in voluntarily negotiated access agreements filed under paragraph (1); and

(ii) shall give significant weight to fees in a voluntarily negotiated access agreement that are substantially below the fees reflective of the market power of the covered electronic payment systems that existed before the date of enactment of this Act.

SEC. 4. ELECTRONIC PAYMENT SYSTEM JUDGES.

(a) APPOINTMENT.—The Attorney General and the Chairman shall jointly appoint 3 full-time Electronic Payment System Judges, and shall appoint 1 of the 3 Electronic Payment System Judges as the Chief Electronic Payment System Judge.

(b) DUTIES.—The Electronic Payment System Judges shall establish fees and terms for access to covered electronic payment systems in accordance with this Act.

(c) RULINGS.—The Electronic Payment System Judges may make any necessary procedural or evidentiary ruling in a proceeding under this Act and may, before commencing a proceeding under this Act, make any procedural ruling that will apply to a proceeding under this Act.

(d) ADMINISTRATIVE SUPPORT.—The Attorney General and Chairman shall provide the Electronic Payment System Judges with the necessary administrative services related to proceedings under this Act.

(e) LOCATION.—The offices of the Electronic Payment System Judges and staff shall be located in the offices of the Department of Justice or the Federal Trade Commission.

(f) QUALIFICATIONS OF ELECTRONIC PAYMENT SYSTEM JUDGES.—Each Electronic Payment System Judge shall be an attorney who has at least 7 years of legal experience. The Chief Electronic Payment System Judge shall have at least 5 years of experience in adjudications, arbitrations, or court trials. At least 1 Electronic Payment System Judge who is not the Chief Electronic Payment System Judge shall have significant knowledge of electronic payment systems. At least one Electronic Payment System Judge shall have significant knowledge of economics. An individual may serve as an Electronic Payment System Judge only if the individual is free of any financial conflict of interest under the standards established under subsection (m).

(g) STAFF.—The Chief Electronic Payment System Judge shall hire, at minimum, 3 full-time staff members to assist the Electronic Payment System Judges in performing the duties of the Electronic Payment System Judges under this Act.

(h) TERMS.—

(1) INITIAL APPOINTMENTS.—For the first appointments of Electronic Payment System Judges after the date of enactment of this Act—

(A) the Chief Electronic Payment System Judge shall be appointed for a term of 6 years;

(B) 1 Electronic Payment System Judge who is not the Chief Electronic Payment System Judge shall be appointed for a term of 4 years; and

(C) 1 Electronic Payment System Judge who is not the Chief Electronic Payment System Judge shall be appointed for a term of 2 years.

(2) SUBSEQUENT APPOINTMENT.—After the appointments under paragraph (1), an Electronic Payment System Judge shall be appointed for a term of 6 years.

(3) REAPPOINTMENT.—An individual serving as an Electronic Payment System Judge may be reappointed to subsequent terms.

(4) START AND END OF TERMS.—The term of an Electronic Payment System Judge shall begin on the date on which the term of the predecessor of that Electronic Payment System Judge ends. If a successor Electronic Payment System Judge has not been appointed as of the date on which the term of office of an Electronic Payment System Judge ends, the individual serving that term may continue to serve as an interim Electronic Payment System Judge until a successor is appointed.

(i) VACANCIES OR INCAPACITY.—

(1) VACANCIES.—The Attorney General and the Chairman shall act expeditiously to fill any vacancy in the position of Electronic Payment System Judge, and may appoint an interim Electronic Payment System Judge to serve until an Electronic Payment System Judge is appointed to fill the vacancy under this section. An Electronic Payment System Judge appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed shall be appointed for the remainder of that term.

(2) INCAPACITY.—If an Electronic Payment System Judge is temporarily unable to perform the duties of an Electronic Payment System Judge, the Attorney General and Chairman may appoint an interim Electronic Payment System Judge to perform such duties during the period of such incapacity.

(j) COMPENSATION.—

(1) JUDGES.—The Chief Electronic Payment System Judge shall receive compensation at the rate of basic pay payable for level AL–1 for administrative law judges under section 5372(b) of title 5, United States Code, and each Electronic Payment System Judge who is not the Chief Electronic Payment System Judge shall receive compensation at the rate of basic pay payable for level AL–2 for administrative law judges under such section. The compensation of the Electronic Payment System Judges shall not be subject to any regulations adopted by the Office of Personnel Management under its authority under section 5376(b)(1) of title 5, United States Code.

(2) STAFF MEMBERS.—Of the 3 staff members appointed under subsection (g)—

(A) the rate of pay of 1 staff member shall be not more than the basic rate of pay payable for level 10 of GS–15 of the General Schedule;

(B) the rate of pay of 1 staff member shall be not less than the basic rate of pay payable for GS–13 of the General Schedule and not more than the basic rate of pay payable for level 10 of GS–14 of such Schedule; and

(C) the rate of pay of 1 staff member shall be not less than the basic rate of pay payable for GS–8 of the General Schedule and not more than the basic rate of pay payable for level 10 of GS–11 of such Schedule.

(3) LOCALITY PAY.—All rates of pay established under this subsection shall include locality pay.

(k) INDEPENDENCE OF ELECTRONIC PAYMENT SYSTEM JUDGES.—

(1) IN MAKING DETERMINATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Electronic Payment System Judges—

(i) shall have full independence in establishing fees and terms for access to covered electronic payment systems and in issuing any other ruling under this Act; and

(ii) may consult with the Attorney General and the Chairman on any matter other than a question of fact.

(B) CONSULTATION.—The Electronic Payment System Judges shall consult with the Attorney General and the Chairman regarding any determination or ruling that would require that any act be performed by the Attorney General or the Chairman, and any such determination or ruling shall not be binding upon the Attorney General or the Chairman.

(2) PERFORMANCE APPRAISALS.—

(A) IN GENERAL.—Notwithstanding any other provision of law or any regulation of the Department of Justice or Federal Trade Commission, and subject to subparagraph (B), the Electronic Payment System Judges shall not receive performance appraisals.

(B) RELATING TO SANCTION OR REMOVAL.—To the extent that the Attorney General and the Chairman adopt regulations under subsection (m) relating to the sanction or removal of an Electronic Payment System Judge and such regulations require documentation to establish the cause of such sanction or removal, the Electronic Payment System Judge may receive an appraisal related specifically to the cause of the sanction or removal.

(l) INCONSISTENT DUTIES BARRED.—No Electronic Payment System Judge may undertake duties that conflict with the duties and responsibilities of an Electronic Payment System Judge under this Act.

(m) STANDARDS OF CONDUCT.—The Attorney General and the Chairman shall adopt regulations regarding the standards of conduct, including financial conflict of interest and restrictions against ex parte communications, which shall govern the Electronic Payment System Judges and the proceedings under this Act.

(n) REMOVAL OR SANCTION.—The Attorney General and the Chairman acting jointly may sanction or remove an Electronic Payment System Judge for violation of the standards of conduct adopted under subsection (m), misconduct, neglect of duty, or any disqualifying physical or mental disability. Any such sanction or removal may be made only after notice and opportunity for a hearing. The Attorney General and the Chairman may suspend an Electronic Payment System Judge during the pendency of such a hearing. The Attorney General and the Chairman shall appoint an interim Electronic Payment System Judge during the period of any suspension under this subsection.

SEC. 5. PROCEEDINGS OF ELECTRONIC PAYMENT SYSTEM JUDGES.

(a) PROCEEDINGS.—

(1) IN GENERAL.—The Electronic Payment System Judges shall act in accordance with regulations issued by the Electronic Payment System Judges, the Attorney General, and the Chairman, and on the basis of a written record, prior determinations and interpretations of the Electronic Payment System Judges under this Act, and decisions of the court of appeals of the United States.

(2) JUDGES ACTING AS PANEL AND INDIVIDUALLY.—The Electronic Payment System Judges shall preside over hearings in proceedings under this Act en banc. The Chief Electronic Payment System Judge may designate an Electronic Payment System Judge to preside individually over such collateral and administrative proceedings as the Chief Judge considers appropriate.

(b) PROCEDURES.—

(1) COMMENCEMENT.—The Electronic Payment System Judges shall cause to be published in the Federal Register a notice of commencement of proceedings under section 3(c) to establish fees and terms for access to a covered electronic payment system.

(2) MANDATORY NEGOTIATION PERIOD.—

(A) IN GENERAL.—Promptly after the commencement of a proceeding under section 3(c) to establish fees and terms for access to a covered electronic payment system, the Electronic Payment System Judges shall initiate a period for negotiations for the purpose of achieving a voluntarily negotiated access agreement. Nothing in this paragraph shall preclude the proceeding parties or any members thereof from conducting negotiations before or after the mandatory negotiation period for the purpose of achieving a voluntarily negotiated access agreement.

(B) LENGTH.—The period for negotiations initiated under subparagraph (A) shall be 3 months.

(C) DETERMINATION OF NEED FOR FURTHER PROCEEDINGS.—At the close of the period for negotiations initiated under subparagraph (A), the Electronic Payment System Judges shall determine if further proceedings under this Act are necessary.

(3) PROCEEDING PARTIES IN FURTHER PROCEEDINGS.—

(A) IN GENERAL.—In any further proceeding ordered by the Electronic Payment System Judges under paragraph (2)(C), there shall be only 2 proceeding parties, 1 consisting of all providers of the covered electronic payment system and the other consisting of all merchants that have access to or seek access to the covered electronic payment system. Each proceeding party shall bear its own costs. A provider of a covered electronic payment system or a merchant that has access to or seeks access to the covered electronic payment system may choose not to participate in the proceeding as a member of a proceeding party, but unless such provider or merchant executes a voluntarily negotiated access agreement, such provider or merchant shall be bound by the determination of the Electronic Payment System Judges with regard to the fees and terms for access to the covered electronic payment system.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the proceeding parties or any members thereof in a proceeding under subparagraph (A) from negotiating and entering into a voluntarily negotiated access agreement at any other time.

(4) REGULATIONS.—

(A) AUTHORIZATION.—

(i) IN GENERAL.—The Electronic Payment System Judges may issue regulations to carry out the duties of the Electronic Payment System Judges under this Act. All regulations issued by the Electronic Payment System Judges are subject to the approval of the Attorney General and the Chairman. Not later than 120 days after the date on which all Electronic Payment System Judges are appointed under section 4(h)(1), the Electronic Payment System Judges shall issue regulations to govern proceedings under this subsection. In setting these regulations, the Electronic Payment System Judges shall consider the regulations issued by the Copyright Royalty Judges under section 803(b)(6) of title 17, United States Code.

(ii) SCOPE.—The regulations issued under clause (i) shall include regulations regarding

the procedures described in subparagraph (B).

(B) PROCEDURES.—

(i) WRITTEN DIRECT STATEMENTS.—The written direct statements of the proceeding parties shall be filed by a date specified by the Electronic Payment System Judges, which may be not earlier than 4 months, and not later than 5 months, after the end of the voluntary negotiation period under paragraph (2). Notwithstanding the preceding sentence, the Electronic Payment System Judges may allow a proceeding party to file an amended written direct statement based on new information received during the discovery process, not later than 15 days after the end of the discovery period specified in clause (ii).

(ii) DISCOVERY SCHEDULE.—Following the submission to the Electronic Payment System Judges of written direct statements by the proceeding parties, the Electronic Payment System Judges shall meet with the proceeding parties to set a schedule for conducting and completing discovery. Such schedule shall be determined by the Electronic Payment System Judges. Discovery in such proceedings shall be permitted for a period of not longer than 60 days, except for discovery ordered by the Electronic Payment System Judges in connection with the resolution of motions, orders, and disputes pending at the end of such period.

(iii) INITIAL DISCLOSURES.—

(I) IN GENERAL.—In a proceeding under this Act to determine fees and terms for access to a covered electronic payment system, certain persons shall make initial disclosures not later than 30 days after the date of commencement of the proceeding, in accordance with this clause.

(II) ISSUERS, ACQUIRERS, AND OWNERS.—Any person who is 1 of the 10 largest issuers for a covered electronic payment system in terms of number of cards issued, any person who is 1 of the 10 largest acquirers for a covered electronic payment system based on dollar amount of transactions made by merchants they serve, and any person who owns or controls the relevant covered electronic payment system and establishes the terms and conditions through which issuers and acquirers participate in the covered electronic payment system, shall produce to the Electronic Payment System Judges and to both proceedings parties—

(aa) an itemized list of the costs necessary to operate the covered electronic payment system that were incurred by the person during the most recent full calendar year before the initiation of the proceeding; and

(bb) any access agreement between that person and 1 or more merchants with regard to that covered electronic payment system.

(III) MERCHANTS.—Any person who is 1 of the 10 largest merchants using the relevant covered electronic payment system, determined based on dollar amount of transactions made with the covered electronic payment system, shall produce to the Electronic Payment System Judges and to both proceeding parties—

(aa) an itemized list of the costs necessary to access the electronic payment system during the most recent full calendar year prior to the initiation of the proceeding; and

(bb) any access agreement between that person and 1 or more providers with regard to that covered electronic payment system.

(IV) DISAGREEMENT.—Any disagreement regarding whether a person is required to make an initial disclosure under this clause, or the contents of such a disclosure, shall be resolved by the Electronic Payment System Judges.

(iv) DEPOSITIONS.—

(I) IN GENERAL.—In a proceeding under this Act to determine fees and terms for access to a covered electronic payment system, each proceeding party shall be permitted to take depositions of every witness identified by the other proceeding party. Except as provided in subclause (III), each proceeding party also shall be permitted to take 5 additional depositions in the entire proceeding.

(II) ORGANIZATIONAL ENTITIES.—A deposition notice or subpoena may name as the deponent a person who is an individual or a person who is not an individual. Such deposition notice or subpoena shall describe with reasonable particularity the matters on which examination is requested. If the deposition notice or subpoena names a person who is not an individual, the deponent person so named shall designate 1 or more officers, directors, or managing agents, or other individual persons who consent to testify on behalf of the deponent person, and may set forth, for each individual person designated, the matters on which the individual person will testify. A subpoena shall advise a nonparty deponent person of the duty of the deponent person to make such a designation. An individual person designated under this subclause shall testify as to matters known or reasonably available to the deponent person.

(III) ADDITIONAL DEPOSITIONS.—The Electronic Payment System Judges may increase the permitted number of depositions for good cause in exceptional circumstances, and shall resolve any disputes among persons within either proceeding party regarding the allocation of the depositions permitted under this clause.

(v) WRITTEN DISCOVERY.—In a proceeding under this Act to determine fees and terms for access to a covered electronic payment system, each proceeding party shall be permitted to serve written discovery requests on 10 persons. These written discovery requests may include requests for production or inspection, a total of no more than 10 requests for admission in the entire proceeding, and a total of no more than 25 interrogatories in the entire proceeding. The Electronic Payment System Judges may increase the permitted number of requests for admission or interrogatories for good cause in exceptional circumstances, and shall resolve any disputes among persons within either proceeding party regarding the allocation of the requests for admission or interrogatories permitted under this clause.

(vi) SUBPOENAS.—Upon the request of a party to a proceeding to determine fees and terms for access to a covered electronic payment system, the Electronic Payment System Judges may issue a subpoena commanding a person to appear and give testimony, or to produce and permit inspection of documents or tangible things, if the resolution of the proceeding by the Electronic Payment System Judges may be substantially impaired by the absence of such testimony or production of documents or tangible things. A subpoena under this clause shall specify with reasonable particularity the materials to be produced or the scope and nature of the required testimony. Nothing in this clause shall preclude the Electronic Payment System Judges from requesting the production by a person of information or materials relevant to the resolution by the Electronic Payment System Judges of a material issue of fact.

(vii) OBJECTIONS TO DISCOVERY REQUESTS.—

(I) IN GENERAL.—Any objection to a request or subpoena under clause (v) or (vi) shall be resolved by a motion or request to compel production made to the Electronic Payment System Judges in accordance with regulations adopted by the Electronic Payment System Judges. Each motion or request to compel discovery shall be determined by the Electronic Payment System Judges, or by an Electronic Payment System Judge when permitted under subsection (a)(2). Upon such motion or request to compel discovery, the Electronic Payment System Judges may order discovery under regulations established under this paragraph.

(II) CONSIDERATIONS.—In determining whether discovery will be granted under this clause, the Electronic Payment System Judges may consider—

(aa) whether the burden or expense of producing the requested information or materials outweighs the likely benefit, taking into account the needs and resources of the proceeding parties, the importance of the issues at stake, and the probative value of the requested information or materials in resolving such issues;

(bb) whether the requested information or materials would be unreasonably cumulative or duplicative, or are obtainable from another source that is more convenient, less burdensome, or less expensive; and

(cc) whether the proceeding party seeking discovery has had ample opportunity by discovery in the proceeding or by other means to obtain the information sought.

(viii) VOLUNTARILY NEGOTIATED ACCESS AGREEMENTS.—In proceedings to determine fees and terms for access to a covered electronic payment system, the Electronic Payment System Judges shall make available to the proceeding parties all documents filed under section 3(c)(1).

(ix) SETTLEMENT CONFERENCE.—The Electronic Payment System Judges shall order a settlement conference between the proceeding parties to facilitate the presentation of offers of settlement between the parties. The settlement conference shall be held during the 21-day period beginning on the date on which the discovery period ends and shall take place outside the presence of the Electronic Payment System Judges.

(x) DIRECT AND REBUTTAL HEARINGS.—At the conclusion of the 21-day period described in clause (ix), the Electronic Payment System Judges shall determine if further proceedings under this Act are necessary. If the Electronic Payment System Judges determine further proceedings under this Act are necessary, the Electronic Payment System Judges shall schedule a direct hearing of not more than 30 court days and a rebuttal hearing of not more than 20 court days during which both proceeding parties will be allowed to offer witness testimony and documents.

(xi) SPONSORING WITNESSES.—No evidence, including exhibits, may be submitted in the written direct statement or written rebuttal statement of a proceeding party without a sponsoring witness, except for—

(I) requests for admission that have been admitted by the receiving proceeding party;

(II) evidence of which the Electronic Payment System Judges have taken official notice;

(III) incorporation by reference of past records; or

(IV) good cause shown.

(xii) HEARSAY.—Hearsay may be admitted in proceedings under this Act to the extent determined relevant and reliable by the Electronic Payment System Judges.

(xiii) APPLICABILITY OF THE FEDERAL RULES OF EVIDENCE.—To the extent not inconsistent with this subparagraph, the Federal Rules of Evidence shall apply to proceedings under this Act.

(5) PENALTIES FOR FAILURE TO COMPLY WITH A DISCOVERY REQUEST.—

(A) FAILURE TO COMPLY.—A person has failed to comply with a discovery request if the person, or an employee or agent of the person, fails, without substantial justification, to—

(i) make initial disclosures required under paragraph (4)(B)(iii);

(ii) be sworn or answer a question as a deponent after being directed to do so by the Electronic Payment System Judges under clause (iv) or (vi) of paragraph (4)(B);

(iii) answer an interrogatory submitted under paragraph (4)(B)(v);

(iv) produce nonprivileged documents requested under clause (v) or (vi) of paragraph (4)(B); or

(v) admit the genuineness of any document or the truth of any matter as requested under paragraph (4)(B)(v), and the person requesting the admissions thereafter proves the genuineness of the document or the truth of the matter.

(B) FALSE OR MISLEADING RESPONSES.—For purposes of this Act, any disclosure, answer, or response that is false or substantially misleading, evasive, or incomplete shall be deemed a failure to comply with a discovery request.

(C) NEGATIVE INFERENCE IN CURRENT PROCEEDING.—If any person fails to comply with a discovery request, the Electronic Payment System Judges may issue an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the current proceeding in accordance with the claim of the proceeding party seeking discovery and obtaining the order.

(D) CIVIL PENALTY.—

(i) GENERALLY.—Any person who fails to comply with a discovery request under this Act shall be subject to a civil penalty, which shall be assessed by the Electronic Payment System Judges, of not more than $25,000 for each violation. Each day of violation shall constitute a separate violation.

(ii) NOTICE AND HEARINGS.—No civil penalty may be assessed under this subparagraph except under an order of the Electronic Payment System Judges and unless the person accused of the violation was given prior notice and opportunity to request and participate in a hearing before the Electronic Payment System Judges with respect to the violation.

(iii) DETERMINING AMOUNT.—In determining the amount of any penalty assessed under this subparagraph, the Electronic Payment System Judges shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

(iv) REVIEW.—Any person who requested a hearing with respect to a civil penalty under this subparagraph and who is aggrieved by an order assessing the civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit. Such a petition may be filed not later than 30 days after the date on which the order making such assessment was issued. The United States Court of Appeals for the District of Columbia Circuit shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, an order of the Electronic Payment System Judges under this subparagraph, or the court may remand the proceeding to the Electronic Payment System Judges for such further action as the court may direct. The Attorney General shall represent the Electronic Payment System Judges before the court.

(v) ENFORCEMENT.—If any person fails to pay an assessment of a civil penalty after the civil penalty has become a final and unappealable order or after the appropriate court has entered final judgment, the Electronic Payment System Judges shall request the Attorney General to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

(c) DETERMINATION OF ELECTRONIC PAYMENT SYSTEM JUDGES.—

(1) TIMING.—The Electronic Payment System Judges shall issue a determination in a proceeding not later than the earlier of—

(A) 11 months after the end of the 21-day settlement conference period under subsection (b)(4)(B)(ix); or

(B) 15 days before the date on which the fees and terms in effect for the relevant covered electronic payment system expire.

(2) DETERMINATION.—

(A) FILING OF FINAL OFFER.—Before the commencement of a direct hearing in a proceeding under subsection (b)(4)(B)(x), each proceeding party shall file with the Electronic Payment System Judges and with the other proceeding party a final offer of fees and terms for access to the covered electronic payment system. A proceeding party may not amend a final offer submitted under this subparagraph, except with the express consent of the Electronic Payment System Judges and the other proceeding party.

(B) SELECTION BETWEEN FINAL OFFERS.—After the conclusion of the direct hearing and rebuttal hearing, the Electronic Payment System Judges shall make their determination by selecting 1 of the 2 final offers filed by the proceeding parties. The Electronic Payment System Judges shall make their selection in accordance with the standards described in section 3(c)(3)(C).

(C) VOTING AND DISSENTING OPINIONS.—A final determination of the Electronic Payment System Judges in a proceeding under this Act shall be made by majority vote. An Electronic Payment System Judge dissenting from the majority on any determination under this Act may issue a dissenting opinion, which shall be included with the determination.

(3) REHEARINGS.—

(A) IN GENERAL.—The Electronic Payment System Judges may, in exceptional cases, upon motion of a proceeding party, order a rehearing, after the determination in the proceeding is issued under paragraph (2), on such matters as the Electronic Payment System Judges determine to be appropriate.

(B) TIMING FOR FILING MOTION.—Any motion for a rehearing under subparagraph (A) shall be filed not later than 15 days after the date on which the Electronic Payment System Judges deliver to the parties in the proceeding their initial determination concerning fees and terms.

(C) PARTICIPATION BY OPPOSING PARTY NOT REQUIRED.—In any case in which a rehearing is ordered under this paragraph, any opposing proceeding party shall not be required to participate in the rehearing, except that nonparticipation may give rise to the limitations with respect to judicial review provided for in subsection (d)(1).

(D) NO NEGATIVE INFERENCE.—The Electronic Payment System Judges may not draw a negative inference from lack of participation in a rehearing.

(E) CONTINUITY OF FEES AND TERMS.—

(i) IN GENERAL.—If the decision of the Electronic Payment System Judges on any motion for a rehearing is not rendered before the expiration of the fees and terms in effect for the relevant covered electronic payment system, in the case of a proceeding to determine successor fees and terms for fees and terms that expire on a specified date, the initial determination of the Electronic Payment System Judges that is the subject of the rehearing motion shall be effective as of the day following the date on which the fees and terms that were previously in effect expire.

(ii) FEE PAYMENTS.—The pendency of a motion for a rehearing under this paragraph shall not relieve a person obligated to make fee payments for access to a covered electronic payment system who would be affected by the determination on that motion from paying the fees required and complying with the terms under the relevant determination.

(iii) OVERPAYMENTS AND UNDERPAYMENTS.—Notwithstanding clause (ii), if fees described in clause (ii) are paid—

(I) the recipient of such fees shall, not later than 60 days after the date on which the motion for rehearing is resolved or, if the motion is granted, 60 days after the date on which the rehearing is concluded, return any excess fees described in clause (ii), to the extent necessary to comply with the final determination by the Electronic Payment System Judges of fees and terms for access to the covered electronic payment system; and

(II) a person obligated to make fee payments shall, not later than 60 days after the date on which the motion for rehearing is resolved or, if the motion is granted, 60 days after the date on which the rehearing is concluded, pay the recipient the amount of any underpayment of fees described in clause (ii), to the extent necessary to comply with the final determination by the Electronic Payment System Judges of fees and terms for access to the covered electronic payment system.

(4) CONTENTS OF DETERMINATION.—A determination of the Electronic Payment System Judges shall establish the fees and terms for access to the relevant covered electronic payment system, shall be supported by the written record, and shall set forth the findings of fact relied on by the Electronic Payment System Judges. The Electronic Payment System Judges shall make publicly available in their entirety all determinations issued under this paragraph.

(5) CONTINUING JURISDICTION.—The Electronic Payment System Judges may, with the approval of the Attorney General and the Chairman, issue an amendment to a written determination to correct any technical or clerical errors in the determination in response to unforeseen circumstances that would frustrate the proper implementation of such determination. Such amendment shall be set forth in a written addendum to the determination that shall be distributed to the proceeding parties and shall be published in the Federal Register.

(6) PROTECTIVE ORDER.—The Electronic Payment System Judges may issue such orders as may be appropriate to protect confidential information, including orders excluding confidential information from the record of the determination that is published or made available to the public, except that any fees and terms of an access agreement, including voluntarily negotiated access agreements filed under section 3(c)(1), may not be excluded from publication.

(7) PUBLICATION OF DETERMINATION.—Not later than 60 days after the date on which the Electronic Payment System Judges issue a determination under this subsection, the Attorney General and the Chairman shall cause the determination, and any corrections thereto, to be published in the Federal Register. The Electronic Payment System Judges also shall publicize the determination and any corrections in such other manner as the Attorney General and the Chairman consider appropriate, including publication on the Internet. The Electronic Payment System Judges also shall make the determination, corrections, and the accompanying record available for public inspection and copying.

(8) LATE PAYMENT.—A determination of Electronic Payment System Judges—

(A) may include terms with respect to late payment; and

(B) may not include any provision in such terms described in subparagraph (A) that prevents a provider of a covered electronic payment system from asserting other rights or remedies provided under this Act.

(d) JUDICIAL REVIEW.—

(1) APPEAL.—Any determination of the Electronic Payment System Judges under subsection (c) may, not later than 30 days after the date of publication of the determination in the Federal Register, be appealed, to the United States Court of Appeals for the District of Columbia Circuit, by any aggrieved member of a proceeding party under this Act who would be bound by the determination. Any proceeding party that did not participate in a rehearing may not raise any issue that was the subject of that rehearing at any stage of judicial review of the hearing determination. If no appeal is brought within the 30-day period under this paragraph, the determination of the Electronic Payment System Judges shall be final, and shall take effect as described in paragraph (2).

(2) EFFECT OF FEES AND TERMS.—

(A) FEE PAYMENTS.—The pendency of an appeal under this subsection shall not relieve a person obligated to make fee payments for access to a covered electronic payment system who would be affected by the determination on appeal from paying the fees required and complying with the terms under the relevant determination or regulations.

(B) OVERPAYMENTS AND UNDERPAYMENTS.—Notwithstanding subparagraph (A), if fees described in subparagraph (A) are paid—

(i) the recipient of such fees shall, not later than 60 days after the date on which the appeal is resolved return any excess fees described in subparagraph (A) (and interest thereon, if ordered under paragraph (3)), to the extent necessary to comply with the final determination of fees and terms on appeal; and

(ii) a person obligated to make fee payments shall, not later than 60 days after the date on which the appeal is resolved, pay the recipient the amount of any underpayment of fees described in subparagraph (A) (and interest thereon, if ordered under paragraph (3)), to the extent necessary to comply with the final determination of fees and terms on appeal.

(3) JURISDICTION OF COURT.—If the United States Court of Appeals for the District of Columbia Circuit, under section 706 of title 5, United States Code, modifies or vacates a determination of the Electronic Payment System Judges, the court may enter its own determination with respect to the amount or distribution of fees and costs, and order the repayment of any excess fees, the payment of any underpaid fees, and the payment of interest pertaining respectively thereto, in accordance with its final judgment. The court also may vacate the determination of the Electronic Payment System Judges and remand the case to the Electronic Payment System Judges for further proceedings.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 6. INSTITUTION OF PROCEEDINGS BEFORE ELECTRONIC PAYMENT SYSTEM JUDGES.

(a) INITIAL PROCEEDINGS.—

(1) TIMING.—Proceedings under this Act shall be commenced as soon as practicable after the date of enactment of this Act to establish fees and terms for access to covered electronic payment systems under section 3(c), which shall be effective during the period beginning on January 1, 2011, and ending on December 31, 2012. The Electronic Payment System Judges shall cause notice of commencement of such proceedings to be published in the Federal Register.

(2) PROCEDURES SPECIFIC TO THE INITIAL PROCEEDINGS.—

(A) DISCOVERY PERIOD.—Notwithstanding section 5(b)(4)(B)(ii), discovery in the initial proceedings described in paragraph (1) shall be permitted for a period of 90 days, except for discovery ordered by the Electronic Payment System Judges in connection with the resolution of motions, orders, and disputes pending at the end of such period.

(B) CONSIDERATION OF CHANGES IN FEES AND TERMS BETWEEN DATE OF ENACTMENT AND INITIAL DETERMINATION.—In establishing the fees and terms under section 3(c) for access to covered electronic payment systems, to be effective during the period beginning on January 1, 2011, and ending on December 31, 2012, the Electronic Payment System Judges shall consider changes in fees and terms made by a covered electronic payments system between the date of enactment of this Act and such initial determination. Based upon such consideration, the Electronic Payment System Judges may adjust the fees established for the period beginning on January 1, 2011, and ending on December 31, 2012, to reflect the economic impact such changes had on the parties.

(b) SUBSEQUENT PROCEEDINGS.—After completion of the proceedings required under subsection (a), proceedings under section 3(c) to establish fees and terms for access to covered electronic payment systems shall be commenced in 2011, and every 3 years thereafter.

SEC. 7. GENERAL RULE FOR VOLUNTARILY NEGOTIATED ACCESS AGREEMENTS.

(a) IN GENERAL.—Any fees or terms described in subsection (b) shall remain in effect for such period of time as would otherwise apply to fees and terms established under this Act, except that the Electronic Payment System Judges shall adjust any such fees to reflect inflation during any additional period the fees remain in effect beyond that contemplated in the voluntarily negotiated access agreement.

(b) FEES AND TERMS.—The fees or terms described in this subsection are fees or terms for access to a covered electronic payment system under this Act that—

(1) are agreed upon as part of a voluntarily negotiated access agreement for a period shorter than would otherwise apply under a determination under this Act; and

(2) are adopted by the Electronic Payment System Judges as part of a determination under this Act.

By Mr. BAUCUS (for himself and Mr. CONRAD):

S. 1213. A bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Patient-Centered Outcomes Research Trust Fund, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, last year, America spent $2.4 trillion on health care. That is 1/6 of our economy. Yet we ranked last among major industrialized nations in the Commonwealth Fund's National Scorecard on Health System Performance, which ranks the number of deaths that could be prevented before age 75 through effective health care.

Some analysts estimate that as much as 30 percent of our spending is for ineffective, redundant, or inappropriate care. That's care that does nothing to improve the health of Americans.

Our system also leaves nearly 50 million Americans without health coverage and 25 million more with inadequate coverage. Most bankruptcies and foreclosures in America are related to medical costs.

Our system needs reform.

Today, along with Senator CONRAD, the Chairman of the Budget Committee, I am proud to introduce a bill that would improve health care in America by helping doctors and patients to make better, more-informed health care decisions.

This legislation would increase the chances that Americans receive the right care. This bill would provide for research that can help physicians and patients know more about what works best in medicine, and what does not.

Some patients, receive medical treatments that work well. Some patients receive treatments that do not. In many cases, doctors simply don't have enough reliable evidence to decide which treatments are best for which patients.

Rapid innovation and advancements in medicine have led to an ever-changing array of new and sometimes expensive technologies. The age of personalized medicine and genetic engineering will provide even more choices for patients and their physicians. Indeed, both patients and physicians can face great difficulty in choosing among treatment options.

Patients and physicians need more credible information about how treatments for a specific condition compare to each other. Today, the vast majority of medical information shows how treatments work compared to placebos. Most medical information does not show how treatments work compared to each other.

For example, men with prostate cancer have a choice among 3 common treatments surgery, radiation, and chemotherapy. Each approach yields different outcomes in terms of survival, ability to return to work, and other measures of quality of life.

Comparative effectiveness research would compare each approach in a systematic way. That way, doctors and patients would have more information about how options work, and for whom. The bill that I introduce today would do just that.

This bill would facilitate comparisons across a broad spectrum of health care interventions and health care strategies that are used to prevent, treat, diagnose and manage health conditions. By evaluating and comparing what works best, patients and providers can make more informed decisions about care.

More specifically, this bill would create a nonprofit institute that would be responsible for setting national health care research priorities. The institute, called the Patient-Centered Outcomes Research Institute, would be a private

entity. It would be governed by a multi-stakeholder, public-private sector Board of Governors. It would not be an agency of the Federal Government.

Keeping the Institute a private, nonprofit entity would shelter it from potential political influence from both the executive and legislative branches of Government. The independence and expertise of the Institute would result in more credible and more useful research for Americans.

The Institute would set national priorities for comparative effectiveness research and facilitate studies that would help to answer the most pressing questions about what works, and what doesn't.

The Institute would have the authority to contract with experienced Federal agencies—such as the National Institutes of Health and the Agency for Health Care Research and Quality, or with private researchers—to carry out the actual research. The Institute would also be responsible for disseminating the findings of the research in ways that make sense to both patients and providers.

The Institute's work would not happen behind closed doors. The bill would provide opportunities for public input and scientific review of the integrity of the research being conducted. The Institute's meetings would be accessible to the public, and open forums would help to solicit and obtain input on the Institute's activities and agenda. Also, public comment periods would be made available to discuss research findings.

The Institute's work would benefit all Americans who receive health care. So both public and private payers would fund the Institute. After an initial investment from general revenues, the Institute would be funded by an all-payer system, drawing from both public and private sources.

Comparative effectiveness research would not be the ultimate decision maker. Instead, it would provide an additional tool to improve health quality. The Institute would be a health care resource, a scientific entity, a source of knowledge, and a provider of information.

According to the Institute of Medicine, this research would provide better evidence—objective information—so that doctors and patients could make better decisions.

If we are truly to reform our health care system, then we must get more evidence into the hands of the people making medical decisions. This research is not only about reducing health care costs. It is focused on addressing significant gaps in knowledge.

It is not just the academics and economists who agree. Patient advocates like the National Breast Cancer Coalition, provider groups like the American Medical Association, and consumer groups like AARP can see the benefits of this research quite clearly. They have all extended their support.

The American Recovery and Reinvestment Act made a significant investment towards this type of research. But that was just a first step. We must ensure that this research will be sustained in the years to come.

From cars to toasters, Americans are able to readily view and evaluate information about the quality and effectiveness of so many of the items that they buy. It seems only logical that they should have information on what works and what does not when it comes to their health, especially with one in every 6 of this country's dollars leing spent on health care.

It is time for Americans and their doctors to be wield the world's most advanced science, so that the most personal health care decisions, like so many of the other decisions we make, are made with access to the best available information.

I urge my colleagues to support this common-sense measure.

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. 1213

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 ''Patient-Centered Outcomes Research Act of 2009''.

SEC. 2. COMPARATIVE EFFECTIVENESS RESEARCH.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

''PART D—COMPARATIVE EFFECTIVENESS RESEARCH

''COMPARATIVE EFFECTIVENESS RESEARCH

''SEC. 1181. (a) DEFINITIONS.—In this section:

''(1) BOARD.—The term 'Board' means the Board of Governors established under subsection (f).

''(2) COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH.—

''(A) IN GENERAL.—The term 'comparative clinical effectiveness research' means research evaluating and comparing the clinical effectiveness, risks, and benefits of 2 or more medical treatments, services, and items described in subparagraph (B).

''(B) MEDICAL TREATMENTS, SERVICES, AND ITEMS DESCRIBED.—The medical treatments, services, and items described in this subparagraph are health care interventions, protocols for treatment, care management, and delivery, procedures, medical devices, diagnostic tools, pharmaceuticals (including drugs and biologicals), and any other strategies or items being used in the treatment, management, and diagnosis of, or prevention of illness or injury in, patients.

''(3) COMPARATIVE EFFECTIVENESS RESEARCH.—The term 'comparative effectiveness research' means research evaluating and comparing the implications and outcomes of 2 or more health care strategies to address a particular medical condition for specific patient populations.

''(4) CONFLICTS OF INTEREST.—The term 'conflicts of interest' means associations, including financial and personal, that may be reasonably assumed to have the potential to bias an individual's decisions in matters related to the Institute or the conduct of activities under this section.

''(5) INSTITUTE.—The term 'Institute' means the 'Patient-Centered Outcomes Research Institute' established under subsection (b)(1).

''(b) PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—

''(1) ESTABLISHMENT.—There is authorized to be established a nonprofit corporation, to be known as the ''Patient-Centered Outcomes Research Institute'' which is neither an agency nor establishment of the United States Government.

''(2) APPLICATION OF PROVISIONS.—The Institute shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.

''(3) FUNDING OF COMPARATIVE EFFECTIVENESS RESEARCH.—For fiscal year 2010 and each subsequent fiscal year, amounts in the Patient-Centered Outcomes Research Trust Fund (referred to in this section as the 'PCORTF') under section 9511 of the Internal Revenue Code of 1986 shall be available, without further appropriation, to the Institute to carry out this section.

''(c) PURPOSE.—The purpose of the Institute is to assist patients, clinicians, purchasers, and policy makers in making informed health decisions by advancing the quality and relevance of evidence concerning the manner in which diseases, disorders, and other health conditions can effectively and appropriately be prevented, diagnosed, treated, monitored, and managed through research and evidence synthesis that considers variations in patient subpopulations, and the dissemination of research findings with respect to the relative clinical outcomes, clinical effectiveness, and appropriateness of the medical treatments, services, and items described in subsection (a)(2)(B).

''(d) DUTIES.—

''(1) IDENTIFYING RESEARCH PRIORITIES AND ESTABLISHING RESEARCH PROJECT AGENDA.—

''(A) IDENTIFYING RESEARCH PRIORITIES.—The Institute shall identify national priorities for comparative clinical effectiveness research, taking into account factors, including—

''(i) disease incidence, prevalence, and burden in the United States;

''(ii) evidence gaps in terms of clinical outcomes;

''(iii) practice variations, including variations in delivery and outcomes by geography, treatment site, provider type, and patient subgroup;

''(iv) the potential for new evidence concerning certain categories of health care services or treatments to improve patient health and well-being, and the quality of care;

''(v) the effect or potential for an effect on health expenditures associated with a health condition or the use of a particular medical treatment, service, or item;

''(vi) the effect or potential for an effect on patient needs, outcomes, and preferences, including quality of life; and

''(vii) the relevance to assisting patients and clinicians in making informed health decisions.

''(B) ESTABLISHING RESEARCH PROJECT AGENDA.—

''(i) IN GENERAL.—The Institute shall establish and update a research project agenda for comparative clinical effectiveness research to address the priorities identified under subparagraph (A), taking into consideration the types of such research that might address each priority and the relative value (determined based on the cost of conducting such research compared to the potential usefulness of the information produced by such research) associated with the different types of research, and such other factors as the Institute determines appropriate.

''(ii) CONSIDERATION OF NEED TO CONDUCT A SYSTEMATIC REVIEW.—In establishing and updating the research project agenda under clause (i), the Institute shall consider the need to conduct a systematic review of existing research before providing for the conduct of new research under paragraph (2)(A).

''(2) CARRYING OUT RESEARCH PROJECT AGENDA.—

''(A) COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH.—In carrying out the research project agenda established under paragraph (1)(B), the Institute shall provide for the conduct of appropriate research and the synthesis of evidence, in accordance with the methodological standards adopted under paragraph (10), using methods, including the following:

''(i) Systematic reviews and assessments of existing research and evidence.

''(ii) Primary research, such as randomized clinical trials, molecularly informed trials, and observational studies.

''(iii) Any other methodologies recommended by the methodology committee established under paragraph (7) that are adopted by the Board under paragraph (10).

''(B) CONTRACTS FOR THE MANAGEMENT AND CONDUCT OF RESEARCH.—

''(i) IN GENERAL.—The Institute may enter into contracts for the management and conduct of research in accordance with the research project agenda established under paragraph (1)(B) with the following:

''(I) Agencies and instrumentalities of the Federal Government that have experience in conducting comparative clinical effectiveness research, such as the Agency for Healthcare Research and Quality, to the extent that such contracts are authorized under the governing statutes of such agencies and instrumentalities.

''(II) Appropriate private sector research or study-conducting entities that have demonstrated the experience and capacity to achieve the goals of comparative effectiveness research.

''(ii) CONDITIONS FOR CONTRACTS.—A contract entered into under this subparagraph shall require that the agency, instrumentality, or other entity—

''(I) abide by the transparency and conflicts of interest requirements that apply to the Institute with respect to the research managed or conducted under such contract;

''(II) comply with the methodological standards adopted under paragraph (10) with respect to such research;

''(III) take into consideration public comments on the study design that are transmitted by the Institute to the agency, instrumentality, or other entity under subsection (i)(1)(B) during the finalization of the study design and transmit responses to such comments to the Institute, which will publish such comments, responses, and finalized study design in accordance with subsection (i)(3)(A)(iii) prior to the conduct of such research; and

''(IV) in the case where the agency, instrumentality, or other entity is managing or conducting a comparative effectiveness research study for a rare disease, consult with the expert advisory panel for rare disease appointed under paragraph (5)(A)(iii) with respect to such research study.

''(iii) COVERAGE OF COPAYMENTS OR COINSURANCE.—A contract entered into under this subparagraph may allow for the coverage of copayments or co-insurance, or allow for other appropriate measures, to the extent that such coverage or other measures are necessary to preserve the validity of a research project, such as in the case where the research project must be blinded.

''(C) REVIEW AND UPDATE OF EVIDENCE.—The Institute shall review and update evidence on a periodic basis, in order to take into account new research, evolving evidence, advances in medical technology, and changes in the standard of care as they become available, as appropriate.

''(D) TAKING INTO ACCOUNT POTENTIAL DIFFERENCES.—Research shall—

''(i) be designed, as appropriate, to take into account the potential for differences in the effectiveness of health care treatments, services, and items as used with various subpopulations, such as racial and ethnic minorities, women, age, and groups of individuals with different comorbidities, genetic and molecular sub-types, or quality of life preferences; and

''(ii) include members of such subpopulations as subjects in the research as feasible and appropriate.

''(E) DIFFERENCES IN TREATMENT MODALITIES.—Research shall be designed, as appropriate, to take into account different characteristics of treatment modalities that may affect research outcomes, such as the phase of the treatment modality in the innovation cycle and the impact of the skill of the operator of the treatment modality.

''(3) STUDY AND REPORT ON FEASIBILITY OF CONDUCTING RESEARCH IN-HOUSE.—

''(A) STUDY.—The Institute shall conduct a study on the feasibility of conducting research in-house.

''(B) REPORT.—Not later than 5 years after the date of enactment of this section, the Institute shall submit a report to Congress containing the results of the study conducted under subparagraph (A).

''(4) DATA COLLECTION.—

''(A) IN GENERAL.—The Secretary shall, with appropriate safeguards for privacy, make available to the Institute such data collected by the Centers for Medicare & Medicaid Services under the programs under titles XVIII, XIX, and XXI as the Institute may require to carry out this section. The Institute may also request and, if such request is granted, obtain data from Federal, State, or private entities, including data from clinical databases and registries.

''(B) USE OF DATA.—The Institute shall only use data provided to the Institute under subparagraph (A) in accordance with laws and regulations governing the release and use of such data, including applicable confidentiality and privacy standards.

''(5) APPOINTING EXPERT ADVISORY PANELS.—

''(A) APPOINTMENT.—

''(i) IN GENERAL.—The Institute shall, as appropriate, appoint expert advisory panels to assist in identifying research priorities and establishing the research project agenda under paragraph (1). Panels shall advise the Institute in matters such as identifying gaps in and updating medical evidence in order to ensure that the information produced from such research is clinically relevant to decisions made by clinicians and patients at the point of care.

''(ii) EXPERT ADVISORY PANELS FOR PRIMARY RESEARCH.—The Institute shall appoint expert advisory panels in carrying out the research project agenda under paragraph (2)(A)(ii). Such expert advisory panels shall, upon request, advise the Institute and the agency, instrumentality, or entity conducting the research on the research question involved and the research design or protocol, including the appropriate comparator technologies, important patient subgroups, and other parameters of the research, as necessary. Upon the request of such agency, instrumentality, or entity, such panels shall be available as a resource for technical questions that may arise during the conduct of such research.

''(iii) EXPERT ADVISORY PANEL FOR RARE DISEASE.—In the case of a comparative effectiveness research study for rare disease, the Institute shall appoint an expert advisory panel for purposes of assisting in the design of such research study and determining the relative value and feasibility of conducting such research study.

''(B) COMPOSITION.—

''(i) IN GENERAL.—An expert advisory panel appointed under subparagraph (A) shall include individuals who have experience in the relevant topic, project, or category for which the panel is established, including—

''(I) practicing and research clinicians (including relevant specialists and subspecialists), patients, and representatives of patients; and

''(II) experts in scientific and health services research, health services delivery, and evidence-based medicine.

''(ii) INCLUSION OF REPRESENTATIVES OF MANUFACTURERS OF MEDICAL TECHNOLOGY.—An expert advisory panel appointed under subparagraph (A) may include a representative of each manufacturer of each medical technology that is included under the relevant topic, project, or category for which the panel is established.

''(6) SUPPORTING PATIENT AND CONSUMER REPRESENTATIVES.—The Institute shall provide support and resources to help patient and consumer representatives on the Board and expert advisory panels appointed by the Institute under paragraph (5) to effectively participate in technical discussions regarding complex research topics. Such support shall include initial and continuing education to facilitate effective engagement in activities undertaken by the Institute and may include regular and ongoing opportunities for patient and consumer representatives to interact with each other and to exchange information and support regarding their involvement in the Institute's activities. The Institute shall provide per diem and other appropriate compensation to patient and consumer representatives for their time spent participating in the activities of the Institute under this paragraph.

''(7) ESTABLISHING METHODOLOGY COMMITTEE.—

''(A) IN GENERAL.—The Institute shall establish a standing methodology committee to carry out the functions described in subparagraph (C).

''(B) APPOINTMENT AND COMPOSITION.—The methodology committee established under subparagraph (A) shall be composed of not more than 17 members appointed by the Comptroller General of the United States. Members appointed to the methodology committee shall be experts in their scientific field, such as health services research, clinical research, comparative effectiveness research, biostatistics, genomics, and research methodologies. Stakeholders with such expertise may be appointed to the methodology committee.

''(C) FUNCTIONS.—Subject to subparagraph (D), the methodology committee shall work to develop and improve the science and methods of comparative effectiveness research by undertaking, directly or through subcontract, the following activities:

''(i) Not later than 2 years after the date on which the members of the methodology committee are appointed under subparagraph (B), developing and periodically updating the following:

''(I) Establish and maintain methodological standards for comparative clinical effectiveness research on major categories of interventions to prevent, diagnose, or treat a clinical condition or improve the delivery of care. Such methodological standards shall provide specific criteria for internal validity, generalizability, feasibility, and timeliness of such research and for clinical outcomes measures, risk adjustment, and other relevant aspects of research and assessment

with respect to the design of such research. Any methodological standards developed and updated under this subclause shall be scientifically based and include methods by which new information, data, or advances in technology are considered and incorporated into ongoing research projects by the Institute, as appropriate. The process for developing and updating such standards shall include input from relevant experts, stakeholders, and decision makers, and shall provide opportunities for public comment. Such standards shall also include methods by which patient subpopulations can be accounted for and evaluated in different types of research. As appropriate, such standards shall build on existing work on methodological standards for defined categories of health interventions and for each of the major categories of comparative effectiveness research methods (determined as of the date of enactment of the Patient-Centered Outcomes Research Act of 2009).

''(II) A translation table that is designed to provide guidance and act as a reference for the Board to determine research methods that are most likely to address each specific comparative clinical effectiveness research question.

''(ii) Not later than 3 years after such date, examining the following:

''(I) Methods by which various aspects of the health care delivery system (such as benefit design and performance, and health services organization, management, information communication, and delivery) could be assessed and compared for their relative effectiveness, benefits, risks, advantages, and disadvantages in a scientifically valid and standardized way.

''(II) Methods by which efficiency and value (including the full range of harms and benefits, such as quality of life) could be assessed in a scientifically valid and standardized way.

''(D) CONSULTATION AND CONDUCT OF EXAMINATIONS.—

''(i) IN GENERAL.—Subject to clause (iii), in undertaking the activities described in subparagraph (C), the methodology committee shall—

''(I) consult or contract with 1 or more of the entities described in clause (ii); and

''(II) consult with stakeholders and other entities knowledgeable in relevant fields, as appropriate.

''(ii) ENTITIES DESCRIBED.—The following entities are described in this clause:

''(I) The Institute of Medicine of the National Academies.

''(II) The Agency for Healthcare Research and Quality.

''(III) The National Institutes of Health.

''(IV) Academic, non-profit, or other private entities with relevant expertise.

''(iii) CONDUCT OF EXAMINATIONS.—The methodology committee shall contract with the Institute of Medicine of the National Academies for the conduct of the examinations described in subclauses (I) and (II) of subparagraph (C)(ii).

''(E) REPORTS.—The methodology committee shall submit reports to the Board on the committee's performance of the functions described in subparagraph (C). Reports submitted under the preceding sentence with respect to the functions described in clause (i) of such subparagraph shall contain recommendations—

''(i) for the Institute to adopt methodological standards developed and updated by the methodology committee under such subparagraph; and

''(ii) for such other action as the methodology committee determines is necessary to comply with such methodological standards.

''(8) PROVIDING FOR A PEER-REVIEW PROCESS FOR PRIMARY RESEARCH.—

''(A) IN GENERAL.—The Institute shall ensure that there is a process for peer review of the research conducted under paragraph (2)(A)(ii). Under such process—

''(i) evidence from research conducted under such paragraph shall be reviewed to assess scientific integrity and adherence to methodological standards adopted under paragraph (10); and

''(ii) a list of the names of individuals contributing to any peer-review process during the preceding year or years shall be made public and included in annual reports in accordance with paragraph (12)(D).

''(B) COMPOSITION.—Such peer-review process shall be designed in a manner so as to avoid bias and conflicts of interest on the part of the reviewers and shall be composed of experts in the scientific field relevant to the research under review.

''(C) USE OF EXISTING PROCESSES.—

''(i) PROCESSES OF ANOTHER ENTITY.—In the case where the Institute enters into a contract or other agreement with another entity for the conduct or management of research under this section, the Institute may utilize the peer-review process of such entity if such process meets the requirements under subparagraphs (A) and (B).

''(ii) PROCESSES OF APPROPRIATE MEDICAL JOURNALS.—The Institute may utilize the peer-review process of appropriate medical journals if such process meets the requirements under subparagraphs (A) and (B).

''(9) DISSEMINATION OF RESEARCH FINDINGS.—

''(A) IN GENERAL.—The Institute shall disseminate research findings to clinicians, patients, and the general public in accordance with the dissemination protocols and strategies adopted under paragraph (10). Research findings disseminated—

''(i) shall convey findings of research so that they are comprehensible and useful to patients and providers in making health care decisions;

''(ii) shall discuss findings and other considerations specific to certain subpopulations, risk factors, and comorbidities, as appropriate;

''(iii) shall include considerations such as limitations of research and what further research may be needed, as appropriate;

''(iv) shall not include practice guidelines, coverage recommendations, or policy recommendations; and

''(v) shall not include any data the dissemination of which would violate the privacy of research participants or violate any confidentiality agreements made with respect to the use of data under this section.

''(B) DISSEMINATION PROTOCOLS AND STRATEGIES.—The Institute shall develop protocols and strategies for the appropriate dissemination of research findings in order to ensure effective communication of such findings and the use and incorporation of such findings into relevant activities for the purpose of informing higher quality and more effective and timely decisions regarding medical treatments, services, and items. In developing and adopting such protocols and strategies, the Institute shall consult with stakeholders, including practicing clinicians and patients, concerning the types of dissemination that will be most useful to the end users of the information and may provide for the utilization of multiple formats for conveying findings to different audiences.

''(C) DEFINITION OF RESEARCH FINDINGS.—In this paragraph, the term 'research findings' means the results of a study or assessment.

''(10) ADOPTION.—Subject to subsection (i)(1)(A)(i), the Institute shall adopt the national priorities identified under paragraph (1)(A), the research project agenda established under paragraph (1)(B), the methodological standards developed and updated by the methodology committee under paragraph (7)(C)(i), any peer-review process provided under paragraph (8), and dissemination protocols and strategies developed under paragraph (9)(B) by majority vote. In the case where the Institute does not adopt such national priorities, research project agenda, methodological standards, peer-review process, or dissemination protocols and strategies in accordance with the preceding sentence, the national priorities, research project agenda, methodological standards, peer-review process, or dissemination protocols and strategies shall be referred to the appropriate staff or entity within the Institute (or, in the case of the methodological standards, the methodology committee) for further review.

''(11) COORDINATION OF RESEARCH AND RESOURCES AND BUILDING CAPACITY FOR RESEARCH.—

''(A) COORDINATION OF RESEARCH AND RESOURCES.—The Institute shall coordinate research conducted, commissioned, or otherwise funded under this section with comparative clinical effectiveness and other relevant research and related efforts conducted by public and private agencies and organizations in order to ensure the most efficient use of the Institute's resources and that research is not duplicated unnecessarily.

''(B) BUILDING CAPACITY FOR RESEARCH.—The Institute may build capacity for comparative clinical effectiveness research and methodologies, including research training and development of data resources (such as clinical registries), through appropriate activities, including using up to 20 percent of the amounts appropriated or credited to the PCORTF under section 9511(b) of the Internal Revenue Code of 1986 with respect to a fiscal year to fund extramural efforts of organizations such as the Cochrane Collaboration (or a successor organization) and other organizations that develop and maintain a data network to collect, link, and analyze data on outcomes and effectiveness from multiple sources, including electronic health records.

''(C) INCLUSION IN ANNUAL REPORTS.—The Institute shall report on any coordination and capacity building conducted under this paragraph in annual reports in accordance with paragraph (12)(E).

''(12) ANNUAL REPORTS.—The Institute shall submit an annual report to Congress and the President, and shall make the annual report available to the public. Such report shall contain—

''(A) a description of the activities conducted under this section during the preceding year, including the use of amounts appropriated or credited to the PCORTF under section 9511(b) of the Internal Revenue Code of 1986 to carry out this section, research projects completed and underway, and a summary of the findings of such projects;

''(B) the research project agenda and budget of the Institute for the following year;

''(C) a description of research priorities identified under paragraph (1)(A), dissemination protocols and strategies developed by the Institute under paragraph (9)(B), and methodological standards developed and updated by the methodology committee under paragraph (7)(C)(i) that are adopted under paragraph (10) during the preceding year;

''(D) the names of individuals contributing to any peer-review process provided under paragraph (8) during the preceding year or years, in a manner such that those individuals cannot be identified with a particular research project; and

''(E) a description of efforts by the Institute under paragraph (11) to—

''(i) coordinate the research conducted, commissioned, or otherwise funded under

this section and the resources of the Institute with research and related efforts conducted by other private and public entities; and

''(ii) build capacity for comparative clinical effectiveness research and other relevant research and related efforts through appropriate activities.

''(F) any other relevant information (including information on the membership of the Board, expert advisory panels appointed under paragraph (5), the methodology committee established under paragraph (7), and the executive staff of the Institute, any conflicts of interest with respect to the members of such Board, expert advisory panels, and methodology committee, or with respect to any individuals selected for employment as executive staff of the Institute, and any bylaws adopted by the Board during the preceding year).

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Board shall carry out the duties of the Institute.

''(2) NONDELEGABLE DUTIES.—The activities described in subsections (b)(3)(D), (d)(1), and (d)(10) are nondelegable.

''(f) BOARD OF GOVERNORS.—

''(1) IN GENERAL.—The Institute shall have a Board of Governors, which shall consist of the following members:

''(A) The Secretary of Health and Human Services (or the Secretary's designee).

''(B) The Director of the Agency for Healthcare Research and Quality (or the Director's designee).

''(C) The Director of the National Institutes of Health (or the Director's designee).

''(D) 18 members appointed by the Comptroller General of the United States not later than 6 months after the date of enactment of this section, as follows:

''(i) 3 members representing patients and health care consumers.

''(ii) 3 members representing practicing physicians, including surgeons.

''(iii) 3 members representing agencies that administer public programs, as follows:

''(I) 1 member representing the Centers for Medicare & Medicaid Services who has experience in administering the program under title XVIII.

''(II) 1 member representing agencies that administer State health programs (who may represent the Centers for Medicare & Medicaid Services and have experience in administering the program under title XIX or the program under title XXI or be a governor of a State).

''(III) 1 member representing agencies that administer other Federal health programs (such as a health program of the Department of Defense under chapter 55 of title 10, United States Code, the Federal employees health benefits program under chapter 89 of title 5 of such Code, a health program of the Department of Veterans Affairs under chapter 17 of title 38 of such Code, or a medical care program of the Indian Health Service or of a tribal organization).

''(iv) 3 members representing private payers, of whom at least 1 member shall represent health insurance issuers and at least 1 member shall represent employers who self-insure employee benefits.

''(v) 3 members representing pharmaceutical, device, and diagnostic manufacturers or developers.

''(vi) 1 member representing nonprofit organizations involved in health services research.

''(vii) 1 member representing organizations that focus on quality measurement and improvement or decision support.

''(viii) 1 member representing independent health services researchers.

''(2) QUALIFICATIONS.—

''(A) DIVERSE REPRESENTATION OF PERSPECTIVES.—The Board shall represent a broad range of perspectives and collectively have scientific expertise in clinical health sciences research, including epidemiology, decisions sciences, health economics, and statistics.

''(B) CONFLICTS OF INTEREST.—

''(i) IN GENERAL.—In appointing members of the Board under paragraph (1)(D), the Comptroller General of the United States shall take into consideration any conflicts of interest of potential appointees. Any conflicts of interest of members appointed to the Board under paragraph (1) shall be disclosed in accordance with subsection (i)(4)(B).

''(ii) RECUSAL.—A member of the Board shall be recused from participating with respect to a particular research project or other matter considered by the Board in carrying out its research project agenda under subsection (d)(2) in the case where the member (or an immediate family member of such member) has a financial or personal interest directly related to the research project or the matter that could affect or be affected by such participation.

''(3) TERMS.—

''(A) IN GENERAL.—A member of the Board appointed under paragraph (1)(D) shall be appointed for a term of 6 years, except with respect to the members first appointed under such paragraph—

''(i) 6 shall be appointed for a term of 6 years;

''(ii) 6 shall be appointed for a term of 4 years; and

''(iii) 6 shall be appointed for a term of 2 years.

''(B) LIMITATION.—No individual shall be appointed to the Board under paragraph (1)(D) for more than 2 terms.

''(C) EXPIRATION OF TERM.—Any member of the Board whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

''(D) VACANCIES.—

''(i) IN GENERAL.—Any member appointed to fill a vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

''(ii) VACANCIES NOT TO AFFECT POWER OF BOARD.—A vacancy on the Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

''(4) CHAIRPERSON AND VICE-CHAIRPERSON.—

''(A) IN GENERAL.—The Comptroller General of the United States shall designate a Chairperson and Vice-Chairperson of the Board from among the members of the Board appointed under paragraph (1)(D).

''(B) TERM.—The members so designated shall serve as Chairperson and Vice-Chairperson of the Board for a period of 3 years.

''(5) COMPENSATION.—

''(A) IN GENERAL.—A member of the Board shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(B) TRAVEL EXPENSES.—While away from home or regular place of business in the performance of duties for the Board, each member of the Board may receive reasonable travel, subsistence, and other necessary expenses.

''(6) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—The Board may—

''(A) employ and fix the compensation of an executive director and such other personnel as may be necessary to carry out the duties of the Institute;

''(B) seek such assistance and support as may be required in the performance of the duties of the Institute from appropriate departments and agencies of the Federal Government;

''(C) enter into contracts or make other arrangements and make such payments as may be necessary for performance of the duties of the Institute;

''(D) provide travel, subsistence, and per diem compensation for individuals performing the duties of the Institute, including members of any expert advisory panel appointed under subsection (d)(5), members of the methodology committee established under subsection (d)(7), and individuals selected to contribute to any peer-review process under subsection (d)(8); and

''(E) prescribe such rules, regulations, and bylaws as the Board determines necessary with respect to the internal organization and operation of the Institute.

''(7) MEETINGS AND HEARINGS.—The Board shall meet and hold hearings at the call of the Chairperson or a majority of its members. In the case where the Board is meeting on matters not related to personnel, Board meetings shall be open to the public and advertised through public notice at least 7 days prior to the meeting.

''(8) QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the duties of the Institute, but a lesser number of members may meet and hold hearings.

''(g) FINANCIAL OVERSIGHT.—

''(1) CONTRACT FOR AUDIT.—The Institute shall provide for the conduct of financial audits of the Institute on an annual basis by a private entity with expertise in conducting financial audits.

''(2) REVIEW OF AUDIT AND REPORT TO CONGRESS.—The Comptroller General of the United States shall—

''(A) review the results of the audits conducted under paragraph (1); and

''(B) submit a report to Congress containing the results of such audits and review.

''(h) GOVERNMENTAL OVERSIGHT.—

''(1) REVIEW AND REPORTS.—

''(A) IN GENERAL.—The Comptroller General of the United States shall review the following:

''(i) Processes established by the Institute, including those with respect to the identification of research priorities under subsection (d)(1)(A) and the conduct of research projects under this section. Such review shall determine whether information produced by such research projects—

''(I) is objective and credible;

''(II) is produced in a manner consistent with the requirements under this section; and

''(III) is developed through a transparent process.

''(ii) The overall effect of the Institute and the effectiveness of activities conducted under this section, including an assessment of—

''(I) the utilization of the findings of research conducted under this section by health care decision makers; and

''(II) the effect of the Institute and such activities on innovation and on the health economy of the United States.

''(B) REPORTS.—Not later than 5 years after the date of enactment of this section, and not less frequently than every 5 years thereafter, the Comptroller General of the United States shall submit a report to Congress containing the results of the review conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

''(2) FUNDING ASSESSMENT.—

''(A) IN GENERAL.—The Comptroller General of the United States shall assess the adequacy and use of funding for the Institute and activities conducted under this section under the PCORTF under section 9511 of the Internal Revenue Code of 1986. Such assessment shall include a determination as to whether, based on the utilization of findings by public and private payers, each of the following are appropriate sources of funding for the Institute, including a determination of whether such sources of funding should be continued or adjusted, or whether other sources of funding not described in clauses (i) through (iii) would be appropriate:

''(i) The transfer of funds from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the PCORTF under section 1183.

''(ii) The amounts appropriated under subparagraphs (A), (B), (C), (D)(ii), and (E)(ii) of subsection (b)(1) of such section 9511.

''(iii) Private sector contributions under subparagraphs (D)(i) and (E)(i) of such subsection (b)(1).

''(B) REPORT.—Not later than 8 years after the date of enactment of this section, the Comptroller General of the United States shall submit a report to Congress containing the results of the assessment conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

''(i) ENSURING TRANSPARENCY, CREDIBILITY, AND ACCESS.—The Institute shall establish procedures to ensure that the following requirements for ensuring transparency, credibility, and access are met:

''(1) PUBLIC COMMENT PERIODS.—

''(A) IN GENERAL.—The Institute shall provide for a public comment period of not less than 45 and not more than 60 days at the following times:

''(i) Prior to the adoption of the national priorities identified under subsection (d)(1)(A), the research project agenda established under subsection (d)(1)(B), the methodological standards developed and updated by the methodology committee under subsection (d)(7)(C)(i), the peer-review process generally provided under subsection (d)(8), and dissemination protocols and strategies developed by the Institute under subsection (d)(9)(B) in accordance with subsection (d)(10).

''(ii) Prior to the finalization of individual study designs.

''(iii) After the release of draft findings with respect to a systematic review and assessment of existing research and evidence under subsection (d)(2)(A)(i).

''(B) TRANSMISSION OF PUBLIC COMMENTS ON STUDY DESIGN.—The Institute shall transmit public comments submitted during the public comment period described in subparagraph (A)(ii) to the entity conducting research with respect to which the individual study design is being finalized.

''(2) ADDITIONAL FORUMS.—The Institute shall, in addition to the public comment periods described in paragraph (1)(A), support forums to increase public awareness and obtain and incorporate public input and feedback through media (such as an Internet website) on the following:

''(A) The identification of research priorities, including research topics, and the establishment of the research project agenda under subparagraphs (A) and (B), respectively, of subsection (d)(1).

''(B) Research findings.

''(C) Any other duties, activities, or processes the Institute determines appropriate.

''(3) PUBLIC AVAILABILITY.—The Institute shall make available to the public and disclose through the official public Internet website of the Institute, and through other forums and media the Institute determines appropriate, the following:

''(A) The process and methods for the conduct of research under this section, including—

''(i) the identity of the entity conducting such research;

''(ii) any links the entity has to industry (including such links that are not directly tied to the particular research being conducted under this section);

''(iii) draft study designs (including research questions and the finalized study design, together with public comments on such study design and responses to such comments);

''(iv) research protocols (including measures taken, methods of research, methods of analysis, research results, and such other information as the Institute determines appropriate) with respect to each medical treatment, service, and item described in subsection (a)(2)(B);

''(v) any key decisions made by the Institute and any appropriate committees of the Institute;

''(vi) the identity of investigators conducting such research and any conflicts of interest of such investigators; and

''(vii) any progress reports the Institute determines appropriate.

''(B) Notice of each of the public comment periods under paragraph (1)(A), including deadlines for public comments for such periods.

''(C) Public comments submitted during each of the public comment periods under paragraph (1)(A), including such public comments submitted on draft findings under clause (iii) of such paragraph.

''(D) Bylaws, processes, and proceedings of the Institute, to the extent practicable and as the Institute determines appropriate.

''(E) Not later than 90 days after receipt by the Institute of a relevant report or research findings, appropriate information contained in such report or findings.

''(4) CONFLICTS OF INTEREST.—The Institute shall—

''(A) in appointing members to an expert advisory panel under subsection (d)(5) and the methodology committee under subsection (d)(7), and in selecting individuals to contribute to any peer-review process under subsection (d)(8) and for employment as executive staff of the Institute, take into consideration any conflicts of interest of potential appointees, participants, and staff; and

''(B) include a description of any such conflicts of interest and conflicts of interest of Board members in the annual report under subsection (d)(12), except that, in the case of individuals contributing to any such peer review process, such description shall be in a manner such that those individuals cannot be identified with a particular research project.

''(j) RULES.—

''(1) GIFTS.—The Institute, or the Board and staff of the Institute acting on behalf of the Institute, may not accept gifts, bequeaths, or donations of services or property.

''(2) ESTABLISHMENT AND PROHIBITION ON ACCEPTING OUTSIDE FUNDING OR CONTRIBUTIONS.—The Institute may not—

''(A) establish a corporation other than as provided under this section; or

''(B) accept any funds or contributions other than as provided under this part.

''(k) RULES OF CONSTRUCTION.—

''(1) COVERAGE.—Nothing in this section shall be construed—

''(A) to permit the Institute to mandate coverage, reimbursement, or other policies for any public or private payer; or

''(B) as preventing the Secretary from covering the routine costs of clinical care received by an individual entitled to, or enrolled for, benefits under title XVIII, XIX, or XXI in the case where such individual is participating in a clinical trial and such costs would otherwise be covered under such title with respect to the beneficiary.

''(2) REPORTS AND FINDINGS.—None of the reports submitted under this section or research findings disseminated by the Institute shall be construed as mandates, guidelines, or recommendations for payment, coverage, or treatment.

''LIMITATIONS ON USE OF COMPARATIVE EFFECTIVENESS RESEARCH BY THE SECRETARY

''SEC. 1182. The Secretary may only use evidence and findings from comparative effectiveness research conducted under section 1181 to make a determination regarding coverage under title XVIII if such use is through an iterative and transparent process which meets the following requirements:

''(1) Stakeholders and other individuals have the opportunity to provide informed and relevant information with respect to the determination.

''(2) Stakeholders and other individuals have the opportunity to review draft proposals of the determination and submit public comments with respect to such draft proposals.

''(3) In making the determination, the Secretary considers—

''(A) all other relevant evidence, studies, and research in addition to such comparative effectiveness research; and

''(B) evidence and research that demonstrates or suggests a benefit of coverage with respect to a specific subpopulation of individuals, even if the evidence and findings from the comparative effectiveness research demonstrates or suggests that, on average, with respect to the general population the benefits of coverage do not exceed the harm.

''TRUST FUND TRANSFERS TO PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND

''SEC. 1183. (a) IN GENERAL.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841, in proportion (as estimated by the Secretary) to the total expenditures during such fiscal year that are made under title XVIII from the respective trust fund, to the Patient-Centered Outcomes Research Trust Fund (referred to in this section as the 'PCORTF') under section 9511 of the Internal Revenue Code of 1986, the following:

''(1) For fiscal year 2013, an amount equal to $1 multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII during such fiscal year.

''(2) For each of fiscal years 2014, 2015, 2016, 2017, 2018, and 2019, an amount equal to $2 multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII during such fiscal year.

''(b) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a)(2) for such fiscal year shall be equal to the sum of such dollar amount for the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.''.

(b) COORDINATION WITH PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.—Section 1889(a) of the Social Security Act (42 U.S.C. 1395zz(a)) is amended by inserting ''and to enhance the understanding of and utilization by providers of services and suppliers of research findings disseminated by the Patient-Centered Outcomes Research Institute established under section 1181'' before the period at the end.

(c) PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND; FINANCING FOR TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

''SEC. 9511. PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Patient-Centered Outcomes Research Trust Fund' (hereafter in this section referred to as the 'PCORTF'), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

''(b) TRANSFERS TO FUND.—

''(1) APPROPRIATION.—There are hereby appropriated to the Trust Fund the following:

''(A) For fiscal year 2010, $10,000,000.

''(B) For fiscal year 2011, $50,000,000.

''(C) For fiscal year 2012, $150,000,000.

''(D) For fiscal year 2013—

''(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

''(ii) $150,000,000.

''(E) For each of fiscal years 2014, 2015, 2016, 2017, 2018, and 2019—

''(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

''(ii) $150,000,000.

The amounts appropriated under subparagraphs (A), (B), (C), (D)(ii), and (E)(ii) shall be transferred from the general fund of the Treasury, from funds not otherwise appropriated.

''(2) TRUST FUND TRANSFERS.—In addition to the amounts appropriated under paragraph (1), there shall be credited to the PCORTF the amounts transferred under section 1183 of the Social Security Act.

''(3) AMERICAN RECOVERY AND REINVESTMENT FUNDS.—In addition to the amounts appropriated under paragraph (1) and the amounts credited under paragraph (2), of amounts appropriated for comparative effectiveness research to be allocated at the discretion of the Secretary of Health and Human Services under the heading Agency for Healthcare Research and Quality under the heading Department of Health and Human Services under title VIII of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $10,000,000 shall be transferred to the Trust Fund.

''(4) LIMITATION ON TRANSFERS TO PCORTF.—No amount may be appropriated or transferred to the PCORTF on and after the date of any expenditure from the PCORTF which is not an expenditure permitted under this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this chapter or in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(c) TRUSTEE.—The Secretary of Health and Human Services shall be a trustee of the PCORTF.

''(d) EXPENDITURES FROM FUND.—Amounts in the PCORTF are available, without further appropriation, to the Patient-Centered Outcomes Research Institute established by section 2(a) of the Patient-Centered Outcomes Research Act of 2009 for carrying out part D of title XI of the Social Security Act (as in effect on the date of enactment of the Patient-Centered Outcomes Research Act of 2009).

''(e) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary of the Treasury based on the excess of—

''(1) the fees received in the Treasury under subchapter B of chapter 34, over

''(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.

''(f) TERMINATION.—No amounts shall be available for expenditure from the PCORTF after September 30, 2019, and any amounts in such Trust Fund after such date shall be transferred to the general fund of the Treasury.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

''Sec. 9511. Patient-Centered Outcomes Research Trust Fund.''.

(2) FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(A) GENERAL RULE.—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter B—Insured and Self-Insured Health Plans

''Sec. 4375. Health insurance.

''Sec. 4376. Self-insured health plans.

''Sec. 4377. Definitions and special rules.

''SEC. 4375. HEALTH INSURANCE.

''(a) IMPOSITION OF FEE.—There is hereby imposed on each specified health insurance policy for each policy year ending after September 30, 2012, a fee equal to the product of $2 ($1 in the case of policy years ending during fiscal year 2013) multiplied by the average number of lives covered under the policy.

''(b) LIABILITY FOR FEE.—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

''(c) SPECIFIED HEALTH INSURANCE POLICY.—For purposes of this section:

''(1) IN GENERAL.—Except as otherwise provided in this section, the term 'specified health insurance policy' means any accident or health insurance policy (including a policy under a group health plan) issued with respect to individuals residing in the United States.

''(2) EXEMPTION FOR CERTAIN POLICIES.—The term 'specified health insurance policy' does not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

''(3) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

''(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B)—

''(i) such arrangement shall be treated as a specified health insurance policy, and

''(ii) the person referred to in such subparagraph shall be treated as the issuer.

''(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement fixed payments or premiums are received as consideration for any person's agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

''(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any policy year ending in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such policy year shall be equal to the sum of such dollar amount for policy years ending in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for policy years ending in the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

''(e) TERMINATION.—This section shall not apply to policy years ending after September 30, 2019.

''SEC. 4376. SELF-INSURED HEALTH PLANS.

''(a) IMPOSITION OF FEE.—In the case of any applicable self-insured health plan for each plan year ending after September 30, 2012, there is hereby imposed a fee equal to $2 ($1 in the case of plan years ending during fiscal year 2013) multiplied by the average number of lives covered under the plan.

''(b) LIABILITY FOR FEE.—

''(1) IN GENERAL.—The fee imposed by subsection (a) shall be paid by the plan sponsor.

''(2) PLAN SPONSOR.—For purposes of paragraph (1) the term 'plan sponsor' means—

''(A) the employer in the case of a plan established or maintained by a single employer,

''(B) the employee organization in the case of a plan established or maintained by an employee organization,

''(C) in the case of—

''(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

''(ii) a multiple employer welfare arrangement, or

''(iii) a voluntary employees' beneficiary association described in section 501(c)(9),

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

''(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

''(c) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term 'applicable self-insured health plan' means any plan for providing accident or health coverage if—

''(1) any portion of such coverage is provided other than through an insurance policy, and

''(2) such plan is established or maintained—

''(A) by one or more employers for the benefit of their employees or former employees,

''(B) by one or more employee organizations for the benefit of their members or former members,

''(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

''(D) by a voluntary employees' beneficiary association described in section 501(c)(9),

''(E) by any organization described in section 501(c)(6), or

''(F) in the case of a plan not described in the preceding subparagraphs, by a multiple

employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

''(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any plan year ending in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such plan year shall be equal to the sum of such dollar amount for plan years ending in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for plan years ending in the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

''(e) TERMINATION.—This section shall not apply to plan years ending after September 30, 2019.

''SEC. 4377. DEFINITIONS AND SPECIAL RULES.

''(a) DEFINITIONS.—For purposes of this subchapter—

''(1) ACCIDENT AND HEALTH COVERAGE.—The term 'accident and health coverage' means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

''(2) INSURANCE POLICY.—The term 'insurance policy' means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

''(3) UNITED STATES.—The term 'United States' includes any possession of the United States.

''(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

''(1) IN GENERAL.—For purposes of this subchapter—

''(A) the term 'person' includes any governmental entity, and

''(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

''(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered life under such program.

''(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term 'exempt governmental program' means—

''(A) any insurance program established under title XVIII of the Social Security Act,

''(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

''(C) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

''(i) members of the Armed Forces of the United States, or

''(ii) veterans, and

''(D) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

''(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

''(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.''.

(B) CLERICAL AMENDMENTS.—

(i) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

''SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

''SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

''Subchapter A—Policies Issued By Foreign Insurers''.

(ii) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES''.

SEC. 3. COORDINATION WITH FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH.

Section 804 of Division A of the American Recovery and Reinvestment Act of 2009 (42 U.S.C. 299b–8) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''and'' at the end;

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

(C) by adding at the end the following new paragraph:

''(3) provide support to the Patient-Centered Outcomes Research Institute established under section 1181(b)(1) of the Social Security Act (referred to in this section as the 'Institute').''';

(2) in subsection (d)(2)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) INCLUSION OF CHAIRPERSON OF THE BOARD OF GOVERNORS OF THE PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—In the case where the Chairperson of the Board of Governors of the Patient-Centered Outcomes Research Institute established under section 1181(f) of the Social Security Act is a senior Federal officer or employee with responsibility for a health-related program, the members of the council shall include such Chairperson.''.

(3) in subsection (e)(2), by striking ''regarding its activities'' and all that follows through the period at the end and inserting ''containing—

''(A) an inventory of its activities with respect to comparative effectiveness research conducted by relevant Federal departments and agencies; and

''(B) recommendations concerning better coordination of comparative effectiveness research by such departments and agencies.'';

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

''(g) COORDINATION WITH THE PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—The Council shall coordinate with the Institute in carrying out its duties under this section.''.

SEC. 4. GAO REPORT ON NATIONAL COVERAGE DETERMINATIONS PROCESS.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the process for making national coverage determinations (as defined in section 1869(f)(1)(B) of the Social Security Act (42 U.S.C. 1395ff(f)(1)(B)) under the Medicare program under title XVIII of the Social Security Act. Such report shall include a determination whether, in initiating and conducting such process, the Secretary of Health and Human Services has complied with applicable law and regulations, including requirements for consultation with appropriate outside experts, providing appropriate notice and comment opportunities to the public, and making information and data (other than proprietary data) considered in making such determinations available to the public and to nonvoting members of any advisory committees established to advise the Secretary with respect to such determinations.

Mr. CONRAD. Mr. President, today I join my good friend and colleague, Senator BAUCUS, in introducing the Patient-Centered Outcomes Research Act of 2009. This proposal builds on the legislation we introduced during the last Congress. Our legislation is the product of months of careful deliberations regarding the best way to expand the quality and quantity of evidence available to patients, physicians, and other health care decision-makers about the comparative clinical effectiveness of health care services and treatments. We have met with dozens of key stakeholders and thought leaders to discuss various aspects of this legislation. People have come to us with many constructive suggestions, many of which are reflected in the bill that we are introducing today. I am proud of the result. This legislation lays the groundwork for improving health care quality and patient outcomes, enhancing patient safety, and reducing overall health care costs in the long run.

As Chairman of the Senate Budget Committee, I am acutely aware of the long-term budget challenges facing our Nation. Health care spending is growing at an unsustainable rate. Although demographic changes associated with the retirement of the baby boom generation contribute to this spending growth, the most significant factor is growth in health care costs in excess of per capita GDP growth. According to Congressional Budget Office projections, by 2050, Medicare and Medicaid spending alone will consume 12 percent of our Nation's gross domestic product.

But excess growth in per capita health care costs is not just a challenge for Federal health spending and the Federal budget. If we continue on the current trajectory, the private sector will also be overwhelmed by rising health care costs. In fact, total health care spending is projected to grow from about 17.6 percent of GDP in 2009—which is far higher than in other industrialized countries—to more than 37 percent of GDP in 2050.

Clearly, we need to address the underlying causes of rising health care costs, not just in the Medicare and Medicaid programs, but in the overall health care system. Simply cutting Medicare and Medicaid without making other changes will do little to solve the larger problem we face. Skyrocketing health care costs are hurting families, businesses, and State and Federal budgets. In a speech before the

Business Roundtable on March 12th, President Obama emphasized this point: ''Medicare costs are consuming our Federal budget. Medicaid is overwhelming our State budgets. At the fiscal summit we held in the White House a few weeks ago, the one thing on which everyone agreed was that the greatest threat to America's fiscal health is not the investments we've made to rescue our economy. It is the skyrocketing cost of our health care system.''

Health care reform is about achieving three important goals: choice, quality, and affordability. To achieve these three goals, we must confront the fact that our health care system does not deliver care as effectively or efficiently as it should. There is widespread agreement that Americans are not getting good value for the money we are already spending on health care. According to work by the Dartmouth Atlas Project, nearly 30 percent of total spending in our health care system, or $700 billion per year, is wasteful and does nothing to improve health outcomes.

Despite our high level of health care spending, health outcomes in the United States are no better than health outcomes in the other OECD countries. Indeed, the U.S. spends twice as much as other OECD nations on health care, yet Americans have shorter average life expectancies and higher average mortality rates than residents of other OECD countries. OECD data show that the U.S. has one of the highest rates of medical errors among industrialized nations and that U.S. patients are more likely to receive duplicate tests and more likely to visit an emergency room for a condition that could have been treated in a regular office visit than most other nations in the comparison. Similarly, a 2008 Commonwealth Fund report found that the U.S. is last among 19 industrialized nations in preventable mortality, or deaths that could have been prevented if individuals had access to timely and effective care.

We can and must find ways to deliver health care more efficiently, reduce ineffective or unnecessary care, and get better health outcomes without harming patients.

One solution is to generate better information about the relative clinical effectiveness of alternative health strategies—and encourage patients and providers to use that information to make better choices about their health. Many health care services and treatments are absorbed quickly into routine medical care—yet there is little evidence that these services and treatments are any more clinically effective than existing treatments and services. Generating more comparative clinical effectiveness research is one of the keys to transforming our health care system away from a system based on volume toward a system that focuses on evidence-based medicine and improving patient outcomes.

The Federal Government currently funds some comparative effectiveness research through the Agency for Healthcare Research and Quality, AHRQ, the National Institutes of Health, NIH, and the Veterans Health Administration. For example, the Effective Health Care Program at AHRQ has been a successful initiative. But comparative effectiveness research is not the primary focus of any Federal agency—nor is this Federal funding occurring permanently on a large scale.

Provisions included in the American Recovery and Reinvestment Act, ARRA, temporarily expanded existing Federal efforts by providing $1.1 billion to AHRQ, NIH, and the Secretary of Health and Human Services, HHS, for such research through 2010. Important work is currently underway to develop recommendations for how best to utilize some of these resources. In particular, I would like to commend the work being done by the Institutes of Medicine, IOM, to convene a panel of experts that is tasked with making recommendations on how to spend the $400 million provided to the HHS Secretary through ARRA. The IOM panel has been doing extraordinary work in gathering ideas and input from a very broad group of stakeholders under a very tight timeline. I look forward to seeing the results of its work at the end of the month. It is this model of allowing for input from a broad set of stakeholders and of conducting priority-setting activities in a transparent way that we are hoping to advance in the legislation we are introducing today.

The Congressional Budget Office, CBO, the Medicare Payment Advisory Commission, MedPAC, and the IOM have all discussed the positive impact of creating a new entity charged solely with conducting research on the comparative effectiveness of health interventions, including pharmaceuticals, medical devices, medical procedures, diagnostic tools, medical services and other therapies.

In its June 2007 report to Congress, MedPAC issued a unanimous recommendation that ''Congress should charge an independent entity to sponsor credible research on comparative effectiveness of health care services and disseminate this information to patients, providers, and public and private payers.''

And the Congressional Budget Office agrees. In a report, entitled, ''Research on the Comparative Effectiveness of Medical Treatments: Issues and Options for an Expanded Federal Role,'' former CBO Director Peter Orszag wrote that, ''generating better information about the costs and benefits of different treatment options—through research on the comparative effectiveness of those options—could help reduce health care spending without adversely affecting health overall.''

The IOM also supports getting better information into the hands of patients and providers. As part of its report, ''Learning What Works Best: The Nation's Need for Evidence on Comparative Effectiveness in Health Care,'' the Institute concluded that, ''[a] substantially increased capacity to conduct and evaluate research on clinical effectiveness of interventions brings many potential opportunities for improvement across a wide spectrum of healthcare needs.''

This bill that Senator BAUCUS and I are introducing today represents an important step in creating a long-term vision for expanding comparative clinical effectiveness research. The bill would significantly expand the conduct of comparative clinical effectiveness research to get better information into the hands of patients and providers in the hopes of improving health outcomes and reducing unnecessary or ineffective care.

The purpose of this bill is to provide patients and physicians with objective and credible evidence about which health care treatments and services are most clinically effective for particular patient populations. The research conducted under our bill would evaluate and compare the clinical effectiveness of two or more health care interventions, protocols for treatment, care management, and delivery, procedures, medical devices, diagnostic tools, and pharmaceutical, including biologicals

Access to better evidence about what works best will help patients and health care providers make better-informed decisions about how best to treat particular diseases and conditions. Our hope is that the evidence generated by this research could lead to savings in the overall health care system over the long-term by empowering patients and doctors with information about treatments and services that may be clinically ineffective, while at the same time improving health care outcomes and quality.

Specifically, our bill creates a private, nonprofit corporation, known as the Patient-Centered Outcomes Research Institute, which would be responsible setting national research priorities and carrying out a comparative clinical effectiveness research agenda. In conducting the research, the Institute would contract with AHRQ, the VA, and other appropriate public and private entities and could use a variety of research methods, including clinical trials, observational studies and systematic reviews of existing evidence.

Many leading experts on this issue, such as MedPAC, have concerns that a large entity within the Federal government would be vulnerable to political interference that could hamper the Institute's credibility, and, therefore, limit the usefulness of its research. As a result, we chose a model outside of the Federal government, but subject to government oversight.

In order to ensure that the information developed is credible and unbiased, our bill establishes a 21-Member Board of Governors to oversee the Institute's activities. Permanent board members would include the HHS Secretary and

the Directors of AHRQ and NIH. The remaining 18 board members would be appointed by the Comptroller General of the U.S. and would include a balanced mix of patients, physicians, public and private payers, academic researchers, philanthropic organizations, quality improvement entities, and medical technology manufacturers.

To ensure further credibility, the Institute is also required to appoint expert advisory panels of patients, clinicians, researchers and other stakeholders that would assist in the development and carrying out of the research agenda; establish a methodology committee that would help create methodological standards by which all research commissioned by the Institute must be conducted; create a peer review process through which all primary research findings must be assessed; and develop protocols to help translate and disseminate the evidence in the most effective, user-friendly way.

Moreover, Senator BAUCUS and I want to ensure that the operations of the Institute are transparent and focused on the needs of patients. Therefore, we built in a strong role for public comment prior to all key decisions made by the Institute. For example, the bill requires public comment periods prior to the approval of research priorities and individual study designs. In addition, the bill calls for public forums to seek input, requires that all proceedings of the Institute be made public at least seven days in advance and be made available through annual reports, and requires that any conflicts of interest be made public and that board members recuse themselves from matters in which they have a financial or personal interest.

Because all health care users will benefit from this research, our legislation funds the Institute with contributions from both public and private payers. These contributions will include mandatory general revenues from the Federal Government, amounts from the Medicare Trust Funds equal to $2 per beneficiary annually, and amounts from a $2 fee per-covered life assessed annually on insured and self-insured health plans. Funding will ramp up over a series of years. By the 5th year, we expect the Institute's total annual funding to reach nearly $600 million per year and continue to grow thereafter.

The concept of an all-payer approach for comparative effectiveness research has been embraced by a number of health care experts. For example, on the subject of comparative effectiveness information in its June 2008 report, MedPAC stated: ''The Commission supports funding from federal and private sources as the research findings will benefit all users—patients, providers, private health plans, and federal health programs. The Commission also supports a dedicated funding mechanism to help ensure the entity's independence and stability. Dedicated broadly based financing would reduce the likelihood of outside influence and would best ensure the entity's stability . . .''

To ensure accountability for these funds and to the Institute's mission, our bill requires an annual financial audit of the Institute. In addition, the bill requires GAO to report to Congress every five years on the processes developed by the Institute and its overall effectiveness, including how the research findings are used by health care consumers and what impact the research is having on the health economy. Finally, the bill requires a review of the adequacy of the Institute's funding, which will include a review of the appropriateness and adequacy of each funding source.

Let me take a moment to address some of the criticisms that might be levied against this proposal. Some may say this Institute will impede access to care and will deny coverage for high-cost health care services. That is simply not the case. Our proposal explicitly prohibits the Institute from making coverage decisions or setting practice guidelines. It will be up to medical societies and patient groups to use the research findings as they see fit. Moreover, to the extent that high-cost health care services or new technologies are studied by the Institute and found to be clinically ineffective compared to other services and technologies, such evidence will be made public to consumers and providers so that they can make informed choices.

We have been working with colleagues on the other side of the aisle who have concerns about the impact this research could have on patient safety and access to health care treatments and services. For several months, we have been engaged in an active dialogue to address these concerns. While I am disappointed that those discussions did not result in cosponsorships for this legislation at this time, I look forward to continuing that dialogue in a constructive manner as we work to include a long-term vision for comparative effectiveness research in a comprehensive health reform bill.

In the meantime, we have made a number of meaningful changes to our legislation that address the concerns voiced by our colleagues. For example, we have placed a greater focus on aspects of personalized medicine and included new patient safeguards to ensure that when CMS uses this research it does so through a process that is transparent, allows for public comment, and takes into account the benefits to particular subpopulations.

This bill is a balanced, carefully crafted proposal that has taken into consideration the recommendations of a broad range of stakeholders and thought-leaders. We welcome further discussion and suggested improvements. But we refuse to allow this proposal to get bogged down in political maneuvering or scare tactics. Our nation needs to immediately ramp up and sustain a major comparative clinical effectiveness research initiative to improve health outcomes and reduce ineffective and inefficient care.

Senator BAUCUS and I will work jointly to push for the expeditious enactment of this bill as part of a comprehensive health reform bill. I urge all of my colleagues to join our effort and cosponsor the Patient-Centered Outcomes Research Act of 2009. There is no time to waste.

By Mr. LIEBERMAN (for himself, Mr. CASEY, Mr. BOND, Ms. STABENOW, Mr. CARDIN, Mr. SANDERS, Mr. WHITEHOUSE, and Mr. CRAPO):

S. 1214. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise to speak about the National Fish Habitat Conservation Act, which I am introducing today along with my colleagues Senators BOND, CASEY, STABENOW, CARDIN, WHITEHOUSE, and SANDERS. This legislation will significantly advance ongoing efforts to restore and protect fish habitat, improve the health of our waterways and ensure that we have robust fish populations far into the future.

Today, nearly half of our fish populations are in decline and half of our waters are impaired, which is why it is especially important that we work together to protect and restore remaining habitat. The National Fish Habitat Conservation Act will leverage federal, state and private funds to support voluntary regional conservation partnerships, which in turn will allow federal and state governments, the recreational and commercial fishing industries, the conservation community, and businesses to work together—for the first time—to effectively conserve aquatic habitats.

Our legislation authorizes $75 million annually for fish habitat projects. Based on the highly successful North American Wetlands Conservation Act model, the bill establishes a multi-stakeholder National Fish Habitat Board to recommend science-based conservation projects to the Secretary of Interior for funding. Regional partners will then work to implement those conservation projects to protect, restore and enhance fish habitats and fish populations.

The National Fish Habitat Conservation Act will go a long way toward ensuring the viability of our fish and their habitats for generations to come. I look forward to working with my colleagues to pass this important legislation and reverse the decline of our ailing waterways and fisheries.

By Mr. CASEY (for himself and Mr. SCHUMER):

S. 1215. A bill to amend the Safe Drinking Water Act to repeal a certain

exemption for hydraulic fracturing, and for other purposes; to the Committee on Environment and Public Works.

Mr. CASEY. Mr. President, I rise today to introduce the Fracturing Responsibility and Awareness of Chemicals, FRAC, Act along with my colleague, Senator SCHUMER, that protects drinking water and public health from the risks associated with an oil and gas extraction process called hydraulic fracturing. Specifically, our bill does two things. First, it repeals an exemption to the Safe Drinking Water Act that was granted to oil and gas companies four years ago. Second, it requires oil and gas companies to publicly disclose the chemicals used in hydraulic fracturing.

The regulation of hydraulic fracturing under the Safe Drinking Water Act is supported by 77 groups, including 14 groups from Pennsylvania.

The oil and gas industry uses hydraulic fracturing in 90 percent of wells. The process, which is also called ''fracking,'' involves injecting tens of thousands of gallons of water mixed with sand and chemical additives deep into the rock under extremely high pressure. The pressure breaks open the rock releasing trapped natural gas, which is then captured. Fracking often occurs near underground sources of drinking water. Unfortunately, a provision included in the 2005 Energy Policy Act exempted hydraulic fracturing from compliance with the Safe Drinking Water Act. The oil and gas industry is the only industry to have this exemption.

The Casey-Schumer legislation is extremely important to people living in Pennsylvania, especially those living in communities along a geological formation called the Marcellus Shale. The Marcellus is a geological formation covering 34 million acres extending from southern New York, through central and western Pennsylvania, into the eastern half of Ohio and across most of West Virginia. The deepest layer of the Marcellus formation—the Marcellus Shale—contains a significant amount of natural gas trapped in deep rock formations up to 9,000 feet below ground. Last year, a professor at Penn State estimated that there was 168 million cubic feet of natural gas in the Marcellus Shale. In the industry it is what is known as a ''Super Giant gas field.'' It is enough natural gas to provide for the entire country for 7 years. This vast amount of natural gas combined with a more complete knowledge of the natural fractures in the Marcellus Shale through which the gas can be easily extracted, has led to what Pennsylvanians are calling a gas rush.

As I have mentioned, fracking involves injecting water mixed with chemicals. My major concern is that the chemicals added to the water to create fracking fluids are highly toxic. We're talking about chemicals like formaldehyde, benzene, and toluene. These chemicals are injected right below underground drinking water. This is especially important to Pennsylvania because our state has the second highest number of private wells for drinking water in the nation, second only to Michigan. Three million Pennsylvanians are dependent on private wells to provide safe drinking water to their homes. So massive drilling to get to the natural gas in the Marcellus Shale is not required to comply with the Safe Drinking Water Act, but drilling is happening right next to drinking water supplies. You can see why Pennsylvanians are concerned about their future access to safe drinking water.

Now, the oil and gas industry would have you believe that there is no threat to drinking water from hydraulic fracturing. But the fact is we are already seeing cases in Pennsylvania, Colorado, Virginia, West Virginia, Alabama, Wyoming, Ohio, Arkansas, Utah, Texas, and New Mexico where residents have become ill or groundwater has become contaminated after hydraulic fracturing operations began in the area. This is not simply anecdotal evidence; scientists have found enough evidence to raise concerns as well. In a recent letter supporting our bill, 23 health professionals and scientists wrote the following:

> . . . Oil and gas operations are known to release substances into the environment that are known to be very hazardous to human health, including benzene, arsenic, mercury, hydrogen sulfide, and radioactive materials. The demonstrated health effects caused by these substances include cancers, central nervous system damage, skin and eye irritation, and lung diseases. For example, fluids used in the hydraulic fracturing process may contain toxic chemicals such as 2–butoxyethanol, formaldehyde, sodium hydroxide, glycol ethers, and naphthalene. For these reasons, we support regulation of hydraulic fracturing under the Safe Drinking Water Act and the disclosure of all chemical constituents in hydraulic fracturing fluids to public agencies, including the disclosure of constituent formulas in cases of medical need. Moreover, we support full regulation of stormwater runoff, which can pollute drinking water supplies, under the Clean Water Act.
>
> There are growing reports of individuals living near oil and gas operations who suffer illnesses that are linked to these activities, yet there has been no systemic attempt to gather the necessary data, establish appropriate monitoring, analyze health exposure or assess risk related to any of these activities. This should be done, in addition to full Health Impact Assessments to inform future planning and policy efforts.

In Dimock, Pennsylvania, we have a recent example of the risks involved with hydraulic fracturing. On New Year's Day, Norma Fiorentino's drinking water well exploded. It literally blew up. Stray methane leaked and migrated upward through the rock and into the aquifer as natural gas deposits were drilled nearby. An investigation by the Commonwealth of Pennsylvania shows that a spark created when the pump in the well house turned on may have led to the explosion. The blast cracked in half the several-thousand-pound concrete slab at the drilling pad on Ms. Fiorentino's property and tossed it aside. Fortunately, no one was hurt in the explosion. But throughout the town, several drinking water wells have exploded and nine wells have been found to contain so much natural gas that one homeowner was advised to open a window if he plans to take a bath. Tests of the well water show high amounts of aluminum and iron, which leads researchers to believe that drilling fluids are contaminating the water along with the gas. So this is a real concern. We are talking about serious implications if we don't develop the Marcellus Shale carefully and responsibly.

I would point out that Pennsylvania has a long history of developing our natural resources to power the region and the nation. In fact, Pennsylvania is home to the Drake Well near Titusville, Pennsylvania, which celebrates its 150th anniversary this year. The Drake Well was the first commercial oil well in the United States and it launched the modern petroleum industry. In addition to oil, Western Pennsylvania has long produced natural gas. Pennsylvania also mines coal which we use to provide electricity to many of our neighboring states. Pennsylvanians are proud of the contributions we have made to the growth of our nation. Contributions that were made because we developed our abundant natural resources. But we also bear the burden of some environmental legacies, most created in previous generations when we were not as concerned with responsible development. We have old natural gas wells that were not capped and leak methane into homes in Versailles, PA. We have acid mine drainage that we spend millions of dollars every year to try and remediate. These examples are the lessons from which we need to learn.

Pennsylvania will develop the natural gas in the Marcellus Shale. We are doing it right now, and we will see more drilling over the next few years. But we must develop the Marcellus Shale using the best environmental practices to protect our communities and our state. That is why I am introducing the Fracturing Responsibility and Awareness of Chemicals Act. This legislation will ensure that hydraulic fracturing does not unnecessarily jeopardize our groundwater. There are affordable alternatives that oil and gas companies can use so that they are not risking contaminating drinking water wells with potentially hazardous chemicals.

I think Norma Fiorentino from Dimock, Pennsylvania, summed it up best when she told a reporter, ''You can't buy a good well.''

So I urge all of my colleagues to support this legislation and ensure that our groundwater is protected as we responsibly develop our natural resources.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1215

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 ''Fracturing Responsibility and Awareness of Chemicals (FRAC) Act''.

SEC. 2. REGULATION OF HYDRAULIC FRACTURING.

(a) UNDERGROUND INJECTION.—Section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)) is amended by striking paragraph (1) and inserting the following:

''(1) UNDERGROUND INJECTION.—

''(A) IN GENERAL.—The term 'underground injection' means the subsurface emplacement of fluids by well injection.

''(B) INCLUSION.—The term 'underground injection' includes the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations relating to oil or gas production activities.

''(C) EXCLUSION.—The term 'underground injection' does not include the underground injection of natural gas for the purpose of storage.''.

(b) DISCLOSURE.—Section 1421(b) of the Safe Drinking Water Act (42 U.S.C. 300h(b)) is amended—

(1) in paragraph (1)(C), by inserting before the semicolon the following: '', including a requirement that any person using hydraulic fracturing disclose to the State (or to the Administrator in any case in which the Administrator has primary enforcement responsibility in a State) the chemical constituents (but not the proprietary chemical formulas) used in the fracturing process''; and

(2) by adding at the end the following:

''(4) DISCLOSURES OF CHEMICAL CONSTITUENTS.—

''(A) IN GENERAL.—The State (or the Administrator, as applicable) shall make available to the public the information contained in each disclosure of chemical constituents under paragraph (1)(C), including by posting the information on an appropriate Internet website.

''(B) IMMEDIATE DISCLOSURE IN CASE OF EMERGENCY.—

''(i) IN GENERAL.—Subject to clause (ii), the regulations promulgated pursuant to subsection (a) shall require that, in any case in which the State (or the Administrator, as applicable) or an appropriate treating physician or nurse determines that a medical emergency exists and the proprietary chemical formula or specific chemical identity of a trade-secret chemical used in hydraulic fracturing is necessary for emergency or first-aid treatment, the applicable person using hydraulic fracturing shall immediately disclose to the State (or the Administrator) or the treating physician or nurse the proprietary chemical formula or specific chemical identity of a trade-secret chemical, regardless of the existence of—

''(I) a written statement of need; or

''(II) a confidentiality agreement.

''(ii) REQUIREMENT.—A person using hydraulic fracturing that makes a disclosure required under clause (i) may require the execution of a written statement of need and a confidentiality agreement as soon as practicable after the determination by the State (or the Administrator) or the treating physician or nurse under that clause.''.

By Mr. KOHL:

S. 1219. A bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such subtitle for a 1-year period ending June 22, 2010; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Antitrust Criminal Penalties Enforcement and Reform Act of 2004 Extension Act. This legislation extends a critical component of the Antitrust Criminal Penalty Enforcement and Reform Act of 2004, set to expire on June 22, which encourages participation in the Antitrust Division's leniency program. As a result, the Justice Department will be able to continue to detect, investigate and aggressively prosecute price-fixing cartels which harm consumers.

The Antitrust Division of the Department of Justice has long considered criminal cartel enforcement a top priority, and its Corporate Leniency Policy is an important tool in that enforcement. Criminal antitrust offenses are generally conspiracies among competitors to fix prices, rig bids, or allocate markets of customers. The Leniency Policy creates incentives for corporations to report their unlawful cartel conduct to the Division, by offering the possibility of immunity from criminal charges to the first-reporting corporation, as long as there is full cooperation. For more than 15 years, this policy has allowed the Division to uncover cartels affecting billions of dollars worth of commerce here in the U.S., which has led to prosecutions resulting in record fines and jail sentences.

An important part of the Division's Leniency Policy, added by the Antitrust Criminal Penalties Enforcement and Reform Act of 2004, limits the civil liability of leniency participants to the actual damages caused by that company—rather than triple the damages caused by the entire conspiracy, which is the typical in civil antitrust lawsuits. This removed a significant disincentive to participation in the leniency program—the concern that, despite immunity from criminal charges, a participating corporation might still be on the hook for treble damages in any future antitrust lawsuits.

Maintaining strong incentives to make use of the Leniency Policy provides important benefits to the victims of antitrust offenses, often consumers who paid artificially high prices. It makes it more likely that criminal antitrust violations will be reported and, as a result, consumers will be able to identify and recover their losses from paying illegally inflated prices. The policy also requires participants to cooperate with plaintiffs in any follow-on civil lawsuits, which makes it more likely that the plaintiff consumers will be able to build strong cases against all members of the conspiracy.

Since the passage of ACPERA, the Antitrust Division has uncovered a number of significant cartel cases through its leniency program, including the air cargo investigation, which so far has yielded over a billion dollars in criminal fines. In that investigation, several airlines pled guilty to conspiring to fix international air cargo rates and international passenger fuel surcharges. Not only were criminal fines levied, but one high-ranking executive pled guilty and agreed to serve eight months in prison. In fiscal year 2004, before the passage of ACPERA, criminal antitrust fines totaled $350 million. Criminal antitrust fines in fiscal year 2009 have already surpassed $960 million. Scott Hammond, the Deputy Assistant Attorney General for Criminal Enforcement in the Antitrust Division, has stated that the damages limitation has made its Corporate Leniency Program ''even more effective'' at detecting and prosecuting cartels.

ACPERA's damages limitation is set to expire later this month, so we must act quickly to extend it. Otherwise, the Justice Department will lose an important tool that it uses to investigate and prosecute criminal cartel activity. This bill extends that provision for 1 year. Over the next year, we will fully review ACPERA, and consider potential changes to make it more effective.

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. 1219

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 ''Antitrust Criminal Penalties Enforcement and Reform Act of 2004 Extension Act''.

SEC. 2. DELAY OF SUNSET.

Section 211(a) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is amended by striking ''5 years'' and inserting ''6 years''.

SEC. 3. EFFECTIVE DATE OF AMENDMENT.

The amendment made by section 2 shall take effect immediately before June 22, 2009.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 1220. A bill to require that certain complex diagnostic laboratory tests performed by an independent laboratory after a hospital outpatient encounter or inpatient stay during which the specimen involved was collected shall be treated as services for which payment may be made directly to the laboratory under part B of title XVIII of the Social Security Act; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce The Patient Access to Critical Lab Tests Act. The legislation would modernize Medicare billing rules to improve beneficiary access to important, life-saving advanced diagnostic technologies.

Mapping the human genome has enabled revolutionary advances in understanding a wide variety of diseases, and ushered in an era where treatments can be tailored to individual patients based on their DNA and specific molecular character of their disease. Complex diagnostic laboratory tests make such ''personalized medicine'' possible. By understanding the molecular nature of

disease, these new technologies increasingly allow clinicians and patients to pick individualized treatment options, rather than basing treatment choices on broad assessments of what works best for a population.

Unfortunately Medicare payment, coding and coverage practices are harming Medicare beneficiary access to specialized diagnostic tests. In particular is the Centers for Medicare and Medicaid Services, CMS, Medicare ''date of service'' regulation. Under the regulation, any test furnished within 14 days after the patient's discharge from a hospital is deemed to have been performed on the day of collection, when the patient was in or at the hospital, even though the patient may no longer be at the hospital when the test is ordered, and the test is not used to guide treatment during the patient's hospital encounter. A laboratory test that is deemed to coincide with the date on which the patient was a hospital patient becomes a service furnished by the hospital, even though the hospital may have nothing to do with the ordering, performance, or use of the test.

The combination of these rules creates a host of administrative and financial disincentives for hospitals to embrace these tests.

Hospitals are required to exercise professional responsibility over these services, but are unwilling to do so for tests that are not offered by the hospital, and which are, in fact, offered by laboratories that are otherwise unaffiliated with and unfamiliar to the hospital.

Hospitals are required to bill for the service; the laboratories may not bill Medicare directly, and instead must bill the hospital for the services they provide, which means the hospital assumes the financial risk that the service is covered and that Medicare will pay for it.

In light of these administrative and financial disincentives, hospitals are encouraging physicians to delay ordering the tests until after the 14 days; others are cancelling orders altogether. These disincentives create obstacles for physicians and their patients, and genuine barriers to access these beneficial tests.

These rules also create substantial hardship for the laboratories that are seeking to develop these tests. In order for the tests to be covered, hospitals must enter into agreements with the laboratories furnishing the tests. It is administratively overwhelming for these small laboratories to seek to enter into agreements with all potential originating hospitals, which may number in the thousands when considering sites where tissue may be stored.

The legislation that I am introducing today with Senator WYDEN would require CMS to take a small, but important step toward facilitating Medicare beneficiary access to innovative, lifesaving diagnostic tests by updating the ''date of service'' regulation. Specifically, the Patient Access to Critical Lab Tests Act would permit independent laboratories offering complex diagnostic laboratory tests to bill Medicare directly for tests performed anytime following a patient's hospital stay, without forcing the hospital into an unnecessary middleman role.

Given the promise of these new technologies, it is important that all regulatory regimes keep pace with the rapidly evolving world of science and technology, and operate to promote innovation. Out-dated regulations and calcified regulatory agencies can stifle innovation and prevent new life-saving diagnostics and therapies from ever coming to market. They can also serve as a drag on our economy.

Fixing this rule is a matter of critical importance to Medicare beneficiaries, as well as to the laboratories developing these technologies.

I encourage colleagues to join Senator WYDEN and me in cosponsoring this bill. I likewise urge Senators BAUCUS and GRASSLEY to consider this important measure as part of health care reform.

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. 1220

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 ''Patient Access to Critical Lab Tests Act''.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) Timely access to laboratory testing is essential to ensure quality of care for patients.

(2) Genetic and molecular laboratory testing are the new cornerstones of high quality, cost-effective preventive medicine.

(3) The completion of the Human Genome Project in 2003 paved the way for a more sophisticated understanding of disease causation, which has contributed to the advent of ''personalized medicine''.

(4) Personalized medicine is the application of genomic and molecular data to better target the delivery of health care, facilitate the discovery and clinical testing of new products, and help determine a patient's predisposition to a particular disease or condition.

(5) Personalized medicine offers the promise of smarter, more effective, and safer care as physicians and patients become equipped with better information to guide treatment decisions.

(6) Some of the most encouraging personalized medicine developments involve highly specialized laboratory tests that, using biomarkers and vast stores of historical data, provide individualized information that enable physicians and patients to develop personalized treatment plans.

(7) Several outdated Medicare regulations for laboratory billing are obstructing access to highly specialized laboratory tests and delaying patients' diagnoses and treatments. These same rules are discouraging investments in development of new tests.

(8) Realizing the promise of personalized medicine will require improved regulation that appropriately encourages development of and access to these specialized tests.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) where practical, Medicare regulations and policies should be written to promote development of and access to the highly specialized laboratory tests referred to in subsection (a)(6); and

(2) the Medicare regulation described in section 414.510 of title 42, Code of Federal Regulations, is one such regulation that should be revised to permit laboratories furnishing certain specialized tests to bill for and be paid directly by Medicare for furnishing such tests.

SEC. 3. TREATMENT OF CERTAIN COMPLEX DIAGNOSTIC LABORATORY TESTS.

(a) IN GENERAL.—Notwithstanding sections 1862(a)(14) and 1866(a)(1)(H)(i) of the Social Security Act (42 U.S.C. 1395y(a)(14) and 1395cc(a)(1)(H)(i)), in the case that a laboratory performs a covered complex diagnostic laboratory test, with respect to a specimen collected from an individual during a period in which the individual is a patient of a hospital, if the test is performed after such period the Secretary of Health and Human Services shall treat such test, for purposes of providing direct payment to the laboratory under section 1833(h) or 1848 of such Act (42 U.S.C. 13951(h) or 1395w–4), as if such specimen had been collected directly by the laboratory.

(b) COVERED COMPLEX DIAGNOSTIC LABORATORY TEST DEFINED.—For purposes of this section, the term ''covered complex diagnostic laboratory test'' means an analysis—

(1) of DNA, RNA, chromosomes, proteins, or metabolites that detects, identifies, or quantitates genotypes, mutations, chromosomal changes, biochemical changes, cell response, protein expression, or gene expression or similar method or is a cancer chemotherapy sensitivity assay or similar method, but does not include methods principally comprising routine chemistry or routine immunology;

(2) that is described in section 1861(s)(3) of the Social Security Act (42 U.S.C. 1395x(s)(3));

(3) that is developed and performed by a laboratory which is independent of the hospital in which the specimen involved was collected and not under any arrangements (as defined in section 1861(w)(1) of such Act (42 U.S.C. 1395x(w)(1)); and

(4) that is not furnished by the hospital where the specimen was collected to a patient of such hospital, directly or under arrangements (as defined in section 1861(w)(1) of such Act (42 U.S.C. 1395x(w)(1)) made by such hospital.

SEC. 4. EFFECTIVE DATE.

The provisions of section 3 shall apply to tests furnished on or after the date of the enactment of this Act.

By Mr. SPECTER (for himself and Mr. ROBERTS):

S. 1221. A bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation that will help ensure Medicare beneficiaries' access to cancer drugs provided by community-based cancer clinics.

Cancer takes a great toll on our families, friends, and our Nation. On average, one American dies from cancer each minute and the overall cost of cancer to the U.S. is $220 billion annually. While these statistics are daunting, the rate of cancer deaths in the U.S. has decreased since 1993. This decrease is the result of earlier detection and diagnosis, more effective and targeted cancer therapies, and greater accessibility to quality care provided by oncologists. These vital services have allowed millions of individuals to lead healthy and productive lives after successfully battling cancer.

Leading the treatment against cancer, community cancer clinics treat 84 percent of Americans with cancer. Community cancer clinics are freestanding outpatient facilities that provide comprehensive cancer care in physician's office settings located in patients' communities. These clinics are especially critical in rural areas where access to larger cancer clinics is not available.

In 2003, the Medicare Prescription Drug Improvement and Modernization Act was signed into law. This legislation contained numerous provisions that were beneficial to America's seniors and medical facilities; however, it also provided a reduction in Medicare's reimbursement for cancer treatment. The new Medicare drug reimbursement rates, based on average sales price or ASP, are artificially lowered by the inclusion of prompt payment discounts. These discounts are provided by the pharmaceutical manufacturer to the distributor and are a financing mechanism between the manufacturer and the distributor for prompt payment of invoices. As such, they are not passed on to community oncology clinics, which purchase drugs from distributors. However, pharmaceutical manufacturers are required by statute to include all discounts and rebates in the calculation of ASP, including prompt payment discounts that are not provided to community oncology clinics. The inclusion of these prompt payment discounts results in the artificially lowering of Medicare drug reimbursement rates by approximately 2 percent. Community cancer clinics are reporting that they are finding more cancer drugs reimbursed by Medicare at a rate less than their cost.

The Congressional Budget Office estimated that Medicare reimbursements to oncologists would be reduced by $4.2 billion from 2004–2013. PricewaterhouseCoopers estimated that reductions will reach $14.7 billion over that time. This increased reduction will have a debilitating effect on oncologists' ability to provide cancer treatment to Medicare beneficiaries, especially those in the community setting.

This legislation will remove manufacturer to distributor prompt payment discounts from the calculation of ASP to provide a more appropriate Medicare drug reimbursement and will help ensure Medicare beneficiaries' access to community-based cancer treatment. I encourage my colleagues to work with me to move this legislation forward promptly.

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. 1221

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

SECTION 1. EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS EXTENDED TO WHOLESALERS FROM MANUFACTURER'S AVERAGE SALES PRICE FOR PAYMENTS FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended—

(1) in the first sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''prompt pay discounts''; and

(2) in the second sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''other price concessions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals that are furnished on or after January 1, 2010.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN:)

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise to introduce the annual renewal of the Burmese Freedom and Democracy Act of 2003. Once again, I am joined by Senators FEINSTEIN, MCCAIN and DURBIN who have been steadfast and longtime advocates for the Burmese people.

This resolution extends for another year the sanctions that are currently in place against the illegitimate Burmese regime, the State Peace and Development Council, SPDC. This bill would keep those sanctions in place unless and until the regime takes a number of clear steps towards democracy and reconciliation. This measure also includes renewal of the enhanced sanctions enacted last year as part of the Tom Lantos Block Burmese JADE Act of 2008.

As many of my colleagues know, the news from Burma has been particularly troubling of late. Nobel Peace Prize winner Daw Aung San Suu Kyi, who has been under house arrest for 13 of the last 19 years, was charged last month with permitting a misguided American to enter her home. As a result, she faces up to 5 years in prison. My colleagues in the Senate and I remain deeply concerned about the outcome of her ''trial.'' I was pleased that the Senate responded to this outrageous prosecution by unanimously passing S. Res. 160, which condemned the ''trial'' of Suu Kyi and the dubious actions taken by the SPDC against her.

The Obama administration has indicated that a new strategy on Burma is forthcoming, and I look forward to reviewing it. Whatever the content of this strategy, it appears from correspondence between my House colleagues and the State Department that the administration will continue to support sanctions against the Burmese regime, even as it considers additional means of effecting positive change in the troubled country.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by striking ''six years'' and inserting ''nine years''.

SEC. 2. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 3. EFFECTIVE DATE.

This joint resolution and the amendments made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2009, whichever occurs first.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator MCCONNELL to introduce a joint resolution renewing the ban on all imports from Burma for another year.

I regret that we must take this action once again.

I had hoped that since we last took up this resolution last year, the ruling military junta, the State Peace and Development Council, SPDC, would have, at long last, heeded the voices of the people of Burma and the international community and put Burma on a path to democracy, human rights, and the rule of law.

Sadly, the regime responded to these calls in true fashion, by trying yet again to break the will of Burma's democratic opposition and stifle any movement for change.

Just last month, the military junta arrested and detained Nobel Peace Prize Laureate and Burma's democratically elected leader Aung San Suu Kyi on trumped-up charges of violating her house arrest.

Currently standing trial—behind closed doors and without due process—she faces up to 5 years in prison if convicted. This will come on top of spending the better part of the past 19 years isolated and alone under house arrest.

The regime's actions should come as no surprise. They represent yet another attempt to hold on to power and crush any opposition.

Almost 20 years ago, it annulled parliamentary election results overwhelmingly won by Aung San Suu Kyi's National League for Democracy.

Six years ago government-sponsored thugs attempted to assassinate Suu Kyi and other members of her National League for Democracy by attacking her motorcade in northern Burma.

Two years ago, the regime brutally put down pro-democracy demonstrations of the Saffron Revolution led by Buddhist monks.

And last year, we saw the regime ignore offers made by the international community and international humanitarian organizations to help Burma respond to the devastation caused by Cyclone Nargis, leading to countless deaths of innocent civilians.

In addition, they imposed a new constitution on the people of Burma, one that was negotiated behind closed doors without the input of the democratic opposition and one that will entrench the military's grip on power.

The SPDC understands all too well that the vast majority of Burmese citizens embrace Suu Kyi's call for freedom and democracy and reject the junta's oppressive rule.

That is why they are trying once again to silence her voice.

We cannot allow this brutal dictatorship to succeed.

For those of my colleagues who are disappointed with the lack of progress in bringing freedom and democracy to Burma since we first enacted this ban in 2003, I share their disappointment.

But now is not the time to turn back. Now is not the time to reward the regime for its oppressive tactics by lifting any part of our sanctions regime on Burma.

It has not made ''substantial and measurable progress'' towards:

ending violations of internationally recognized human rights;

releasing all political prisoners;

allowing freedom of speech and press;

allowing freedom of association;

permitting the peaceful exercise of religion and;

bringing to a conclusion an agreement between the SPDC and the National League for Democracy and Burma's ethnic nationalities on the restoration of a democratic government.

By renewing the import ban we express our solidarity with Aung San Suu Kyi and the democratic opposition who bravely stand up to the regime and reject their abuses.

They understand that the import ban is not directed at the people of Burma, but at the military junta that dominates economic and political activity in their country and denies them their rights.

And I remind my colleagues that this import ban renewal is good for 1 year and we will have the opportunity to revisit this issue again next year.

I am hopeful that the United Nations Security Council and the international community will follow our example and put additional pressure on the SPDC to release Aung San Suu Kyi and all political prisoners immediately and unconditionally and engage in a true dialogue on national reconciliation, one that will lead to a truly democratic constitution.

I urge my colleagues to pass this Joint Resolution as soon as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 173—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 173

Whereas despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of such problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are twice as likely as men to visit the doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the governors of more than 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 15 through June 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week in 2009; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 174—RECOGNIZING THE REGION FROM MANHATTAN, KANSAS TO COLUMBIA, MISSOURI AS THE KANSAS CITY ANIMAL HEALTH CORRIDOR

Mr. BOND (for himself, Mr. ROBERTS, Mr. BROWNBACK, and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on the Agriculture, Nutrition, and Forestry:

S. RES. 174

Whereas a 34 percent of the $16,800,000,000 annual global animal health industry is based in the Kansas City region;

Whereas more than 120 companies involved in the animal health industry are located in Kansas and Missouri, including 4 of the 10 largest global animal health companies and 1 of the 5 largest animal nutrition companies;

Whereas several leading veterinary colleges and animal research centers are located in Kansas and Missouri, including the College of Veterinary Medicine and the $54,000,000 Biosecurity Research Institute of Kansas State University and the College of Veterinary Medicine, the College of Agriculture, Food and Natural Resources' Division of Animal Sciences, the $60,000,000 Life Sciences Center, the National Swine Resource and Research Center, and the Research Animal Diagnostic Laboratory of the University of Missouri;

Whereas Kansas City, Missouri, is centrally located in the United States and is

close to many of the food animal end customers;

Whereas the Department of Homeland Security selected Manhattan, Kansas, as the future location for the National Bio and Agro-defense Facility (NBAF);

Whereas the $750,000,000 NBAF project will provide area economic development opportunities by employing 300 people with an annual payroll of up to $30,000,000, and will provide an additional 1,500 construction jobs;

Whereas NBAF enhances Kansas' leadership role in the Nation as the animal health research and biosciences center for the United States;

Whereas more than 45 percent of the fed cattle in the United States, 40 percent of the hogs produced, and 20 percent of the beef cows and calves are located within 350 miles of Kansas City;

Whereas there are nationally-recognized publishers in the animal health industry located in Kansas and Missouri;

Whereas Kansas and Missouri have historic roots in the livestock industry, including the cattle drives in the 1860s from Texas to the westward railhead in Sedalia, Missouri;

Whereas Kansas and Missouri are home to many prominent national and international associations within the animal health industry; and

Whereas retaining and growing existing animal health companies, attracting new animal health companies, increasing animal health research capacity, and developing commercialization infrastructure will create quality jobs and wealth for Kansas and Missouri: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the region from Manhattan, Kansas to Columbia, Missouri, including the metropolitan Kansas City area and St. Joseph, Missouri, as the ''Kansas City Animal Health Corridor'';

(2) recognizes the Kansas City Animal Health Corridor as the national center of the animal health industry, based on the unmatched concentration of animal health and nutrition businesses and educational and research assets; and

(3) expresses its commitment to establishing a favorable business environment and supporting animal health research to foster the continued growth of the animal health industry for the benefit of the economy, universities, businesses, and young people hoping to pursue an animal health career in the Kansas City Animal Health Corridor.

SENATE RESOLUTION 175—EXPRESSING THE SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT IS A RELUCTANT SHAREHOLDER IN THE OWNERSHIP OF GENERAL MOTORS AND CHRYSLER

Mr. NELSON of Nebraska submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 175

Whereas the United States is facing a deep economic crisis that has caused millions of American workers to lose their jobs;

Whereas the collapse of the American automotive industry would have dealt a devastating blow to an already perilous economy;

Whereas the Federal Government, under President George W. Bush and President Barack Obama, intervened in the American automotive industry in order to prevent additional job losses in the industry that would have resulted in a ripple effect across the entire economy;

Whereas any investment of taxpayer dollars in the American automotive industry should be temporary;

Whereas the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC, as any involvement is only to protect the investment of taxpayer dollars;

Whereas the Federal Government, as the primary shareholder, will not be involved in the day-to-day management of General Motors; and

Whereas the Federal Government shall closely monitor General Motors and Chrysler to ensure that they are being responsible stewards of taxpayer dollars and are taking all possible steps to expeditiously return to solvency: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible; and

(2) the Comptroller General of the United States should conduct a study to determine the period of time it may take General Motors and Chrysler to return to solvency and for the Federal Government to complete divestiture.

SENATE RESOLUTION 176—EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES POLICY DURING THE POLITICAL TRANSITION IN ZIMBABWE, AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. KERRY, Mr. INHOFE, Mr. BURRIS, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mr. DURBIN, Mr. CARDIN, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 176

Whereas, over the course of the last decade, the Zimbabwean African National Union-Patriotic Front (ZANU-PF), led by Robert Mugabe, increasingly turned to violence and intimidation to maintain power amidst government-directed economic collapse and a growing humanitarian crisis;

Whereas the Department of State's 2008 Country Report on Human Rights Practices states that the Government of Zimbabwe ''continued to engage in the pervasive and systematic abuse of human rights, which increased during the year,'' including unlawful killings, politically-motivated abductions, state-sanctioned use of excessive force and torture by security forces against opposition, student leaders, and civil society activists;

Whereas Zimbabwe held presidential and parliamentary elections on March 29, 2008, with official results showing that Mr. Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai, leader of the opposition party Movement for Democratic Change (MDC), won 47.9 percent of the vote;

Whereas, in the wake of those elections, Mr. Mugabe and his allies launched a brutal campaign of violence against members and supporters of the MDC, voters and journalists, and other citizens of Zimbabwe, leading Mr. Tsvangirai to withdraw from the June 27, 2008, runoff presidential election, which Mr. Mugabe, the only remaining candidate, then won with 85 percent of the vote;

Whereas, on September 15, 2008, ZANU-PF and the MDC signed a ''Global Political Agreement'' (GPA) to form a transitional government under which Mr. Mugabe would remain President, Mr. Tsvangirai would become Prime Minister, and the parties would divide control of the ministries;

Whereas the Global Political Agreement, as written, included provisions to restore the rule of law and economic stability and growth, establish a new constitution, end violence by state and non-state actors, and promote freedom of assembly, association, expression, and communication;

Whereas the installation of the transitional government stalled for five months as Mr. Mugabe and his allies refused to compromise on control of key ministries and security agencies and continued to use the state security apparatus to intimidate and commit violence against political opponents;

Whereas, according to the United Nations, the humanitarian situation during that time deteriorated to unprecedented levels, with an estimated 5,000,000 people in Zimbabwe susceptible to food insecurity, and collapsing water and sewerage services giving rise to a cholera epidemic that has resulted in the deaths of more than 4,000 people;

Whereas, on February 11, 2009, the parties finally formed the transitional government;

Whereas there has since been some progress toward the implementation of the Global Political Agreement, including positive steps by the Ministry of Finance, such as the issuance of a Short Term Economic Recovery Program (STERP) and the abandonment of the Zimbabwe dollar in favor of foreign currencies;

Whereas many of the reform-minded individuals within the new transitional government are limited by a severe lack of qualified personnel and material resources;

Whereas the full implementation of the Global Political Agreement continues to be obstructed by hardliners in the government, and important issues regarding senior government appointments remain unresolved, notably the status of the current Reserve Bank Governor and the Attorney General;

Whereas ZANU-PF officials have made efforts to obstruct implementation of the Global Political Agreement as they continue to arrest legitimate journalists and human rights activists and delay the swearing into office of properly designated officials nominated by MDC; and

Whereas the security forces continue to operate outside the rule of law, condoning land invasions, restrictions on media access and freedoms, and harassment, arbitrary arrests, and detention of civil society activists in Zimbabwe: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government, in coordination with other democratic governments and international institutions desiring to help the people of Zimbabwe, should—

(1) continue to provide humanitarian assistance to meet the urgent needs of the people of Zimbabwe;

(2) make available increased resources for nongovernmental entities to provide assistance and to pay salaries or fees to appropriately qualified people in Zimbabwe to enable progress to be made in the critical areas of education, health, water, and sanitation;

(3) welcome and encourage responsible efforts by the international community to support, strengthen, and extend reforms made by ministries within the Government of Zimbabwe, especially the Ministry of Finance;

(4) provide concrete financial and technical assistance in response to requests from the people of Zimbabwe and civil society organizations in their efforts to draft and enact a new constitution based on democratic values and principles that would enable the country

to hold fair and free elections at an early date;

(5) work with and encourage regional governments and leaders to promote human rights, the restoration of the rule of law, and economic growth in Zimbabwe;

(6) maintain the existing ban on the transfer of defense items and services and the suspension of most non-humanitarian government-to-government assistance until there is demonstrable progress toward restoring the rule of law, civilian control over security forces, and respect for human rights in Zimbabwe; and

(7) support the continuation and updating of financial sanctions and travel bans targeted against those individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and other ongoing illegal activities in Zimbabwe.

SENATE RESOLUTION 177—RECOGNIZING THE 10TH ANNIVERSARY OF THE INTERNATIONAL LABOUR ORGANIZATION'S UNANIMOUS ADOPTION OF CONVENTION 182, ''CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR''

Mr. HARKIN submitted the following resolution; which was considered and agreed to:

S. RES. 177

Whereas on June 17, 1999, the International Labour Organization (ILO) unanimously adopted Convention 182, ''Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour'', done at Geneva (T. Doc. 106-5) (in this preamble referred to as the ''Convention'');

Whereas on August 5, 1999, President William Jefferson Clinton submitted the Convention to the Senate for its advice and consent;

Whereas on October 21, 1999, the Committee on Foreign Relations of the Senate, under the chairmanship of Senator Jesse Helms, considered the Convention, and on November 3, 1999, reported it out of committee;

Whereas on November 5, 1999, the Senate unanimously agreed to the resolution of advice and consent to the ratification of the Convention;

Whereas on December 2, 1999, President Clinton signed the instruments of ratification of the Convention, as the United States became the third country to ratify the Convention;

Whereas the terms of the Convention apply to all children under 18 years of age and define the worst forms of child labor to include slavery and practices similar to slavery (including the sale and trafficking of children), forced or compulsory labor, debt bondage and serfdom, child prostitution and child pornography, the use of children in illegal activities (including drug production and trafficking), and work that is likely to jeopardize the health, safety, or morals of children;

Whereas the stated goals of the Convention include the effective elimination of the worst forms of child labor, ensuring that the parties take into account the importance of free basic education, removal of children from all work that is in violation of the Convention, and provision of rehabilitation and social integration for children who have engaged in work that it is in violation of the Convention;

Whereas since 1995, the United States has become the largest contributor to the ILO's International Program for the Elimination of Child Labor;

Whereas the Department of Labor has funded 220 projects through the International Program for the Elimination of Child Labor that have affected 1,300,000 children in 82 countries who were rescued from or prevented from entering the worst forms of child labor;

Whereas in May 2000, the United States Government enacted the Trade and Development Act of 2000 (Public Law 106-200), which included a provision that requires countries receiving duty-free access to the United States marketplace to take steps to implement the terms of the Convention in order to retain such trade privileges;

Whereas between 2000 and 2004, the worst forms of child labor declined worldwide, as the overall number of child laborers fell by 11 percent, from 246,000,000 to 218,000,000, and the number of young child laborers was reduced by 33 percent;

Whereas between 2000 and 2004, the number of children between 5 and 17 years of age who performed hazardous work fell by 26 percent, from 171,000,000 to 126,000,000; and

Whereas on the 10th anniversary of its adoption, a total of 183 countries have ratified the Convention: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the worst forms of child labor should not be tolerated, whether they occur in the United States or other countries; and

(2) on the 10th anniversary of its adoption, all parties to Convention 182, ''Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour'', done at Geneva June 17, 1999 (T. Doc. 106-5), should work toward its full implementation to realize the goal of eliminating the worst forms of child labor.

SENATE RESOLUTION 178—SUPPORTING OLYMPIC DAY ON JUNE 23, 2009, AND ENCOURAGING THE INTERNATIONAL OLYMPIC COMMITTEE TO SELECT CHICAGO, ILLINOIS AS THE HOST CITY FOR THE 2016 OLYMPIC AND PARALYMPIC GAMES

Mr. DURBIN (for himself, Mr. UDALL of Colorado, Mr. BURRIS, Mr. BENNETT, Mr. BENNET, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 178

Whereas Olympic Day, June 23, 2009, celebrates the Olympic ideal of developing peace through sport;

Whereas June 23 marks the anniversary of the founding of the modern Olympic movement, the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas for more than 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States and Chicago, Illinois advocate the ideals of the Olympic movement;

Whereas hundreds of local governments from across the United States are joining together to show their support for bringing the Olympic Games to Chicago, Illinois in 2016;

Whereas Olympic Day will encourage the development of Olympic and Paralympic Sport in the United States;

Whereas Olympic Day encourages the participation of youth of the United States in Olympic and Paralympic sport;

Whereas Olympic Day will encourage the teaching of Olympic history, health, arts, and culture among the youth of the United States;

Whereas Olympic Day will encourage the youth of the United States to support the Olympic movement and the selection of Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games; and

Whereas enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

Resolved, That the Senate—

(1) supports Olympic Day 2009 and the goals that Olympic Day pursues; and

(2) encourages the International Olympic Committee to select Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games.

SENATE RESOLUTION 179—CONGRATULATING THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS ON ITS 125 YEARS OF CODES AND STANDARDS DEVELOPMENT

Mr. KAUFMAN submitted the following resolution; which was considered and agreed to:

S. RES. 179

Whereas the American Society of Mechanical Engineers (ASME), which was founded in 1880 and currently includes more than 127,000 members worldwide, is a premier professional organization serving the engineering and technical community through high-quality programs in the development and maintenance of codes and standards, continuing education, research, conferences, publications, and government relations;

Whereas in 2009, ASME is celebrating its 125th anniversary of codes and standards development, commemorating a rich history of engineering progress, technological safety, and service to industry and government;

Whereas the ASME codes and standards activity began in a period of rising industrialization in the United States and grew in stature and influence as technology advanced and new industries were born;

Whereas a significant achievement in the history of ASME includes the issuance of the first ASME Boiler Code in 1914;

Whereas the ASME Boiler and Pressure Vessel Code has since been incorporated into the laws of all 50 States and is also referenced in Canada and other parts of the world;

Whereas since the publication of its first performance test code 125 years ago, titled ''Code for the Conduct of Trials of Steam Boilers'', ASME has developed more than 500 technical standards for pressure vessel technology, electric and nuclear power facilities, elevators and escalators, gas pipelines, engineering drawing practices, and numerous other technical and engineered products and processes;

Whereas ASME codes and standards and conformity assessment programs are presently used in more than 100 countries;

Whereas ASME's celebration of its 125 years of codes and standards development is a tribute to the dedicated service of technical experts and staff whose efforts result in internationally accepted standards that enhance public safety and provide lifelong

learning and technical exchange opportunities that benefit the global engineering and technology community; and

Whereas ASME honors the dedicated volunteers who participate in their codes and standards and conformity assessment programs, which today are a global operation involving more than 4,000 individuals: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates ASME on the 125th anniversary of its renowned codes and standards activity;

(2) recognizes and celebrates the achievements of all ASME volunteer members and staff who participate in the codes and standards programs;

(3) expresses the gratitude of the people of the United States for the contributions provided by ASME's codes and standards to the health, safety, and economic well-being of the citizenry of this Nation;

(4) recognizes ASME's focus on global and accessible standards development and their vision for technical competence and innovation;

(5) recognizes ASME's mission to be the essential resource for mechanical engineers and other technical professionals throughout the world for solutions that benefit humankind; and

(6) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of ASME.

SENATE RESOLUTION 180—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN UNITED STATES V. EDWARD BLOOMER, FRANK CORDARO, ELTON DAVIS, CHESTER GUINN, AND RENEE ESPELAND

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 180

Whereas, in the cases of United States v. Edward Bloomer (CVB# H5049055), Frank Cordaro (CVB# H5049056), Elton Davis (CVB# H5049058), Chester Guinn (CVB# H5049093), and Renee Espeland (CVB# H5049095), pending in federal district court in the Southern District of Iowa, the prosecution has sought testimony from Dianne Liepa, a former employee of Senator Tom Harkin;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Dianne Liepa is authorized to testify in the cases of United States v. Edward Bloomer, Frank Cordaro, Elton Davis, Chester Guinn, and Renee Espeland, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Dianne Liepa, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 25—RECOGNIZING THE VALUE AND BENEFITS THAT COMMUNITY HEALTH CENTERS PROVIDE AS HEALTH CARE HOMES FOR OVER 18,000,000 INDIVIDUALS, AND THE IMPORTANCE OF ENABLING HEALTH CENTERS AND OTHER SAFETY NET PROVIDERS TO CONTINUE TO OFFER ACCESSIBLE, AFFORDABLE, AND CONTINUOUS CARE TO THEIR CURRENT PATIENTS AND TO EVERY AMERICAN WHO LACKS ACCESS TO PREVENTIVE AND PRIMARY CARE SERVICES

Mr. MENENDEZ (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 25

Whereas a strong system of health care safety net providers is vital to ensuring that any health care system address access, cost, and quality challenges while providing care for the most vulnerable individuals and communities;

Whereas community health centers currently form the backbone of the health care safety net for the United States, caring for more than 1 out of every 5 uninsured low-income Americans and providing almost 1 out of every 5 office visits under Medicaid and the Children's Health Insurance Program;

Whereas more than 60,000,000 individuals in the United States are medically disenfranchised, lacking access to primary care services like those provided by health centers and other safety net providers, regardless of insurance coverage;

Whereas health centers effectively remove barriers to care by providing cost-effective, high-quality, and comprehensive preventive and primary health care, as well as effective care management for individuals with chronic conditions;

Whereas health centers have compiled a well-documented record of reducing health disparities and improving patient health outcomes, lowering the overall cost of care for their patients by 41 percent as compared to individuals who receive care elsewhere, and generating $18,000,000,000 in savings each year for the health care system;

Whereas an expansion of the highly effective Health Centers Program to provide a health care home for all 60,000,000 medically disenfranchised Americans would increase the overall savings that health centers generate for the health care system to up to $80,000,000,000 each year;

Whereas Congress has recognized the value of the care that health centers provide to those enrolled in Medicaid and the Children's Health Insurance Program by making their services a guaranteed benefit and establishing a mechanism to appropriately reimburse health centers for the quality care that they provide;

Whereas private insurance often does not appropriately reimburse safety net providers like health centers for the full spectrum of care they provide, forcing health centers to subsidize under-payments for their privately insured patients by diverting funds intended to support care for those in need; and

Whereas millions of Americans in underserved communities are in need of a health care home like those provided by health centers, which serve as a proven model of health care delivery that assures high-quality and cost-effective health care in every State of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) all individuals should have the choice of a community health center as their health care home and every health center should be appropriately reimbursed for the high-value preventive and primary care they provide;

(2) health care reform should include measures to expand community health centers in order to reach more individuals who need a health care home;

(3) the current payment mechanisms for Federally-qualified health centers through Medicaid and the Children's Health Insurance Program are essential to ensuring access to affordable and high-quality preventive and primary care services for beneficiaries of such programs;

(4) any expansion of private insurance must include mechanisms to ensure the full participation of, and appropriate reimbursement to, Federally-qualified health centers and other safety net providers in order to ensure adequate access to care for those individuals who are medically underserved or disenfranchised; and

(5) ensuring access to all safety net providers, including Federally-qualified health centers, will be vital to ensuring that health care reform is successful in expanding access, improving quality, and reducing cost.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 10, 2009, at 2:30 p.m. to hear testimony on the nomination of John J. Sullivan to be a member of the Federal Election Commission.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee, 202–224–6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 10, 2009, at 3 p.m., upon completion of the FEC confirmation hearing, to conduct an executive business meeting to consider the nomination of John J. Sullivan to be a member of the Federal Election Commission.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee, 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

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 on Tuesday, June 9, 2009 at 10 a.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 Tuesday, June 9, 2009 at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

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 Tuesday, June 9, 2009, at 10 a.m.

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 Tuesday, June 9, 2009, at 2:30 p.m.

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 June 9, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 9, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on June 9, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Legal, Moral, and National Security Consequences of 'Prolonged Detention'.''

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 9, 2009, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 1256

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that on Wednesday, June 10, following a period for morning business, the Senate then resume consideration of H.R. 1256, and all postcloture time having expired, there then be an hour of debate only prior to a vote on the motion to invoke cloture on H.R. 1256, with the time equally divided and controlled between Senators DODD and ENZI or their designees; that upon the use or yielding back of that time and disposition of amendment No. 1256, the substitute amendment be agreed to and the motion to reconsider be laid upon the table, the bill be read a third time, and the Senate then proceed to vote on the motion to invoke cloture on H.R. 1256; that if cloture is invoked on H.R. 1256, then postcloture time be considered to have begun at 12:05 a.m., Wednesday, June 10, and that all postcloture time continue to run during any recess, adjournment, or period for morning business.

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

HONORING NATIVE AMERICANS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 40, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 40) to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 40) was ordered to a third reading, was read the third time, and passed.

UNITED STATES POLICY DURING POLITICAL TRANSITION IN ZIMBABWE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 176, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 176) expressing the sense of the Senate on United States policy during the political transition in Zimbabwe, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that 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 that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 176) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 176

Whereas, over the course of the last decade, the Zimbabwean African National Union-Patriotic Front (ZANU–PF), led by Robert Mugabe, increasingly turned to violence and intimidation to maintain power amidst government-directed economic collapse and a growing humanitarian crisis;

Whereas the Department of State's 2008 Country Report on Human Rights Practices states that the Government of Zimbabwe ''continued to engage in the pervasive and systematic abuse of human rights, which increased during the year,'' including unlawful killings, politically-motivated abductions, state-sanctioned use of excessive force and torture by security forces against opposition, student leaders, and civil society activists;

Whereas Zimbabwe held presidential and parliamentary elections on March 29, 2008, with official results showing that Mr. Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai, leader of the opposition party Movement for Democratic Change (MDC), won 47.9 percent of the vote;

Whereas, in the wake of those elections, Mr. Mugabe and his allies launched a brutal campaign of violence against members and supporters of the MDC, voters and journalists, and other citizens of Zimbabwe, leading Mr. Tsvangirai to withdraw from the June 27, 2008, runoff presidential election, which Mr. Mugabe, the only remaining candidate, then won with 85 percent of the vote;

Whereas, on September 15, 2008, ZANU–PF and the MDC signed a ''Global Political Agreement'' (GPA) to form a transitional government under which Mr. Mugabe would remain President, Mr. Tsvangirai would become Prime Minister, and the parties would divide control of the ministries;

Whereas the Global Political Agreement, as written, included provisions to restore the rule of law and economic stability and growth, establish a new constitution, end violence by state and non-state actors, and promote freedom of assembly, association, expression, and communication;

Whereas the installation of the transitional government stalled for five months as Mr. Mugabe and his allies refused to compromise on control of key ministries and security agencies and continued to use the state security apparatus to intimidate and commit violence against political opponents;

Whereas, according to the United Nations, the humanitarian situation during that time deteriorated to unprecedented levels, with an estimated 5,000,000 people in Zimbabwe susceptible to food insecurity, and collapsing water and sewerage services giving rise to a cholera epidemic that has resulted in the deaths of more than 4,000 people;

Whereas, on February 11, 2009, the parties finally formed the transitional government;

Whereas there has since been some progress toward the implementation of the Global Political Agreement, including positive steps by the Ministry of Finance, such as the issuance of a Short Term Economic Recovery Program (STERP) and the abandonment of the Zimbabwe dollar in favor of foreign currencies;

Whereas many of the reform-minded individuals within the new transitional government are limited by a severe lack of qualified personnel and material resources;

Whereas the full implementation of the Global Political Agreement continues to be obstructed by hardliners in the government, and important issues regarding senior government appointments remain unresolved, notably the status of the current Reserve Bank Governor and the Attorney General;

Whereas ZANU–PF officials have made efforts to obstruct implementation of the Global Political Agreement as they continue to arrest legitimate journalists and human rights activists and delay the swearing into office of properly designated officials nominated by MDC; and

Whereas the security forces continue to operate outside the rule of law, condoning land invasions, restrictions on media access and freedoms, and harassment, arbitrary arrests, and detention of civil society activists in Zimbabwe: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government, in coordination with other democratic governments and international institutions desiring to help the people of Zimbabwe, should—

(1) continue to provide humanitarian assistance to meet the urgent needs of the people of Zimbabwe;

(2) make available increased resources for nongovernmental entities to provide assistance and to pay salaries or fees to appropriately qualified people in Zimbabwe to enable progress to be made in the critical areas of education, health, water, and sanitation;

(3) welcome and encourage responsible efforts by the international community to support, strengthen, and extend reforms made by ministries within the Government of Zimbabwe, especially the Ministry of Finance;

(4) provide concrete financial and technical assistance in response to requests from the people of Zimbabwe and civil society organizations in their efforts to draft and enact a new constitution based on democratic values and principles that would enable the country to hold fair and free elections at an early date;

(5) work with and encourage regional governments and leaders to promote human rights, the restoration of the rule of law, and economic growth in Zimbabwe;

(6) maintain the existing ban on the transfer of defense items and services and the suspension of most non-humanitarian government-to-government assistance until there is demonstrable progress toward restoring the rule of law, civilian control over security forces, and respect for human rights in Zimbabwe; and

(7) support the continuation and updating of financial sanctions and travel bans targeted against those individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and other ongoing illegal activities in Zimbabwe.

RECOGNIZING 10TH ANNIVERSARY OF ILO ADOPTION OF CONVENTION 182

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 177, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 177) recognizing the 10th anniversary of the International Labour Organization's unanimous adoption of Convention 182, ''Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that 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 related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 177

Whereas on June 17, 1999, the International Labour Organization (ILO) unanimously adopted Convention 182, ''Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour'', done at Geneva (T. Doc. 106-5) (in this preamble referred to as the ''Convention'');

Whereas on August 5, 1999, President William Jefferson Clinton submitted the Convention to the Senate for its advice and consent;

Whereas on October 21, 1999, the Committee on Foreign Relations of the Senate, under the chairmanship of Senator Jesse Helms, considered the Convention, and on November 3, 1999, reported it out of committee;

Whereas on November 5, 1999, the Senate unanimously agreed to the resolution of advice and consent to the ratification of the Convention;

Whereas on December 2, 1999, President Clinton signed the instruments of ratification of the Convention, as the United States became the third country to ratify the Convention;

Whereas the terms of the Convention apply to all children under 18 years of age and define the worst forms of child labor to include slavery and practices similar to slavery (including the sale and trafficking of children), forced or compulsory labor, debt bondage and serfdom, child prostitution and child pornography, the use of children in illegal activities (including drug production and trafficking), and work that is likely to jeopardize the health, safety, or morals of children;

Whereas the stated goals of the Convention include the effective elimination of the worst forms of child labor, ensuring that the parties take into account the importance of free basic education, removal of children from all work that is in violation of the Convention, and provision of rehabilitation and social integration for children who have engaged in work that it is in violation of the Convention;

Whereas since 1995, the United States has become the largest contributor to the ILO's International Program for the Elimination of Child Labor;

Whereas the Department of Labor has funded 220 projects through the International Program for the Elimination of Child Labor that have affected 1,300,000 children in 82 countries who were rescued from or prevented from entering the worst forms of child labor;

Whereas in May 2000, the United States Government enacted the Trade and Development Act of 2000 (Public Law 106–200), which included a provision that requires countries receiving duty-free access to the United States marketplace to take steps to implement the terms of the Convention in order to retain such trade privileges;

Whereas between 2000 and 2004, the worst forms of child labor declined worldwide, as the overall number of child laborers fell by 11 percent, from 246,000,000 to 218,000,000, and the number of young child laborers was reduced by 33 percent;

Whereas between 2000 and 2004, the number of children between 5 and 17 years of age who performed hazardous work fell by 26 percent, from 171,000,000 to 126,000,000; and

Whereas on the 10th anniversary of its adoption, a total of 183 countries have ratified the Convention: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the worst forms of child labor should not be tolerated, whether they occur in the United States or other countries; and

(2) on the 10th anniversary of its adoption, all parties to Convention 182, ''Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour'', done at Geneva June 17, 1999 (T. Doc. 106–5), should work toward its full implementation to realize the goal of eliminating the worst forms of child labor.

SUPPORTING OLYMPIC DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 178 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 178) supporting Olympic Day on June 23, 2009, and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that 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 related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 178

Whereas Olympic Day, June 23, 2009, celebrates the Olympic ideal of developing peace through sport;

Whereas June 23 marks the anniversary of the founding of the modern Olympic movement, the date on which the Congress of

Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas for more than 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States and Chicago, Illinois advocate the ideals of the Olympic movement;

Whereas hundreds of local governments from across the United States are joining together to show their support for bringing the Olympic Games to Chicago, Illinois in 2016;

Whereas Olympic Day will encourage the development of Olympic and Paralympic Sport in the United States;

Whereas Olympic Day encourages the participation of youth of the United States in Olympic and Paralympic sport;

Whereas Olympic Day will encourage the teaching of Olympic history, health, arts, and culture among the youth of the United States;

Whereas Olympic Day will encourage the youth of the United States to support the Olympic movement and the selection of Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games; and

Whereas enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

Resolved, That the Senate—

(1) supports Olympic Day 2009 and the goals that Olympic Day pursues; and

(2) encourages the International Olympic Committee to select Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games.

CONGRATULATING THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 179 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 179) congratulating the American Society of Mechanical Engineers on its 125 years of codes and standards development.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that 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 related to resolution be printed in the RECORD.

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

The resolution (S. Res. 179) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 179

Whereas the American Society of Mechanical Engineers (ASME), which was founded in 1880 and currently includes more than 127,000 members worldwide, is a premier professional organization serving the engineering and technical community through high-quality programs in the development and maintenance of codes and standards, continuing education, research, conferences, publications, and government relations;

Whereas in 2009, ASME is celebrating its 125th anniversary of codes and standards development, commemorating a rich history of engineering progress, technological safety, and service to industry and government;

Whereas the ASME codes and standards activity began in a period of rising industrialization in the United States and grew in stature and influence as technology advanced and new industries were born;

Whereas a significant achievement in the history of ASME includes the issuance of the first ASME Boiler Code in 1914;

Whereas the ASME Boiler and Pressure Vessel Code has since been incorporated into the laws of all 50 States and is also referenced in Canada and other parts of the world;

Whereas since the publication of its first performance test code 125 years ago, titled ''Code for the Conduct of Trials of Steam Boilers'', ASME has developed more than 500 technical standards for pressure vessel technology, electric and nuclear power facilities, elevators and escalators, gas pipelines, engineering drawing practices, and numerous other technical and engineered products and processes;

Whereas ASME codes and standards and conformity assessment programs are presently used in more than 100 countries;

Whereas ASME's celebration of its 125 years of codes and standards development is a tribute to the dedicated service of technical experts and staff whose efforts result in internationally accepted standards that enhance public safety and provide lifelong learning and technical exchange opportunities that benefit the global engineering and technology community; and

Whereas ASME honors the dedicated volunteers who participate in their codes and standards and conformity assessment programs, which today are a global operation involving more than 4,000 individuals: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates ASME on the 125th anniversary of its renowned codes and standards activity;

(2) recognizes and celebrates the achievements of all ASME volunteer members and staff who participate in the codes and standards programs;

(3) expresses the gratitude of the people of the United States for the contributions provided by ASME's codes and standards to the health, safety, and economic well-being of the citizenry of this Nation;

(4) recognizes ASME's focus on global and accessible standards development and their vision for technical competence and innovation;

(5) recognizes ASME's mission to be the essential resource for mechanical engineers and other technical professionals throughout the world for solutions that benefit humankind; and

(6) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of ASME.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WHITEHOUSE. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 180, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 180) to authorize testimony and legal representation in the United States v. Edward Bloomer, Frank Cordaro, Elton Davis, Chester Guinn and Renee Espeland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in actions in Federal District Court in the Southern District of Iowa. In these actions, protesters have been charged with impeding or disrupting the performance of official duties by Government employees for occupying Senator TOM HARKIN's Des Moines, IA office on February 25, 2009, and for refusing requests by the Federal Protective Service and the local police to leave the building. The prosecution has sought testimony from a former member of the Senator's staff who witnessed the relevant events. Senator HARKIN would like to cooperate by providing testimony from that person. This resolution would authorize that person to testify in connection with these actions, with representation by the Senate Legal Counsel of her and any other employee from whom evidence may be sought.

Mr. WHITEHOUSE. 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. 180) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 180

Whereas, in the cases of United States v. Edward Bloomer (CVB# H5049055), Frank Cordaro (CVB# H5049056), Elton Davis (CVB# H5049058), Chester Guinn (CVB# H5049093), and Renee Espeland (CVB# H5049095), pending in federal district court in the Southern District of Iowa, the prosecution has sought testimony from Dianne Liepa, a former employee of Senator Tom Harkin;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 1A 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Dianne Liepa is authorized to testify in the cases of United States v. Edward Bloomer, Frank J. Cordaro, Elton Davis, Chester Guinn, and Renee Espeland, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Dianne Liepa, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

ORDERS FOR WEDNESDAY, JUNE 10, 2009

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., tomorrow, Wednesday, June 10; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the second half; and that following morning business, the Senate resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, under the previous order.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, under the previous order, at approximately 11:30 a.m., the Senate will vote on the motion to invoke cloture on H.R. 1256.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Wednesday, June 10, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CONSUMER PRODUCT SAFETY COMMISSION

INEZ MOORE TENENBAUM, OF SOUTH CAROLINA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE HAROLD D. STRATTON, RESIGNED.

INEZ MOORE TENENBAUM, OF SOUTH CAROLINA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006, VICE HAROLD D. STRATTON, RESIGNED.

ROBERT S. ADLER, OF NORTH CAROLINA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2007, VICE STUART M. STATLER, RESIGNED.

DEPARTMENT OF STATE

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (DEMOCRACY AND GLOBAL AFFAIRS), VICE PAULA J. DOBRIANSKY, RESIGNED.

KENNETH H. MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

DEPARTMENT OF LABOR

WILLIAM E. SPRIGGS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE LEON R. SEQUEIRA, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be colonel

JEFFREY A. LEWIS

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

VINCENT P. CLIFTON
PATRICK J. COOK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID J. BUTLER
JON E. CUTLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BARRY C. DUNCAN
GREGORY GANSER
SCOTT H. HAHN
JAMES E. PARKHILL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID A. BIANCHI
SUBRATO J. DEB
ROBERT B. GHERMAN
DOMINIC A. JOHNSON
JOSEPH J. KOCHAN III
DAVID C. LU
STEPHEN H. MACDONALD
KEVIN C. MCCORMICK
DENNIS P. MCKENNA
DOUGLAS L. MCPHERSON
CURTIS R. POWELL
ALAN M. SPIRA
TROND A. STOCKENSTROM
DAVID J. STROH
BRUCE T. THOMPSON
SARAH WALTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LISA M. BAUER
JEFFREY GARCIA
SAMUEL G. JOHNSON
DAVID W. KACZOROWSKI
JAMES D. KIELEK
LEONARD A. KIOLBASA
MICHAEL L. MULLINS
EDWARD G. OESTREICHER
CHRISTOPHER D. PEARCE
JOSEPH E. STRICKLAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DWAIN ALEXANDER II
MONTE R. DEBOER
JILL R. JAMES
DANIEL G. JONES
DAVID N. KARPEL
KEVIN M. KELLY
JEAN M. KILKER
JOHN M. PRICE
DAVID M. STAUSS
JAMES A. TALBERT
THOMAS H. VANHORN
THOMAS E. WALLACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES F. ARMSTRONG
KATHARINE E. BEASLEY
EDNA M. CANDELARIO
ALISON P. EAGLETON
LAUREN A. EVANS
DEANA M. GALLEGOS
DEBRA S. HALL
ARTHUR B. HANLEY, JR.
AMEY HEATHRILEY
LINDA M. JACOBSON
LORI V. KARNES
PAULA J. LOVELETT
DAWN D. PESTI
RHODA S. A. POWERS
MARK C. SEBASTIAN
TERESA L. SMITH
JODY L. STANLEY
KIMBERLY A. SZYMANSKI
JULIE A. ZAPPONE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WILLIAM E. BUTLER
ROBERT F. CASAGRAND
THOMAS D. CHASE
EDWARD C. CHEVALIER
CRAIG P. DOYLE
CHARLES M. FUTRELL
JOHN D. LAZZARO
RANDALL J. RAMIAN
RONALD R. SHIMKOWSKI
JONATHAN D. WALLNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT J. CAREY
JOHN W. DEBERARD
PAUL DEMONCADA
DONALD L. MACONI
JOSEPH B. MATIS
ALAN R. REDMON
THOMAS D. ROACH
GARY L. ROUSE
GEORGE D. STEFFEN
DAVID J. SVENDSGAARD, JR.
GLENN A. TOOTLE
BRIAN S. VINCENT

EXTENSIONS OF REMARKS

HONORING MAYOR GIGI GRUBER

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. ROSKAM. Madam Speaker, I rise today to honor a dedicated public servant from my Congressional District, Mayor Claudia ''Gigi'' Gruber of Itasca. After twelve years as Mayor, Gigi is stepping down.

In her first experience with elected public office, Gigi served one term as a Village Trustee in Itasca. Then, in May 1997, Gigi was elected Mayor of Itasca. Over the years, Gigi has been an insightful observer, keen in her understanding of the long-term challenges facing the Village. Throughout her career, she has tackled these challenges with deft skill, deep understanding, and strong personal integrity.

While constant change has brought a steady stream of new difficulties for Itasca to confront, one thing has remained the same. Mayor Gruber has kept a steady hand to the wheel, advising the Village Board and working tirelessly for the benefit of the community and her residents.

Gigi Gruber has been an advocate for the people of Itasca since her very first days in office. Gigi truly embodies the meaning of a public servant as she approaches her job with compassion and humility. In her time with the Village, she has shown true leadership to bring economic development to the area. Gigi has improved all of our lives and left an indelible impression on the Village of Itasca.

Madam Speaker and Distinguished Colleagues, Gigi Gruber is a remarkable leader who has dedicated her life to serving the people of Itasca. Please join me in recognizing her extraordinary service and wishing her every happiness in her life's upcoming endeavors.

A TRIBUTE IN REMEMBRANCE OF MANUEL BURGOS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Manuel Burgos, a distinguished community activist of East New York.

Manuel Burgos is a true East New Yorker and operates the small business Rare Arts. Growing up in East New York during the 1970s enabled Mr. Burgos to see first hand how disinvestments, crime, lack of social services and inadequate healthcare effects the neighborhood he is from. Mr. Burgos decided to enter community service to enhance the atmosphere and nature of East New York.

Before he turned 13, Mr. Burgos had already participated in many vacant lot cleanups throughout the neighborhood. By his late teens he worked as a youth leader in his church's efforts to provide a Friday night safe haven for other youth in his neighborhood. At the age of 16, Mr. Burgos worked on a political campaign that made him realize political participation was the necessary means to effecting real change in communities like East New York. While in college he learned of the community organizing work of other young Latinos around the country and this shaped his future in critical ways.

Throughout his twenties, Mr. Burgos worked in his church as a youth mentor providing youth programming and a safe haven for teens. He worked in several nonprofits such as Cypress Hills LDC and the East New York Urban Youth Corps (ENYUYC) as a director for afterschool programming. While working for ENYUYC Mr. Burgos partnered with local police, community leaders, residents and merchants in a pilot program called Community Safety Initiative (CSI) to create a powerful problem solving consortium that was directly responsible for significant drops in violent crime. During this time, Mr. Burgos served as co-writer of the East New York Weed & Seed.

Today Mr. Burgos continues his work as a technical assistance provider on the local level, giving back to community projects that he helped build years ago. He has authored many papers on community-based collaborative problem solving and he developed a training guide on the same subject. His business, Rare Arts, is the mold of his writing and designing skills.

Madam Speaker, I urge my colleagues to join me in recognizing Manuel Burgos.

AARON MENDOZA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Aaron Mendoza who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Aaron Mendoza is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Aaron Mendoza is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Aaron Mendoza for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

HONORING WILL ORR FOR HIS APPOINTMENT TO THE UNITED STATES MILITARY ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that William Orr from Rome, Georgia, has received an appointment to the United States Military Academy. Will attends Darlington School, where he has a 3.93 Grade Point Average and has been selected as a member of the National Honor Society. In addition to his academic achievements, Will has also been an athletic star for Darlington, where he has played on Darlington's football, basketball, and soccer teams. He has earned varsity letters in four sports while at Darlington and was a captain on the football team for two years. Will is also very dedicated to public service and has participated in multiple mission trips with his church. Further, he has been selected to be a part of West Point's Summer Leadership Seminar.

Will Orr is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Military Academy. I ask that my colleagues take this time to congratulate Will as well as his parents, James and Jo Orr, for all of his accomplishments. It is because of dedicated young people like Will that America has the finest military in the world. Our nation is fortunate to have his service.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. McHUGH. Madam Speaker, on Thursday, May 21, 2009, I was unavoidably delayed and unable to vote on rollcall Nos. 288 through 291. Had I been present, I would have voted ''yes'' on No. 288, ''yes'' on No. 289, ''no'' on No. 290, and ''yes'' on No. 291.

TRIBUTE TO SSG JEFFREY ALAN HALL

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to honor the memory of SSG Jeffrey Alan Hall.

On June 1, 2009, Jeffrey Hall and two other soldiers were killed in Afghanistan by a roadside bomb west of Kabul. Jeffrey was part of

the U.S. Army's 2nd Battalion in the 10th Mountain Division and had achieved his lifelong goal of earning the distinction of serving as a U.S. Army Ranger. As our nation and my community struggles with this sudden loss, I would like to pause and recognize Staff Sergeant Hall and the ultimate sacrifice paid by him and his family.

Jeffrey was an eight-year veteran of the United States Army, earning many well-deserved awards and decorations including two Army Commendation Medals, the National Defense Service Medal, a NATO Medal and a Global War on Terrorism Expeditionary Medal. This was Jeffrey's third tour in Afghanistan. He was an American Hero who believed in his mission and told his father that this was a sacrifice he was willing to make to protect his country and the freedoms we enjoy.

Jeffrey Hall was a soldier but he was also a loving son to his parents Charles and Annette, a devoted husband to his wife Allison and eleven months ago became a father to Audrey Faith. Jeffrey loved life and his family and the outpouring of love and affection by his family and friends is the real tribute to the man that he was and the life that he led.

Staff Sergeant Hall is an inspiring example that we can all look up to and aspire to be like. He put the safety of all Americans before his own, and the people of this nation will be forever grateful. He motivated and inspired those around him and will be greatly missed by all who knew him, and by those who never had the honor and privilege of meeting him.

Our country lost a great soldier and an even better son last Monday. All of us in north Alabama are deeply saddened by Jeffrey's passing. On behalf of the entire community in the Tennessee Valley, across Alabama and a grateful nation, I rise today to remember SSG Jeffrey Allen Hall and to pay tribute to his honor, his sacrifice and his memory.

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. BACA. Madam Speaker, please excuse me for departing early on Thursday, June 4, 2009. I left for personal reasons due to the severe illness of my brother. If I would have been here, I would have voted for H.R. 626, the Federal Employees Paid Parental Leave Act of 2009.

A SPECIAL TRIBUTE TO THE RETIREMENT OF RICHARD A. GILTS AS PERRYSBURG POLICE CHIEF

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I pay a very special tribute to an outstanding Police Chief in the Fifth District of Ohio. Richard A. Gilts of Perrysburg, Ohio has been serving the area for Thirty-Nine years, where he was promoted as the Sixth Chief of Police of Perrysburg in 2003.

Madam, Speaker, there is no question that the safety of our citizens is vital. In January of 1976, when Richard was hired on to the Perrysburg Police Division, he rose through the ranks to become Sergeant in 1983 and Lieutenant in 1993. The safety of its citizens is of upmost importance to the city. Chief Gilts has demonstrated his commitment to this goal through his involvement in programs such as Safety Town, D.A.R.E., and the Perrysburg Police Foundation. Chief Gilts was an active member of Rotary International, having served as the President of the Perrysburg Rotary Chapter from 2005 to 2006.

On August 12, 2004, Chief Gilts dedicated a new 26,000 square foot police facility, which replaced the 4800 square foot station that was constructed at the same location in 1965. On August 28, 2004, Chief Gilts and the Police Division assisted with operational matters during a visit by President George W. Bush at the historic Fort Meigs Memorial Park. In the week leading up to the event, Chief Gilts and the Department were consumed by logistical and tactical issues, such as procurement and placement of equipment and props, fencing, barriers, site and crowd security, medical assistance, personnel scheduling and perimeter security.

Madam Speaker, I ask my colleagues to join me in paying special tribute for the service of Chief Gilts. On behalf of the people of the Fifth District of Ohio, I wish Chief Gilts all of the best in his future endeavors.

A TRIBUTE IN REMEMBRANCE OF RONALD S. CLINTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ronald S. Clinton, dedicated community leader and advocate.

Ron Clinton's remarkable twenty year experience is highlighted by a personal dedication to organizational effectiveness and empowering others to succeed. He has devoted most of his professional services to the areas of assessment, consultation, development, planning and management services for small, mid-size and large companies.

Mr. Clinton graduated from Boriqua College with a bachelor's degree in Human Services. He continued his graduate studies at Yeshiva University where he received his Masters of Social Work and specialized in community organizing. It was during this time that Mr. Clinton pursued and developed Helping Hands Unlimited, Inc. (HHU), a not-for-profit organization. It was through HHU that Mr. Clinton created and committed himself to the mission of bringing qualified health professionals into impoverished communities to ensure the delivery of quality care.

Mr. Clinton is President and Founder of Helping Hands Unlimited, Inc. He has represented clients in various capacities working closely with inter-governmental affairs at the city, state and federal levels ensuring the public interest of his clients. One of his paramount goals is to build a creative and aspiring consulting company over a strong foundation and guiding principles of leadership and success.

As a community leader and activist, Mr. Clinton serves on numerous boards and committees. His drive and passion for effecting positive change are evident through his personal efforts and commitment to stay involved in community service. The vast influential relationships he built over the years strengthened his solid position among his colleagues. Mr. Clinton served as the vice president of Pueblo democratic club in Williamsburg/Bushwick. He was elected as the Democratic Party's Kings County delegate for Al Gore's presidential candidacy. Mr. Clinton ran for the New York City Department of Education School District 32 School Board in 2002. In 2004, Mr. Clinton ran for New York State Senate and served as co-chair of the East New York and Brownsville HIV Care Network and is currently serving as chairperson of Woodhull Medical Center North Brooklyn Network Community Advisory Board.

Mr. Clinton enjoys spending time with his ten-year-old son, Ronald, coaching baseball, basketball and wrestling.

Madam Speaker, I urge my colleagues to join me in recognizing a man of great conviction and dedication to community service, Ronald S. Clinton.

EMANUEL MENDEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Emanuel Mendez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Emanuel Mendez is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Emanuel Mendez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Emanuel Mendez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

SUPPORTING BOY SCOUTS OF AMERICA DAY

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. GINGREY of Georgia. Madam Speaker, in celebration of the nation's largest youth scouting organization's 100th anniversary, I rise today in strong support of H. Res. 356, a resolution expressing support for the designation of February 8, 2010, as "Boy Scouts of America Day."

The Boy Scouts of America is an outstanding organization that prepares young men to be the future leaders of our Nation. Since 1910, Scouting has helped mold these boys by combining educational activities and

lifelong values with fun. The Boy Scouts of America understands that helping youth puts our nation on a path toward a more conscientious, responsible, and productive society. Scouting helps young people develop self-confidence, as well as prepare them with academic, ethical, leadership, and citizenship skills that influence their adult lives.

The Boy Scouts of America builds upon strong traditional family values to complement the education of our young men through its mission of mentoring, lifelong learning, faith traditions, serving others, healthy living, and building character.

While various activities and youth groups teach basic skills and promote teamwork, Scouting goes beyond that and encourages youth to achieve a deeper appreciation for service to others in their communities. Finally, and perhaps most importantly, Scouting promotes activities that lead to personal responsibility and high self-esteem. As a result, when hard decisions must be made, peer pressure can be resisted and the right choices can be made.

Madam Speaker, from the beginning of the Boy Scout program to the eventual completion and rank of Eagle Scout, Boy Scouts of America has long trained young men in the necessary skills that will enable them to be the future leaders of the United States. I applaud the efforts and the accomplishments of all of our nation's Boy Scouts, and specifically those of the 11th District of Georgia, which is my privilege to represent in Congress. I urge all of my colleagues to continue to support this honorable organization and the excellent young men that it continues to produce.

MEDICARE TRANSITION CARE ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Medicare Transition Care Act of 2009.

When people leave the hospital after an operation or illness, they are often overwhelmed by a complicated and risky road to recovery. Patients frequently report difficulty remembering clinical instructions, confusion over medications, and, in cases where multiple providers are involved, often get conflicting instructions from different providers. Providing a transitional care benefit within Medicare will help coordinate care, develop a care plan for patients and their caregivers, identify potential health risks, and prevent unnecessary hospitalizations.

This bipartisan legislation gets to the heart of improving quality while reducing costs. A study published in April 2009 in the New England Journal of Medicine found that almost one-third of Medicare beneficiaries studied who were discharged from a hospital were re-hospitalized within 90 days. Additionally, one-half of the individuals re-hospitalized had not visited a physician since their discharge, indicating a lack of follow-up care. The study estimated that Medicare spent $17.4 billion in 2004 on unplanned re-hospitalizations.

The Medicare Transition Care Act will directly address continuity of care problems by increasing support to patients as they move from the hospital to their new care setting and ensuring that appropriate follow-up care is provided during this vulnerable period. The benefit would be phased-in, initially targeting just the most at-risk individuals by providing evidence-based transitional care services tailored to their specific needs.

I am proud to partner with Congressman BOUSTANY, a cardiothoracic surgeon, on this commonsense legislation that will improve the quality and efficiency of our health care system.

HONORING THE INDIANA NATIONAL GUARD'S 1313TH ENGINEER COMPANY WHO WILL SOON BE DEPLOYING TO IRAQ

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. HILL. Madam Speaker, today, I would like to pay honor to the Indiana National Guard's 1313th Engineer Company, who will be deploying to Iraq in July and spending the next year there. These brave citizen soldiers, based out of Camp Atterbury in Edinburgh, IN, will be conducting a wide range of engineering missions in support of Operation Iraqi Freedom; including searching for improvised explosive devices, building roads and bridges, and, in general, improving lives to both our service personnel in Iraq and Iraqi civilians.

I am confident that their skilled work and dedication to duty will save lives, improve conditions in Iraq, and ultimately work toward the completion of our country's mission in Iraq.

I would also like to honor the families of these Guardsmen, who without their love and support, would make this already difficult task that much more challenging. They too share in the hardships of military service, and they too deserve our utmost thanks and respect.

These brave Hoosier Guardsmen and their families will be in my thoughts and prayers.

CONGRATULATING RAMSEY POLICE DEPARTMENT D.A.R.E. PROGRAM STUDENTS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GARRETT of New Jersey. Madam Speaker, today, the Ramsey Police Department will hold its D.A.R.E. graduation ceremony with the students from the John Y. Dater and St. Paul Interparochial Schools. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of Chief of Police Bryan Gurney and the brave men and women of the Ramsey Police Department.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our nation's school districts and in more than 43 other nations. This program allows children to defeat the negative cultural influences that they are challenged with daily by opening the lines of communication between law enforcement and youth and empowering them with confidence and courage to say no to drugs.

I am proud of the young boys and girls who participated in this program in Ramsey, and I would like to recognize them all for taking this step toward positive citizenship:

Mark Andersen, Michael Babikian, Samuel Berman, Brianna Bussiere, Olivia Carriero, Michael Cassella, Francesca De Palo, Matthew De Pinto, Sonny Del Valle, Ross Farcas, Fiona Flood, Melanie Greenberg, Dwight Han, Sarah Hattar, Lindsay Hoffman, Morgan Kleinberg, Julie McNamara, Justin Millet, Brandon O'Callahan, Courtney Schreiber, Ryan Scialla, Nikita Serafin, Ashley Sicard, Jacob Simpson, Zachary Becher, Jessica Bell, Jacob Berkofsky, Kaley Bogden, Michael Brunton, Elizabeth Burch, Michael Careccia, Connor Chamberlin, Kara Checke, Emily Derleth, Marc Doran, Shannon Fine, Joseph Frohlich, Christina Goudelias, Joseph Guthrie, Patrick Journick, Brian Lander, Elaine Les, Enmanuel Lugo Abreu, Brandon Mazzola, Rebecca Moya, Allison Murphy, Stephen Pirro, Kelly Richter, Alaina Sebes, Lucas Alvarez, Rosemary Arpino, Christopher Di Palma, Katherine Donnelly, Daniel Donovan, Ryan Faulkner, Thomas Feehan, Daniel Giallombardo, Meredith Halik, Haruna Ishii, Kevin Johns, Melissa Lara, Devan Larson, Maria Martino, Jesse Mitchell, Megan Murphy, Mariana Perez, Eric Pflugfelder, Stephen Porter, Christine Song, Austin Triglia, Kayla Vanderbilt, Siera Vari, Alexandra Aloi, Robert Beers, Joshua Bialkin, Emma Bogaenko, Megan Bosso, Gregory Botz, Carlie Capela, Joseph Carroll, Nicole De Franco, Matthew Donnelly, Bridget Gregory, JohnEric Hornyak, Ashley Houser, Kenneth Kasprzak, Kevin Latz, Kellen McDonald, Peter McNally, Kazuki Miyamoto, Amanda Nedelkoff, Bridget Quinn, Victoria Stitz, Samantha Stollman, Caitlin Sweeney, Evan Szucs, John Alicandri, Jenna Bahnsen, Olivia Cseh, Matthew Desimone, Conor Dobson, Olivia Gilligan, Mackenzie Juhlin, Elise Kelly, Sean Kopczynski, Kelsey Larkin, Erin Latz, Katherine Lenahan, Garrett Mast, Kathryn Miller, Jennifer Monteith, Patrick O'Keefe, Jeffrey Padovano, Jacqueline Pesco, Sean Riordan, Jared Schwarz, Alexander Sebastiano, Haydn Van Dyk, Lauren Venturini, Kaitlyn Zwerling, Sarah Ahearn, Kayla Azouri, Danny Balbuena, Tye Baruffaldi, Nicole Borbone, Samuel Brickman, Gabrielle Daniels, Kristen Foelsch, Anne Glerum, Jake Gursaly, Josue Herrera, Siranush Hovhannisyan, Kathryn Iannuzzi, Kazel Kapadia, Brendan Mahon, Peter Mariani, Robert McOwen, Victoria Medlicott, David Mende, Harrison Mobbs, Jessica Pevny, Elena Polin, Henry Ruitenberg, Ryan Shevlin, Christopher Spittler, Kimberly Tuntigian, Brita Andersen, Taylor Corbett, Julia D'Antonio, Matthew Davidson, Sean Donnelly, Sean Donohue, Timothy Finnegan, Lillian Hong, Samantha Hotz, Harrison Illes, Brendan Jahnke, Khadija Khan, Lily Kramer, Brian Kurnentz, Lacey Laggan, Thomas Lanning, James Messina, John Milligan, James O'Keefe, James Pupalaikis, Alyssa Rose, Breanna Russell, Elisa Silecchia, Kara Sutcliffe, Anna Wanner, Jack August, Brooke Bernier, Carlo Alberto Bolognini, Kelly Carolan, Jake Cataldo, Christina Cowie, Deanna De Luca, Brooke Dommenge, Matthew Eng, Jacob Englishman, Zachary

Gampel, Evan Graf, Rio Greenshields, Beatrice Lee, Chae Young Lee, Matthew Lee, Daniel Moon, Kyle Pacenza, Arpeet Patel, Emily Patunas, Madison Smith, Brooke Tommaney, Hannah Tracy, Heather Wang, David Acampora, Antonio Belmonte, Paige Cassella, Michael Cirilli, Ethan Cohen, Samantha Creamer, Athena Davis, Lia DiPiazza, Brianna Francis, Brianna Jakus, Matthew Lowery, Wesley Ng, Ian Quin, Basit Qurbanzada, Adam Reisfield, Alexa Remia, Zachary Rockefeller, Bridget Scanlon, Thomas Scanlon, Jonathan Scheibenpflug, Shayna Scott, Jeong Seo, Ashley Silecchia, Emily Yankovich, Laura Branna, Kyle Buser, Dale Cheyne, Sophia Colon, Pauline Crepy, William Danz, Kyle DeBel, Amber Finkeldey, John Gaffney, Lina Hyman, Julianne Kadien, Alexandra Kilkenny, Julia Kissel, Kendall Magennis, Thomas McCormack, Michael McGuirk, Jannica Mendez, Aleasa Molinari, Matthew Myhr, Matthew San Julian, Margaret Schiazza, Evan Shi, Michael Turso, Peyton Wejnert, Min Soo Kang, Scott Balcom, Bridget Beyer, Emily Boylan, Kevin Caroli, Sophie D'Souza, Lauren Gallagher, Yeonsoo Kim, Jack Kuipers, Connor LaSpina, Jeffrey Lieto, Margaret McCarthy, Ryan McKenna, Justin Murad, Kerri-Anne Nicholson, Rosemary Pawloski, Brandon Potenza, Nicholas Proscia, Tyler Ramirez, Hayley Rieman, William Romano, Melissa Samanoglu, Nicholas Scavone, Kathleen Smith, Alexander Tekerian, Daniel Tuite, Roberto Paraz, Michael Han, and Issaac Utter.

I would also like to take this opportunity to recognize Patrolman Timothy Shoemaker, Lead D.A.R.E. Instructor for the Ramsey Police Department. A thirteen-year veteran of the force, Patrolman Shoemaker was recently honored as the New Jersey D.A.R.E. Officer of the Year. As Patrolman Shoemaker told the Bergen Record, ''A policeman needs to be a leader and a role model in the community. I'll protect you from the bad guys. But, also, if you're going through something tough . . . a policeman can be your friend.'' Patrolman Shoemaker has daily lived up to these words. All who interact with Patrolman Shoemaker—criminals aside—can't help but sing his praises, and today I add my voice to the choir. I commend this humble and dedicated public servant on this well deserved recognition. I know Ramsey students and parents alike would join me in saying that our streets are safer and communities stronger for his presence.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mrs. McCARTHY of New York. Madam Speaker, yesterday, I missed three votes. I would have voted:

Rollcall No. 311, on the motion to suspend the rules and agree to H.R. 1736, the International Science and Technology Cooperation Act of 2009, I would have voted ''yea.''

Rollcall No. 312, on the motion to suspend the rules and agree to H.R. 1709, the STEM Education Coordination Act of 2009, I would have voted ''yea.''

Rollcall No. 313, on the motion to suspend the rules and agree to H. Res. 420, Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day, I would have voted ''yea.''

A TRIBUTE IN REMEMBRANCE OF REVEREND DOCTOR PASTOR LAURENT LOUIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend Doctor Pastor Laurent Louis, a man dedicated to serving God, his family and the community.

Pastor Laurent Louis was born on February 12, 1956 in Port-au-Prince, Haiti. He attended Lycee Petion a school that stressed duty, responsibility and serving others. In June 1978, he graduated high school and studied theology at the International Seminary of California. He is a caring father, loving husband, devoted pastor and a committed community leader.

At the age of 15, Pastor Louis began serving his church and the community with great respect and responsibility. He taught Sunday school and led the youth to a spiritual and disciplined life while devoting time and energy to his community. People in his community elected him to be the General Secretary of the soccer teams of the Croix Des Bouquets. He later became a sports broadcaster and an impartial referee in his sportive career. He knew health and sports can lead to good academics and a successful life.

Pastor Louis came to New York City in January of 1981 and soon fell in love with the Big Apple. He saw the need for his community to organize spiritually, and he immediately joined Emmanuel Baptist Church. It did not take his pastor long to discover Pastor Louis' leadership and appointed him assistant pastor, youth president and leader of the missionary. He accomplished his mission so well that when there was a need for a station church at Coney Island, Pastor Louis was selected to take on the task; within a few months there were 40 members.

Pastor Laurent Louis also founded an academic club to have students help one another. He understood how to bring good people together from the community to help in this endeavor. This club saved many young students and 95 percent succeeded academically. With good will and the help of good people, Pastor Louis was able to accomplish so much for his community.

Pastor Louis has been happily married for 25 years, and enjoyed a successful life with his wife Marie Mireille Louis and their six children. His first daughter Deborah, his sons Nathanael and Benjamin are attending college. His daughters Eltamar and Jessica are in high school and Johanna is in elementary school.

Madam Speaker, I urge my colleagues to join me in recognizing Pastor Laurent Louis.

JUSTIN McADOW

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Justin McAdow who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Justin McAdow is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Justin McAdow is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Justin McAdow for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

HONORING DUNCAN HALL FOR HIS APPOINTMENT TO THE UNITED STATES NAVAL ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Duncan Hall from Kennesaw, Georgia has received an appointment to the United States Naval Academy.

Duncan attends North Cobb High School, where he has a 4.104 Grade Point Average and is the Vice President of the student body. Duncan is the Commanding Officer of the North Cobb and Harrison High School NJROTC Unit and has been the NJROTC Unit Academic Team Commander for the past two years. Duncan also serves as NJROTC Academic Tutor and a Character Education Advisor for Underclassman. He was presented the Theodore Roosevelt Youth Medal for Outstanding Performance of Duty in the NJROTC program by the Navy League of the United States and was selected as the Atlanta Metropolitan Navy League's 2nd runner up for Cadet of the Year. Duncan has also been recognized with the American Legion's Scholastic Achievement Medal.

In addition to Duncan's focus on academics and military preparation, he has remained very active in extracurricular activities, lettering on both North Cobb's track and cross country teams. Duncan Hall is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Naval Academy. I ask that my colleagues take this time to congratulate Duncan as well as his parents, Duncan and Stefani Hall, for his accomplishments. It is because of dedicated young people like Duncan that America has the finest military in the

world. Our nation is fortunate to have his service.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. HODES. Madam Speaker, I missed the following votes on June 8, 2009. I would have voted as follows:

(1) Rollcall vote 311—H.R. 1736—International Science and Technology Cooperation Act of 2009 (Representative BAIRD—Science and Technology)—"yea"

(2) Rollcall vote 312—H.R. 1709—STEM Education Coordination Act of 2009 (Representative GORDON—Science and Technology)—"yea."

(3) Rollcall vote 313—H. Res. 420—Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day (Representative LATTA—Oversight and Government Reform)—"aye."

PERSONAL EXPLANATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I regret that I was unavoidably detained and was unable to vote on Thursday, the 4th of June. Had I been present, I would have voted:

"No" on rollcall vote No. 309, On Motion to Recommit with Instructions to H.R. 626.

"Yea" on Final Passage of H.R. 626, Federal Employees Paid Parental Leave Act of 2009.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PUTNAM. Madam Speaker, on Monday, June 8, 2009, I was not present for 3 recorded votes. Please let the record show that had I been present, I would have voted the following way:

Roll No. 311—"yea," Roll No. 312—"yea," Roll No. 313—"yea."

IN HONOR OF JAMES E. LEIGHTY, LIEUTENANT COLONEL, USMC

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to Lieutenant Colonel James E. Leighty, USMC, upon his retirement after twenty years of service to the Marine Corps and to the Nation. My initial experience with Lt. Col. Leighty was when he was selected to serve as a Congressional Fellow in my office in 2004. During this period, he displayed a dedication to duty and a maturity that represent the finest attributes of the men and women wearing our Nation's uniform. After completing his fellowship, Lt. Col. Leighty was assigned to the Pentagon, assuming the vitally important position as the principal Marine Corps Appropriations Liaison Officer. In that capacity, he was the primary source of information and education regarding Marine Corps programs for the Members and staff of the Congress' Appropriations Committees. Lt. Col. Leighty was instrumental in articulating Marine Corps requirements on a wide range of issues, from the needs of our Wounded Warriors and their families to the requirements of Marines on the front lines in Iraq.

In addition, Lt. Col. Leighty often accompanied Members of Congress and their staff on official travel to various locations around the world. During these trips, he was always focused, enthusiastic and totally knowledgeable on the Marine Corps. He provided valuable insights to all those he accompanied.

Lt. Col. Leighty was born in Roseburg, OR and graduated from the University of Rochester in 1989 with a degree in Economics and Political Science, and received his commission through the NROTC program. His various assignments included a tour as a Budget Officer with the Marine Corps Systems Command in Quantico, VA, Deputy Comptroller for the 3d Marine Division in Okinawa, Comptroller for the 12th Marine Corps District aboard Marine Corps Recruit Depot, San Diego, and analyst within Programs & Resources, Headquarters Marine Corps. He has attended the Amphibious Warfare School at Quantico, and the Naval Postgraduate School in Monterey, California.

Lt. Col. Leighty's personal awards include the Meritorious Service Medal and the Navy and Marine Corps Achievement Medal.

On behalf of the United States Congress, I wish to express my sincere thanks for his hard work, selfless service, and dedication to the Marine Corps. I want to personally wish him and Jayne continued success in all their future endeavors.

A TRIBUTE IN REMEMBRANCE OF RONALD LAW

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ronald Law, a dedicated public servant of New York.

Ronald Law has spent his career in both public and private sectors as an advocate for education, health care, community development, business management and human rights. Mr. Law has held key positions in city, state and federal government. He has served two governors, a United States Senator and New York City Mayor. He has an undergraduate degree from the State University of New York at New Paltz and is a graduate of Harvard University's Kennedy School of Government.

Mr. Law began his career in 1976 as a member of the advance and scheduling team for the mayoral candidacy of then Manhattan Borough President Percy Sutton. In 1978 he joined the staff of Governor Hugh L. Carey, as a confidential assistant. In July of 1985 Mr. Law was appointed Executive Director of the Paul Robeson Health Organization in Central Harlem, a fee-for-service health care facility offering 32 medical services. Upon leaving the Paul Robeson Health Organization, he became the Executive Director of the Center for the City, an organization sponsored by the New York City Council of Churches. Mr. Law directed IDS education, drug prevention, emergency shelter and community outreach for this organization.

In 1990, Governor Mario M. Cuomo appointed Mr. Law Director of the New York State Crisis Prevention Unit within the New York State Division of Human Rights. In 1993, Mr. Law joined the staff of the U.S. Senator Daniel Patrick Moynihan as the New York Regional Director. In 1996, he joined Mayor Rudolph W. Giuliani's administration as the chief of staff for Deputy Mayor Rudy Washington. Today he is the Director of Intergovernmental Relations for Metro Plus Health Plan, a subsidiary of the New York City Health & Hospitals Corporation.

Mr. Law is a member of the New Paltz Foundation which raises funds for scholarships, campus programs and student/faculty mentoring experiences. Mr. Law has published an article on health care in The Review of Black Political Economy.

Madam Speaker, I urge my colleagues to join me in recognizing Ronald Law and his many contributions to New York.

KAITLYN MAZZONE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kaitlyn Mazzone who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kaitlyn Mazzone is a senior at Arvada West High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kaitlyn Mazzone is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kaitlyn Mazzone for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING SCOTT ROWE FOR HIS APPOINTMENT TO THE UNITED STATES NAVAL ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from

Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Scott Rowe from Kennesaw, Georgia has received an appointment to the United States Naval Academy. Scott attends Harrison High School, where he has a 3.75 Grade Point Average and has earned the College Board AP Scholar Award. Scott is also a member of Mensa. In addition to Scott's focus on academics, he has remained very active in extracurricular activities. He is on Harrison's wrestling and swim teams and is President of the school's Integrity Team.

Scott is also very involved in community service activities, such as Habitat for Humanity. Scott Rowe is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Naval Academy. I ask that my colleagues take this time to congratulate Scott as well as his parents, Larry and Barbara Rowe, for his accomplishments. It is because of dedicated young people like Scott that America has the finest military in the world. Our nation is fortunate to have his service.

TRIBUTE TO JOHNSON COUNTY ASSISTANT ELECTION COMMISSIONER KAREN BROWNING

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. MOORE of Kansas. Madam Speaker, I am pleased to have this opportunity to pay Karen Browning, who recently stepped down after 41 years of service with the Johnson County, Kansas, Election Office, including 27 years as Assistant Election Commissioner.

Dedicated, experienced public servants like Karen Browning are the glue that holds government together at all levels, but they often do not receive the respect and consideration that they deserve. Karen Browning's retirement took from her office 41 years of deep devotion to her community and an intricate knowledge of the rules and history of Johnson County elections—a background that the citizens of Johnson County will find to be irreplaceable. I am pleased to have this opportunity to share with the other members of the House of Representatives a brief profile of Karen Browning which recently was published in the Johnson County Sun. I know that all Johnson Countians join with me in wishing Karen Browning all the best as she embarks upon her much deserved retirement, and we also thank her for her years of dedicated service and work to ensure that Johnson County elections have been conducted in a manner above reproach.

ELECTION OFFICIAL RETIRES AFTER SERVING 40 YEARS

(By Chuck Kurtz)

It was a one-issue, one-candidate ''election'' and assistant election commissioner Karen Browning cast the only vote: ''Yes to Proposition Retirement.''

After nearly 41 years with the Johnson County Election Office in Olathe, Browning officially retired May 22; a reception in her honor is planned for 3 to 6 p.m. June 17 at the Election Office, 2101 E. Kansas City Road, Southeast of Bass Pro, where Kansas Secretary of State Ron Thornburgh will pay tribute to her service.

Also speaking will be County Chairwoman Annabeth Surbaugh and Johnson County Election Commissioner Brian Newby.

Browning said she always will look back on her career with great fondness.

''My time at the Election Office was an incredible experience, full of hard work, passion for elections and democracy,'' she said. ''It has been a great career that I have always enjoyed, but it's time for a new chapter in my life and to take it easy.'' In the past 40 years Browning has: Worked in more than 200 Johnson County elections, including 11 presidential elections; Served under six of Johnson County's eight election commissioners and 32 county commissioners; and, Watched the county's voter registration increase almost fourfold.

She said she welcomed the end to hand-counting thousands of paper ballots when the county switched to touch-screen voting machines. Counting paper ballots is time consuming, she said, and computers bring quicker results and less stress.

Browning's passion for the importance of voting was instilled in her as a child.

''My folks always talked about voting and how important it was,'' she said. ''I started when I was young. Voting was already an important part of my life.''

That led to her passion for doing her best as an employee at the election office. Newby said Browning was a walking encyclopedia and office historian. She has complete records on every election since she has been with the county.

''If anyone has a question about a past election, Karen is the person to ask,'' he said.

''She has given so much to our county and to our voters; she provided the best return on tax dollars that could ever be imagined,'' Newby said. ''She leaves with the distinction of being the most effective election office employee ever in Johnson County.''

In Browning's first presidential election Nov. 5, 1968, a total of 88,314 of Johnson County's 100,610 registered voters cast their ballots. In her last presidential election, Nov. 5, 2008, a total of 285,001 of the 364,441 registered voters cast ballots.

Her first job at the election office was as a key punch operator since all voter registration cards and reports were typed by hand.

''When we processed registrations, we typed them into the books that went to the polling places,'' she said. ''We typed men on one page and women on another, which I found very interesting.''

Newby said Browning has been instrumental in the evolution of the voter registration process, which she has overseen for many years.

In 1978, Browning was named election clerk supervisor followed by election manager in 1979 with primary responsibilities for voter registration and list maintenance.

She has served as assistant election commissioner the past 27 years.

Browning also has overseen Census and mapping operations, and knows Johnson County geography like the back of her hand, since any ''visible ground feature'' might someday be needed as a precinct boundary.

Although the election process has experienced significant changes over the years, Browning said one thing has not changed. The integrity of the ballot, even from a touch-screen voting machine, is still held sacred, and that requires rigorous adherence to the office's confirmation procedures, she said.

Browning has mixed feelings about leaving Johnson County public service, but admits she will most miss the people.

''Elections begin and end with people,'' she said.

In retirement, Browning plans to spend more time with her family, and continue to volunteer in her many civic and church activities.

Her family includes three sons, three grandchildren, and two great-grandchildren.

''We will miss her and wish her well,'' Newby said, ''but we are gratified to know that she will always be a phone call away to advise us if we have a thorny issue. We even offered—threatened, I guess—to continue equipping her with a Blackberry so she could still be in the e-mail loop and give us guidance.''

So far, no response from Browning.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to the Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill and the Fiscal Year 2010 Homeland Security Appropriations Bill.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill

Account: OJP-Byrne

Requesting Entity: Southeast Missouri Network Against Sexual Violence

Address of Requesting Entity: 1106 Missouri Avenue, West Plains, Missouri 65775

Description of Request: To provide an earmark of $200,000 to the Southeast Missouri Network Against Sexual Violence (SEMO NASV) to equip and staff an office in the Bootheel of Missouri to assist victims of domestic and sexual violence, as well as support local law enforcement investigations. SEMO NASV provides services to over 700 adult and child victims of sexual and physical abuse. The organization serves a 10 county region in Southeastern Missouri. It plays a vital role in the process of convicting sex offenders, provides counseling and other services to victims. The funds will be spent as follows: $126,000 for personnel, $59,000 for equipment, $12,000 for office space, and $3,000 for training and travel.

Requesting Member: Representative JO ANN EMERSON

Bill Number: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill.

Account: COPS-Meth

Requesting Entity: Southeast Missouri Drug Task Force

Address of Requesting Entity: P.O. Box 1763, Sikeston, Missouri 63801

Description of Request: Provide an earmark of $200,000 to supplement and support operations of the Southeast Missouri Drug Task Force (SEMO DTF). SEMO DTF is a multi-jurisdictional drug task force unit that serves a 10-county area of Southeast Missouri. The unit conducts both covert and overt investigations into the possession, manufacture, and distribution of controlled substances. The funds will be spent as follows: $32,000 for personnel, $89,000 for overtime compensation, $66,000 for equipment, $4,500 for telecommunication services, $6,000 for supplies, and $2,500 for personnel expenses.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill

Account: COPS-Meth

Requesting Entity: Mineral Area Drug Task Force/City of Leadington, Missouri

Address of Requesting Entity: P.O. Box 349, Farmington, MO 63640

Description of Request: Provide an earmark of $200,000 to assist with funding Mineral Area Drug Task Force's enforcement efforts in locating, dismantling, and reducing the number of methamphetamine laboratories within the area of their operation. Approximately $124,000 is for the purchase of equipment to assist officers in their investigations, $36,000 is for overtime for officers assigned to methamphetamine investigations, $16,000 is for office and field supplies to assist officers in the preparation of reports and to provide supplies to facilitate the processing of clandestine labs, and $24,000 is for travel and training to equip officers with the knowledge to efficiently perform their duties.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill

Account: COPS-Meth

Requesting Entity: Howell County, Missouri

Address of Requesting Entity: 1106 Missouri Avenue, West Plains, Missouri 65775

Description of Request: Provide an earmark of $250,000 for the South Central Drug Task Force to enhance drug enforcement in project area. South Central Drug Task Force is a multijurisdictional drug enforcement task force, and an existing HIDTA initiative within Midwest HIDTA, comprised of federal, state, and local law enforcement officers including nine Sheriffs Departments, Municipal Police Departments, Missouri State Highway Patrol, United States Forest Service, and United States Park Service. Approximately $50,000 in overtime funding for existing narcotics officers; $122,500 for technical surveillance and reporting equipment; $65,000 for civilian personnel/Intel analyst; and $12,500 for consumable supplies.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill

Account: COPS-Law Enforcement Technology

Requesting Entity: St. Francois County, Missouri

Address of Requesting Entity: 102 Industrial Drive, Park Hills, MO 63601

Description of Request: Provide an earmark for the Southeast Missouri Law Enforcement District for $697,000 project for the following counties of the 8th Congressional District to acquire and greatly benefit from availability of a Law Enforcement Visual Tool: Iron, Washington, and Bollinger. Federal, state, and local agencies will have a common tool to jointly manage emergencies. The project enhances public safety, officer safety, by placing sophisticated geospatial intelligence information in the hands of emergency responders. The funding would be used as follows: $12,000 for project administration, $675,000 for image libraries, and $10,000 for equipment.

Requesting Member: Representative JO ANN EMERSON

Bill: Fiscal Year 2010 Homeland Security Appropriations Bill

Account: State and Local Programs

Legal Name of Requesting Entity: Howell County Emergency Preparedness

Address of Requesting Entity: 3 Courthouse, West Plains, Missouri 65775

Description of Request: Provide an earmark for $250,000 for an Emergency Operations Center in West Plains, Missouri. The Emergency Operations Center will serve the residents of Howell County and surrounding counties in the region in case of any natural or man-made hazards. The funding is budgeted at approximately $7,275 for administrative and legal expenses; $81,000 for land, structures, right-of-ways, appraisals, etc.; $2,925 for project inspection and architectural and engineering fees; $153,175 for equipment, construction and miscellaneous items; $5,625 for contingencies.

PERSONAL EXPLANATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SCHRADER. Madam Speaker, on June 8, 2009 I missed rollcall votes 311, 312, and 313 due to personal reasons. Had I been present, I would have voted "aye" on all three votes.

A TRIBUTE IN REMEMBRANCE OF DENNIS J. TAYLOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dennis J. Taylor, a community activist and ordained minister who has impacted Brooklyn in countless ways.

Dennis Taylor has been living and serving the East New York and Brownsville communities for more than twenty years. He began his career as a volunteer, ministering and advocating for the rights of community residents. For a number of years, Mr. Taylor served as a community organizer for a local nonprofit organization where he assisted residents by empowering them through the creation of tenant and block associations. As a member of Community Board #5, Dennis Taylor leads the council in creating positive change for all residents, regardless of their ethnicity or culture.

As the founder and executive director of The Sabaoth Group, Inc., Dennis Taylor conceived and developed strategies that provide community support services to more than 800 families in the East New York, Brownsville, Bushwick and Bedford-Stuyvesant communities. He is the primary coordinator of services and initiatives, in addition to securing funding through foundations, government grants and Requests for Proposals. Mr. Taylor developed strategies to create linkages between community law enforcement, community residents and faith-based organizations. He also created initiatives and developed strategies for resident advocacy, tenant organizing and community activism while conducting tenant relocations for more than 300 families. Mr. Taylor is also a founding partner in TDT Development, LLC, a community housing development organization.

Mr. Taylor began his involvement in tenant services by leading the residents of a dangerously neglected city-owned property through a process of renewed commitment from the City of New York and their subsequent resettlement. He has a reputation for producing consistent results and maintaining honor and integrity in the community. Mr. Taylor sits on various steering and advisory committees in East New York.

In 2006, Dennis Taylor became an ordained Minister who has garnered a sterling reputation in the East New York community.

Dennis Taylor is married to Anita Joyner-Taylor. He has two daughters (Danesha and Keyeira), and two granddaughters (Faith and Patience). Mr. Taylor holds an A.A.S. in Computer Technology, a Certificate from Fordham University in Social Work and numerous certificates from the Department of Housing Preservation and Development. Mr. Taylor is a first call advisor to many grassroots organizations seeking guidance, direction and/or logistical assistance in the acquisition of their goals and objectives.

Madam Speaker, I urge my colleagues to join me in recognizing Dennis J. Taylor.

KELSEY MAY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kelsey May who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kelsey May is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kelsey May is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kelsey May for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TRIBUTE TO DAVID J. KEARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. STARK. Madam Speaker, I rise today to pay to tribute to David J. Kears, Agency Director for the Alameda County Healthcare Services Agency. Mr. Kears is retiring from his position and a farewell party has been planned in his honor on June 10, 2009.

Mr. Kears' scholastic endeavors brought him to the University of California, Berkeley, where he graduated in 1968 with a major in Sociology. He continued his graduate work at

Berkeley and received a Masters Degree in 1970 in Social Welfare with a Psychiatric Casework Specialty. He also holds a Clinical Social Work license.

Mr. Kears performed his internship at the Sonoma State Hospital and Children's Guidance Clinic in Palo Alto. After graduation, he went to work as a Psychiatric Social Worker at Napa State Hospital. He thrived in that setting from 1970 to 1974 and advanced to Assistant Program Director.

He began his career with Alameda County as a Psychiatric Social Worker in 1974 and held a number of major department head positions in the Health Care Services Agency. In March 1986, Mr. Kears was appointed to the Agency Director position, at which time he not only took over the weighty matters of the Agency but also became Acting Director of Highland General Hospital during a time of reorganization.

Currently, as director of the Health Care Services Agency, Mr. Kears provides overall direction, consultation and troubleshooting to the four major departments comprising the agency which include Indigent Care; Public Health Department; Environmental Health Services and Behavioral Health Care Services. From 1993 to 1998, Mr. Kears assumed the additional responsibility for developing a public/private Medi-Cal managed care program, the Alameda Alliance for Health, pursuant to the State of California Department of Health Services' directive. The Alliance is now a fully licensed HMO comprised of traditional Medi-Cal and safety net county and community providers.

Mr. Kears' most recent major program responsibilities included coordinating the County's Indigent Medical Care System and monitoring contracts with the Alameda County Medical Center and a broad network of community-based primary care providers.

A number of non-profit organizations, commissions, government agencies and health systems have benefited from Mr. Kears' leadership, vast knowledge and experience in the development and implementation of county and state health care policies.

I join Dave Kears' colleagues in thanking him for his years of commitment and service in making a difference in the lives of others.

HONORING ANDREW NEAULT FOR HIS APPOINTMENT TO THE UNITED STATES MERCHANT MARINE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Andrew Neault from Kennesaw, Georgia has received an appointment to the United States Merchant Marine Academy.

Andrew attends Paulding County High School where he has a 3.7 Grade Point Average and is a member of the BETA Club. Andrew has been very active with the JROTC where he has excelled as a State Champion JROTC raider. He also served as the Athletic Director and Chief Petty Officer for the Navy Delayed Entry Program.

In addition to Andrew's focus on academics and military preparation, he has remained very active in extracurricular activities. Andrew is on Paulding's football and wrestling teams and is a four-time nominee for the "People to People" student ambassador program. He is also very involved in community service, having volunteered at the Sunbelt Christian Youth Ranch in Mississippi, Thanksgiving for the Homeless, Thanksgiving for Youth Penitentiary, and Operation North Pole.

Andrew Neault is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Naval Academy. I ask that my colleagues take this time to congratulate Andrew as well as his parents, Raymond and Lynette Neault, for his accomplishments. It is because of dedicated young people like Andrew that America has the finest military in the world. Our nation is fortunate to have his service.

HONORING THE WORK OF LOUISE BALLERSTEDT RAGGIO, MOTHER OF THE TEXAS FAMILY CODE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in recognition of Louise Ballerstedt Raggio, a trailblazer and an advocate who has spent her life making sure that women and families have equal rights under the law.

Mrs. Raggio was born in Manor, Texas and spent the early part of her life as the daughter of a hardworking, Texas farm family. From an early age, she learned the importance of perseverance and dedication to a cause, and these traits have remained persistent throughout her life. She graduated first in her class from high school and went on to earn an undergraduate degree with highest honors from the University of Texas at Austin.

After marrying and giving birth to two children, Mrs. Raggio began law school at Southern Methodist University in a time when it was not typical for a woman to do so. During law school, she gave birth to a third son, and although it was difficult, she persisted, graduated, and passed the Texas State Bar in 1952. Later, she took a job in the Dallas County District Attorney's office and took over all child and family cases. She was soon promoted and began doing criminal prosecution. During this time, she became active with the Texas State Bar and joined the newly-formed Family Law Section of the State Bar in 1960. She would eventually become Chairwoman of the committee, making her the first woman in Texas history to become Chair of any such committee.

As Chairwoman, Mrs. Raggio and her committee uncovered 44 state laws which discriminated against women, and notably, married women. She began a campaign to enact a Marital Property Bill and after seven drafts, Governor Connally signed it into law, marking the end of a three-year effort. She was so successful that she was asked to undertake the entire revision of all family laws in Texas and after ten years the Family Law Section of the Texas State Bar created the first complete Family Code of laws in the world.

Today, Mrs. Raggio has garnered numerous recognitions and honors including being elected the first female director of the State Bar of Texas. She is consistently regarded as the Mother of the Texas Family Code and Southern Methodist University has developed an annual Louise Ballerstedt Raggio Lecture Series in her honor. I ask my fellow colleagues to join me in honoring the work of Mrs. Raggio and her lifelong commitment to a fair and just legal system.

CONGRATULATIONS TO SUSAN M. BRITTON

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TONKO. Madam Speaker, New York State American Legion Auxiliary President, Susan M. Britton, has served with distinction during her term in office from July 2008 through July 2009. Mrs. Britton traveled to all 62 counties in the great state of New York, inspiring the members of the American Legion Auxiliary to honor and serve the veterans of New York State.

Susan Briton is a 35 year member of Clarke White Unit 589, American Legion Auxiliary in Albany County. She has remained an active and vital member of the organization, volunteering her services to veterans at the Stratton VA Medical Center in Albany and at the Albany VA Fisher House.

This year Department President Britton has chosen "Operation Purple" as her special project. Operation Purple began in 2004 and is sponsored through the National Military Family Association (NMFA). Operation Purple is the only program open to children of personnel from all branches of the U.S. Armed Forces ("purple" representing inclusion of the branches). The program focuses on helping military children deal with the challenges and stress that come with deployment by providing free weeks of summer camp at different locations to bring children together in a fun and healthy environment.

As word has spread about Operation Purple, there is a pressing need for additional support to allow as many children as possible to attend this specialized program. All funds donated will support resident children within New York State. There are two camps, located in Lewis and Orange counties.

Special fundraising projects have been conducted to support Operation Purple, including those by the American Legion Family, which include The American Legion, American Legion Auxiliary, and the Sons of the American Legion. To date, over $60,000 has been raised to provide military children in New York with the opportunity to attend one of these camps.

A TRIBUTE IN REMEMBRANCE OF THEORA KING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Theora King, a community leader and educator who has contributed enormously to the lives of many children in need.

Theora King has worked in the field of education for over forty years. She has a bachelor of science degree in education from Mercy College where she graduated magna cum laude. In 1990, Ms. King received the Educator of the Year Award from a parent organization in District 17. Ms. King has worked in several programs including Big Apple, Head Start, Learning Through Science, Title I, Latch Key, Summer Early Childhood Program, and Platform For Learning and Special Education.

Theora King often goes above and beyond what is required of her in order to keep children who are in need from being deprived of opportunities that are afforded to other children who have supportive families. Her love for children is demonstrated by using personal monies to pay for trips, breakfast, lunch, clothing and other essentials needed when a child's parents are unable to provide for them. Ms. King has volunteered her personal time to tutor children in reading to help them gain self-confidence, a love for reading, and reading proficiency to pass State Reading Examinations.

During her career, children have demonstrated love and respect toward Ms. King and children often come to her for advice and assistance to handle difficulties they encounter at home and in school. Ms. King is never too busy to take time from her personal life to help a child and his or her family who may be in need of assistance. Ms. King is also a member of the Open Door Church of God and Christ and she has served on the Usher Board. In the past, Ms. King served as Acting Parent Teacher's Association president and secretary when her children were students at P.S. 316. Ms. King has also chaired the Social Committee at P.S. 316 from 1968 to 2005.

Madam Speaker, I urge my colleagues to join me in recognizing Theora King.

IN HONOR OF THE NAVAL POSTGRADUATE SCHOOL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. FARR. Madam President, today the Naval Postgraduate School in Monterey, California will celebrate its 100th anniversary.

Founded a century ago as the School of Marine Engineering at the U.S. Naval Academy in Annapolis, Maryland, the Naval Postgraduate School has grown in response to a changing world. The school moved to Monterey, California in 1951, taking over the landmark Hotel Del Monte resort. Today, NPS is a global leader in national security and defense-related education and research.

The Naval Postgraduate School (NPS) is a unique graduate school—an institution dedicated to providing education and research with a focus on relevance to the defense and security arenas and on recognizing and innovatively solving problems in support of our military forces, our country's global partners and our national security.

NPS provides high-quality, relevant and unique advanced education and research programs that increase the combat effectiveness of the Naval Services, other Armed Forces of the U.S. and our partners, to enhance our national security.

NPS is one of the oldest and most prestigious institutions belonging to the United States Department of Defense. Since its inception almost a century ago, NPS has been found to be worthy of the investment that both the Navy and the nation has made in it. The school has educated some of the most brilliant and effective leaders of our nation and of the world. Countless numbers of NPS graduates have made significant contributions to global stability and national security, and some remarkable breakthroughs in research at NPS have saved the lives of the men and women who so bravely defend their nations daily.

Madam President, I want to wish a happy 100th birthday to the Naval Postgraduate School.

NATHANIEL MARTINEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nathaniel Martinez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nathaniel Martinez is a senior at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nathaniel Martinez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nathaniel Martinez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

A SPECIAL TRIBUTE TO COMPANY B, 202D ENGINEER COMBAT BATTALLION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to a brave group of men in Ohio's Fifth Congressional District. Company B of the 202d Engineer Combat Battalion is celebrating their sixty-sixth anniversary.

Madam Speaker, there is no question the military is one of the key building blocks of our country. From the earliest days of our Nation's history, courageous men and women have fought for the freedom and safety of the American people. Our soldiers have opened doors for America's citizens and allowed our children to live in a nation that is peaceful and free.

During World War II, Company B served in campaigns in Normandy, Central Europe, Northern France, Ardennes and the Rhineland. They were the only group to serve in all five campaigns and receive five battle stars in World War II.

The servicemen of Company B also fought alongside the 1st, 2d, 3d, 9th, and the 15th U.S. Army, the British 2d Army and the U.S. Navy throughout the war in 10 countries. One of their most significant contributions to the War effort was the construction of the longest Treadway Pontoon Bridge in the world at 1152 feet, which was built in less than six hours while facing enemy fire.

Madam Speaker, I ask my colleagues to join me in paying special tribute to Company B of the 202d Engineer Combat Battalion. Our communities are well served by having dedicated servicemen who have gone above and beyond the call of duty to protect our beloved Nation. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great group of men on their sixty-sixth anniversary.

INTRODUCTION OF MOLALLA WILD AND SCENIC RIVER BILL

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SCHRADER. Madam Speaker, I am pleased to introduce The Molalla Wild and Scenic River Bill. This legislation would designate 21.3 miles of the Molalla River as "wild and scenic" and would provide federal designation in preserving the character of this section of the Molalla River.

This legislation is supported by numerous elected officials, civic leaders, and recreational and environmental groups in Clackamas and Marion counties including American Rivers, the City of Molalla, the Oregon State Police, the Oregon Department of Fish and Wildlife, Wild Salmon Center, and the Willamette Riverkeepers. All of these groups recognize the social, cultural and economic benefits of this bill.

In Oregon, the Molalla River is known for its many recreational purposes which include hiking, diving, fishing, kayaking, whitewater rafting, picnicking, mountain biking, and horseback riding. It still serves as a water source for many citizens in Canby and Molalla, Oregon, and is nationally recognized for its beautiful and scenic wildlife. It provides spawning beds for threatened Steelhead Trout and Chinook salmon and is also an essential wildlife area for the pileated woodpecker, red tree vole, red-legged frog, northern spotted owl, Pacific giant salamander, and both golden and bald eagles.

Designating this section of the Molalla River as "wild and scenic" would permanently ensure its protection and preservation as one of Oregon's many natural state treasures. It would guarantee that future generations can experience the river's rich historical, cultural,

and recreational purposes. I am excited to introduce this legislation and urge my colleagues to support it.

HONORING BISHOP GUILFOYLE HIGH SCHOOL

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the accomplishments of the Bishop Guilfoyle High School girls basketball team of Altoona, PA. As the 2009 Pennsylvania Interscholastic Athletic Association Class A girls basketball champions, the Lady Marauders have shown the discipline and teamwork required to achieve greatness.

The Lady Marauders have a rich history of achievement. Having won two PIAA Class A championships in three seasons, and five overall, the Lady Marauders are no strangers to success. Their season's record of 30–1 is tied for the second most in a single season in Lady Marauder program history.

This year's season came to a close on March 21st at University Park, PA, and resulted in a 49–27 defeat of Nativity BMV by Bishop Guilfoyle's Lady Marauders. The hard work and talent of the nineteen players, as well as their five coaches, most certainly led to this rewarding experience.

These young women are exemplary athletes and their pride in their performance is an inspiration to all of Blair County. I believe that this championship will be one of many successes in the lives of these talented players and coaches, and I congratulate them for all their efforts.

TRIBUTE TO DR. ISAIAH R. MCGEE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an outstanding constituent and an award-winning educator, Dr. Isaiah R. McGee. Dr. McGee is a 2009 recipient of the South Carolina Independent Colleges and Universities Inc. Excellence in Teaching Award. He is the director of choral studies and assistant professor of music at Claflin University. He also directs the Claflin University Concert Choir.

Dr. McGee is a native South Carolinian, having been born and raised in Anderson. He is a graduate of my alma mater, South Carolina State University, and earned his masters from the University of South Carolina. Dr. McGee earned his doctorate from Florida State University in Music Education—Choral Conducting, and served as a graduate assistant and director of the Gospel Choir at Florida State.

During his career, Dr. McGee has earned a reputation as an accomplished vocalist, conductor, adjudicator, and clinician. He has international experience, debuting as the Conte in Cimarosa's Il Convito at Teatro Signorelli in Cortona, Italy. He stays very active in professional organizations including the American Choral Directors Association and MENC.

Dr. McGee joined the Claflin University faculty in 1997, and has made an enviable mark on the Orangeburg campus. Dr. McGee is always looking for ways to enrich the experiences of his students to promote their performance and their commitment to their craft. Last year, he took Claflin's Concert Choir to China to participate in the pre-Olympic ceremonies. They performed in both Beijing and Shanghai.

Dr. McGee has developed a great deal of respect from his colleagues and students. Claflin University's president Dr. Henry Tisdale calls him "an exemplary member of our faculty and committed to teaching and service." Claflin's vice president for academic affairs Dr. George Miller says, "Dr. McGee's approach to teaching and scholarship with his student partners demonstrates the strength of the amalgam that results when theory and practice are combined."

Dr. McGee was selected for the Excellence in Teaching Award by his peers at Claflin University. The purpose of the award is to honor faculty members who demonstrate the highest standards of teaching that encourage students to strive for excellence in their studies and intellectual pursuits. In addition to the recognition, Dr. McGee receives a $3,000 grant to be used for professional development opportunities.

Madam Speaker, I invite you and my colleagues to join me today in applauding the tremendous accomplishments of Dr. Isaiah McGee. He is an extraordinary example of an educator who inspires intellectual curiosity and demands outside enrichment to ensure his students reach their full potential. This award is well deserved and is recognition of a job well done.

SAMUEL MARKOFF

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Samuel Markoff who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Samuel Markoff is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Samuel Markoff is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Samuel Markoff for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN SPECIAL RECOGNITION OF THE ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY OF THE VILLAGE OF OTTAWA, OHIO

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. LATTA. Madam Speaker, I would like to submit the following:

Whereas Congressman ROBERT E. LATTA extends his congratulations on the occasion of the One Hundred Seventy-Fifth Anniversary of the Village of Ottawa, Ohio; and

Whereas Ottawa, Ohio has been a proud member of the Northwest Ohio community since 1834; and

Whereas the citizens of Ottawa, Ohio provide friendship and tradition to all those in Northwest Ohio; and

Whereas Ottawa, Ohio has a long history of fostering business, education, and community relationships; therefore, be it

Resolved The people of Northwest Ohio are grateful for the service of the citizens and employers of Ottawa, Ohio. Ohio's Fifth Congressional District is well served by their dedication and support. We wish Ottawa, Ohio all the best during its celebration of the One Hundred Seventy-Fifth anniversary.

TRIBUTE TO GENERAL DAVID D. MCKIERNAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SKELTON. Madam Speaker, I rise today to recognize the accomplishments, dedication, public service and valor of General David D. McKiernan, U.S. Army, outgoing Commander of NATO's International Security Assistance Force (ISAF) and Commander U.S. Forces Afghanistan, who served our Nation with distinction during 37 years of faithful service. General McKiernan will retire from the Army on 1 August 2009, and we owe him our thanks and gratitude for his many efforts and years of service on behalf of our Nation.

A native of Ft. McPherson, Georgia, General McKiernan entered the U.S. Army in 1972, after graduating from the College of William and Mary and receiving a ROTC commission from the U.S. Army. During the course of his career he served at every level from platoon leader to four star commander. The units he commanded included the 1st Battalion, 35th Armor (Iron Knights), 1st Armored Division, 1st Brigade (Iron Horse) 1st Cavalry Division, 1st Calvary Division, and 3rd U.S. Army/Combined Forces Land Component Command. He culminated his career serving as the theater commander—COMISAF/US Forces Afghanistan.

This superb officer performed key leadership roles during many of the crises and operations of the past 15 years. He served as the Deputy Chief of Staff G–2/G–3 with the Allied Command Europe Rapid Reaction Corp) while forward deployed in Sarajevo, Bosnia-Herzegovina. From August 1998 until September 1999, he served as Deputy Chief of Staff, Operations, Headquarters, United States

Army, Europe and Seventh Army during a period of simultaneous operations in Bosnia, Albania, and Kosovo. General McKiernan subsequently became the Coalition Forces Land Component Commander for Central Command. In March 2003, General McKiernan commanded and led all coalition and U.S. conventional ground forces in the invasion of Iraq.

As the capstone for an exceptional career of service to our country, General McKiernan distinguished himself from 3 June 2008 to 3 June 2009 while serving as the Commander, International Security Assistance Force and Commander, U.S. Forces—Afghanistan. General McKiernan was instrumental in developing the partnerships and setting the conditions necessary for achieving mission success in Afghanistan. He revamped the campaign strategy. He worked to improve command and control in that war by reorganizing the ISAF headquarters staff to better execute that strategy and working to establish a new command—U.S. Forces Afghanistan, significantly improving coordination of counterinsurgency operations across Afghanistan.

In the fall of 2008, General McKiernan articulated the need for a sizeable increase in U.S. forces in the strategically important southern region of Afghanistan to improve security and help safeguard national elections in August 2009. He was the first to recommend the need for a sizeable increase in civilian resources from the U.S. Government to bolster governance and development efforts.

General McKiernan improved operations in Afghanistan, issuing new Counterinsurgency Guidance as the campaign shifted to efforts to protect the Afghan population, obtaining legal authorities to conduct counternarcotics interdiction, improving force protection measures, and issuing new guidance that cut down on non-combatant casualties. General McKiernan worked with the Ministry of Interior to develop the Afghan Public Protection Program, which could become a blueprint for developing bottom up governance in the districts and provinces throughout the country. He worked with the Afghan Government to support a highly successful 2008–2009 voter registration program with over 4.5 million Afghans registering without major incident and prepared the plans to support a fair and credible election in August 2009. He received approval for his recommendation to accelerate the growth of the Afghan National Army to 134,000 by December 2011, and has started the planning effort to grow the Afghan National Security Forces up to 400,000 in the years to come. He also was the architect behind the plan to bring in U.S. units in 2009 that can not only conduct a rigorous counter-insurgency campaign in the south, but can build the capacity of the Afghan Army and Police by training, partnering and mentoring with Afghan Army and Police units. General McKiernan personally reinvigorated the Tripartite Commission (TPC) process with Afghanistan, Pakistan, and ISAF, and conducted bilateral meetings to improve U.S. and Pakistan relations and to make the case that both countries face a mutual terrorist threat. It is certainly my hope that General McKiernan's initiatives build momentum going into the summer of 2009.

General David D. McKiernan is a true American patriot. His leadership, keen intellect and performance throughout an intensive and demanding period of military history were instrumental in achieving success in mission after mission. He boldly led ''America's finest'' during combat operations in Desert Storm, the Balkans, the invasion of Iraq and finally in the harsh and difficult mountains and deserts of Afghanistan. I know his selfless performance of duty, courage under fire, exceptional integrity and quiet pursuit of excellence has inspired many American warriors who have served with him. I am sure he will be truly missed in Afghanistan by his troops, diplomatic colleagues, NATO and our Coalition partners, and the Government of Afghanistan. It gives me great pleasure today to recognize and salute a great American—General David McKiernan—before my colleagues. I wish General McKiernan and his lovely wife Carmen all the best that life has to offer as he concludes a most distinguished career in service to our country.

INTRODUCTION OF THE MILITARY OVERPAYMENT FAIRNESS ACT OF 2009

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Ms. SHEA-PORTER. Madam Speaker, I rise today in support of the Military Overpayment Fairness Act. Payment errors are common in all military branches and the burden of having to quickly repay an overpayment can place a significant strain on military families.

When I had a meeting with National Guard families and asked for their most significant problems, they spoke to me about the hardships caused by overpayment errors. I heard the story of a National Guard Sergeant from New Hampshire who was injured in Afghanistan and hospitalized in Walter Reed. Due to an error by the Defense Finance and Accounting Service (DFAS), he received four months of pay in error. He immediately brought these overpayments to DFAS's attention. DFAS assured the service member that there was no error and that he was entitled to all of the money he received. The service member disputed the payments several times, but was told they were correct. Then, a year later, DFAS reversed itself and suddenly notified him that he had been overpaid. They began deducting at the rate two-thirds of his monthly paycheck. To make matters worse, by this time he had enrolled in college and still had the continued, added burden of house payments. This and other similar stories show the severity of this problem in my home state of New Hampshire and across the nation.

I am introducing this legislation to ease the burden on servicemen and women by requiring DFAS to take into account the finances of members of the Armed Forces when pay errors are made. This bill gives the Department of Defense the flexibility to negotiate the terms of repayment, taking into account the finances of the service member, to avoid causing service members undue hardship. In addition, the bill states that not more than 10 percent of a service member's pay can be deducted monthly for an overpayment. Currently, up to two-thirds of a service member's salary can be deducted. The bill delays repayments if service members are wounded, ill, or deployed. It also has a five-year statute of limitations. These provisions should encourage the Department of Defense to improve its accounting practices.

The men and women that serve our nation have already sacrificed for our country—there is no excuse for placing undue financial burdens on these men and women as a result of poor accounting practices. I was proud to introduce legislation to address the hardships caused by these errors. I look forward to its consideration in the House of Representatives.

VITTORRO MAESTAS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Vittorro Maestas who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Vittorro Maestas is a senior at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Vittorro Maestas is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Vittorro Maestas for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, June 8, 2009.

I ask that the record reflect that had I been present, I would have voted ''nay'' on rollcall vote No. 311 (Motion to Suspend the Rules and Agree to H.R. 1736); ''nay'' on rollcall vote No. 312 (Motion to Suspend the Rules and Agree to H.R. 1709); ''aye'' on rollcall vote No. 313 (Motion to Suspend the Rules and Agree to H. Res. 420).

INTRODUCTION OF FEE DISCLOSURE BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce The Defined Contribution Plan Fee Transparency Act of 2009. During the last Congress, we expected some guidance from the Department of Labor on the issue of fee transparency, but not much was

finally implemented. Therefore, I believe that Congressional action is warranted and this bill provides a strong disclosure requirement to benefit both workers and companies in understanding fees.

A few years ago, AARP conducted a survey of 401(k) participants to find out what they knew about the fees paid by their plans. Plan fees can make a huge difference in your account balance. As the Department of Labor has pointed out in a helpful guide on the issue, ''Fees and expenses paid by your plan may substantially reduce the growth in your account.'' Literally, it pays to know what these expenses are. What the AARP found in their survey is instructive: 83 percent of participants acknowledged they do not know how much they pay in fees or expenses. Considering the number of people who have told me they do not dare to even open their 401(k) statement in this devalued market, that percentage may have increased even more!

But fees are a serious issue and one which participants need to understand from the outset. The House Education and Labor Committee has held several hearings to highlight this issue over the past 18 months, and I commend the Committee Chairman, Mr. MILLER, for his leadership and thoughtful ideas about how to address fair disclosure.

The growth in defined contribution plans offers great opportunities for workers, with alternatives and options they did not have before. Many workers, however, are simply overwhelmed with the information distributed and, because of that, may not be able to utilize these opportunities. Certainly, more disclosure is preferred. But, as AARP found out, the need to better understand this information means it must be in an easily digestible format and in plain English.

The legislation I am filing today, which updates the bill I filed last Congress, would provide for disclosure both to the worker and to the employer. Participants, or workers, would get both an enrollment notice up-front and a quarterly notice updating them on their account. At enrollment, the bill requires that for each of the plan's investment alternatives, the employer would have to disclose the alternative's objective and investment manager, its risk and return characteristics and its historic rates of return in comparison to a benchmark. In addition, the employer must indicate whether the alternative is passively managed, as with an index fund, or actively managed, plus the differences between these two investment styles and whether or not the alternative is a single-alternative investment solution, such as a lifecycle or target retirement date fund.

Regarding fees, the bill requires employers to disclose to employees at enrollment the annual operating expenses for each investment alternative (together with a translation of these asset-based fees into illustrative dollar amounts), whether such fees pay for services beyond investment management, such as plan administration, and whether there are additional charges for buying or selling the particular alternative, such as redemption fees. In addition, participants must be provided with information about any separate fees they will be charged for plan administration as well as a notice that certain plan services they may decide to use could have separate charges associated with them, such as investment advice programs, brokerage windows, or plan loans. Accompanying these disclosures would be a statement that participants should not select investments based solely on fees but based on careful consideration of a range of factors including the alternatives' risk level, returns and investment objectives. The bill requires this information about plan investments to be provided to employees annually as well.

In addition to this enrollment notice, each quarter, participants would receive information about the investments they had selected and the fees applicable to their accounts. This quarterly notice would describe which investment alternatives the individual participant was invested in, what percentage of the participant's total account each alternative represented, the risk and return characteristics of each such alternative and whether such alternatives were passively or actively managed. The statement would also summarize for participants what asset classes their account is invested in, with percentage breakdowns. On fees, the quarterly notice must describe the annual operating expenses (with dollar examples) and any sales charges for the alternatives the participant has selected, any separate charges for plan administration and any deductions for participant-initiated services. In addition, to assist employees who may want to make investment changes, the notice must tell participants how to access investment characteristic and fee information for alternatives in which they are not invested.

My bill also requires service providers to disclose to employers various fee and expense information in advance of a contract. This will ensure that employers have the information they need to bargain effectively with plan service providers and to keep costs at reasonable levels for participants.

Providers must give the employer an estimate of total fees, a detailed and itemized list of all the services to be provided under the contract and a schedule of any transaction charges that participants may face. Providers that offer multiple bundled services must separate the fees charged under the contract into fees for investment management and fees for administration and recordkeeping and must also disclose fees paid to intermediaries or other third-parties. Providers must also disclose whether they expect to receive payments from third-parties in connection with providing services to the plan, also referred to as revenue-sharing, and if so, must name those parties and the amount expected to be received from each. This revenue-sharing information is critical so that employers understand how their providers are being paid and whether any such financial relationships give rise to potential conflicts of interest. Providers will likewise have to disclose whether they may benefit from the offering of proprietary investment products or those of third parties and must tell employers if the investment products offered to the plan are available at other price levels. Plan service providers must also provide this detailed disclosure statement to employers every year the contract is in place and prior to any material modification of the contract. In addition, employers must make such statements available to plan participants upon written request so that those employees who want to delve into the details of the plan's financing can do so.

The Department of Labor's guide on 401(k) fees states that fees and expenses generally fall into three categories: plan administration, investment, and individual services fees. By requiring all service providers, whether they just provide recordkeeping or if they perform it all, to disclose fees in broad categories, such as these, companies and employees can better evaluate what they are getting for what price they pay. It is my understanding that some service providers are already disclosing more than what is required. I hope that we can capture those ''best practices'' and implement them across the board so that all workers and employers have the best data available.

Additionally, my bill would apply not only to 401(k) plans, but to all tax-preferred, participant-directed defined contribution plans, including 403(b) plans and governmental 457(b) plans. The amendments contained in the bill are all within the Internal Revenue Code, and therefore, penalties for not complying will be taxes assessed per violation per day, subject to a cap. The bill is forward-thinking, pushing electronic delivery as much as possible. I hope to work with the Chairman of the Ways and Means Committee, Mr. RANGEL, to address this issue within the Committee very soon as I know he shares my concern that the taxpayers' interests be protected.

Despite the fact that 8 in 10 participants do not know what fees are charged, there is some good news out there too. According to a survey released in April by Deloitte, the International Foundation of Employee Benefit Plans, and the International Society of Certified Employee Benefit specialists, the average expense ratio for plan investments was down from the prior survey period. Clearly, the attention to fees is having some impact resulting in lower costs.

It is my hope that this bill will provide much more information about plan fees and expenses in a useful way without overwhelming recipients. I urge my colleagues to join me in this effort.

STEM EDUCATION COORDINATION ACT OF 2009

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. WATERS. Madam Speaker, I add my support of House Resolution 1709, providing for the creation of a committee under the National Science and Technology Council to coordinate federal programs in support of science, technology, engineering and mathematics education. This legislation will synchronize programs at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Energy and Education—all organizations with a vested interest in the promotion of STEM (science, technology, engineering and mathematics) education. This committee will provide a forum for our federal agencies to coordinate STEM activities and determine new ways to advertise programs to elementary and secondary students, eliminating two large roadblocks in the promotion of programs already provided by these agencies. I commend my colleague Representative BART GORDON, for bringing this important measure before the House.

As a former teacher and Head Start coordinator, I fully understand the importance of all proposals that extend the reach of education among the youth of our country. In Fiscal Year 2010, I requested funding for the African-American Male Achievers Network to provide students access to year-round technology enrichment activities and opportunities to explore STEM related education and career paths. This funding has the potential to the increase academic achievement of inner city students and decrease gang involvement and community violence. Furthermore, innovation is key to our economic competitiveness in the World. Under current trends, by the year 2010, more than 90 percent of engineers and scientists will be living outside of the U.S. and currently more than 50 percent of all engineering doctoral degrees awarded by American engineering colleges are to foreign nationals. We have a pressing need to cultivate the next generation of science and mathematically oriented Americans by providing them access to the vast resources that our federal agencies can provide.

Madam Speaker, this measure is quite important to the future of our great country and I'm pleased to add my voice in support for this legislation. I plan to work with my colleagues to ensure that future American engineers and scientists have the resources have the capability and resources to innovate and create technologies.

WORLD ELDER ABUSE AWARENESS DAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Ms. DELAURO. Madam Speaker, I rise today to recognize the important work being done in Connecticut to bring attention to the problem of elder abuse, and to ask that all of my colleagues join the national observance of World Elder Abuse Awareness Day on June 15th.

Older adults are our parents and neighbors and friends—the grown-ups who cared for us when we were young and once protected us from harm. Now, we can help them live safely and with dignity. Sadly, elder abuse and neglect happens all too frequently in America. Elder abuse can be financial, sexual, emotional, and neglect; and it is not always intentional. It can happen in any kind of home. Sometimes abuse is the unintended action of an overwhelmed family member. Sometimes it is out of anger. Never is it deserved. Only one out of five cases is ever reported, and awareness of the problem is our first line of defense.

In Connecticut's Third District, The Coalition for the Advocacy, Prevention and Elimination of Older Adult Abuse (CAPE), is working to bring this hidden crisis into the light. They began a little over a year ago with a grant from the National Committee for the Prevention of Elder Abuse. CAPE is led by The Center for Elder Abuse Prevention at The Jewish Home for the Elderly and the Southwestern Area Agency on Aging. Today, the partnership has earned the generous support of The Robert Wood Johnson Foundation Local Funding Partnerships and many local funders including The Fairfield County Community Foundation and The Harry and Jeanette Weinberg Foundation. These resources allow The Center to help victims who cannot stay at a domestic violence shelter, because of physical or cognitive issues that occur in late-life, find a safe temporary place to live, where their special needs can be met and the healing can begin.

On June 15th, CAPE will be holding a World Elder Abuse Awareness Day event at the Jewish Home for the Elderly in Fairfield. I commend their efforts to ensure that my constituents know how to spot the signs that a friend or loved one may be the victim of abuse, and where they can go for help. And I encourage my colleagues to contact me to learn more about elder abuse and become part of the solution in their communities.

Again, I commend the work of The Center and CAPE. Ending elder abuse begins by making every day World Elder Abuse Awareness Day.

CONGRATULATING THE UNIVERSITY OF WASHINGTON MEN'S CREW TEAM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. McDERMOTT. Madam Speaker, I would like to submit the following:

University of Washington Men's Rowing Team and Honored Guests,

I write to give my hearty congratulations to the University of Washington's men's rowing team for earning their 12th varsity eight national championship, the 107th IRA Regatta, and sweeping the eights on the way to a historic four golds and five medals overall.

This astounding overall performance was capped by a thrilling come-from-behind victory over arch-rival California and I would like to take this time to commend the varsity rowers on their fine performance. Heath Allen, Aljosa Corovic, Will Crothers, Steve Full, Rob Gibson, Jesse Johnson, Max Lang, Katelin Snyder, and David Worley have earned my utmost admiration, as have all the members of the University of Washington's rowing team, down to the last rower in the boathouse.

What makes this victory so impressive is the volume of dominance exhibited by this extremely deep team. The varsity eight winning gold is an impressive feat in itself, but to sweep the eights is the highest testament to the dedication of the team and the culture of hard work and determination established by Coach Bob Ernst.

Since 1903, when the University of Washington first participated in intercollegiate rowing, our crews have established themselves as the toughest and most determined crews in the country. This year's crews have continued that tradition by emphatically putting the ''gold'' back in the purple and gold.

I am extremely proud to represent you in Congress and I know that with the foundation of hard work instilled in these young rowers by their coach and the University of Washington, there are no limits to what they will go on to accomplish in life.

MARIAH McCORMICK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Mariah McCormick who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Mariah McCormick is a senior at Pomona High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Mariah McCormick is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Mariah McCormick for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING GRANT TUCEK FOR HIS APPOINTMENT TO THE UNITED STATES MILITARY ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Grant Tucek from Powder Springs, Georgia has received appointments to both the United States Military Academy and the United States Naval Academy and will enter the Military Academy this year. Grant attends Harrison High School where he has a 4.22 grade point average and is a member of the National Honor Society and the National Beta Club. Grant is also in the top 5% of all foreign language students. Despite Grant's heavy focus on academics, he has remained very active in extracurricular activities. During High School, Grant has participated in the Navy JRROTC, where he has served as Company Executive Officer, Orienteering Team Commander, and as a member of the Rifle Team. He was also honored with the American Legion Military medal.

Grant has also contributed to the arts and athletics at Harrison High School, playing trumpet in the Symphonic Band and running on Harrison's track and field team. Grant Tucek is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Military Academy. I want to take this time to congratulate Grant as well as his parents, Wayne and Denise Tucek, for his accomplishments. It is because of dedicated young people like Grant that America has the finest military in the world. Our Nation is fortunate to have his service.

HONORING NEWSWEEK RANKING OF THE SCHOOL FOR THE TALENTED AND GIFTED AND THE SCHOOL FOR SCIENCE AND ENGINEERING AT YVONNE A. EWELL TOWNVIEW CENTER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to congratulate the School for the Talented and Gifted and the School for Science and Engineering at Yvonne A. Ewell Townview Center for receiving the extraordinary honor of being ranked as the top two public schools in the nation.

Each year, Newsweek ranks the top public high schools out of a possible 27,000, placing these two schools as the top two out of the 1,500 schools listed. For 2009 the Magnet School for the Talented and Gifted ranked number one, with the Magnet School for Engineering and Science ranking number two. I am delighted that these two schools have achieved such a distinction, placing them among the elite public institutions in this country.

Additionally, I would like to recognize W. T. White High School which ranked 171st and Woodrow Wilson High School which ranked 637th. These rankings put all of these high schools in the top 6 percent of all public secondary schools in the country.

Located in my district of Dallas, Texas, Townview Magnet is one of the most diverse schools in the state, with minorities representing over half of the student population. Given the diverse nature of the City of Dallas itself, and the increased globalization of most industries, the students attending these two schools will have the opportunity not only to impact the Dallas area, but on a global scale. This marks the third time in 4 years that the School for the Talented and Gifted has been ranked number one in the nation. This unveiling marks the second time that the School of Engineering and Science has been ranked second nationally, the other year being in 2007.

This honor shows the values of a good educational environment, as many of the students attending these two schools will have opportunities to be the future leaders of this country. This honor will serve as an inspiration to the faculty, staff and students of Townview Magnet School to maintain a high level of work. I extend my appreciation for the hard work of everyone involved in achieving this honor, and lend my support to the future success of Townview.

Madam Speaker, again, I congratulate the students, teachers, principals and parents of Townview Magnet School for the Talented and Gifted and the Magnet School for Science and Engineering on this honor.

A SPECIAL TRIBUTE TO VAN WERT MIDDLE SCHOOL

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding school in my district in Northwest Ohio. Van Wert Middle School in Van Wert, Ohio is one of only 80 schools in the United States to be recognized as a School to Watch by the National Forum to Accelerate Middle Grades Reform.

Madam Speaker, there is no question that education is the foundation of our country. From the earliest days of our nation's history, children have sought out the opportunity to learn subjects such as math, science, and literature. Education has opened doors for America's citizens and allowed our nation to be one of the most advanced in the world.

Every year, the Schools to Watch program identifies schools across the country that are well on their way to meeting the criteria for high performance. These schools are known to be academically excellent, developmentally responsive, and socially equitable.

In order for Van Wert Middle School to be selected for this prestigious honor, this high-performing school established norms, structures and organizational arrangements to support and sustain its trajectory toward excellence. Van Wert Middle School has a sense of purpose that drives every facet of their practice and decision-making.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Van Wert Middle School. Our communities are well served by having dedicated educators who go above and beyond the norm to teach the citizens of tomorrow. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

HONORING ANNETTE GODISSART

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the accomplishments of Ms. Annette Godissart, the recipient of the Bedford County Rotary Club's 2009 Citizen of the Year Award. As this year's award winner, Annette has shown exemplary service as a citizen of Bedford County.

In addition to her duties as a Laboratory and Cardio-Pulmonary Manager at UPMCBedford Hospital, Annette has remained steadfast in her service to the community as a volunteer, with an emphasis on the youth of Bedford County. Whether serving the Bedford County School System as a member of the Athletic or Technology Committee, or acting as umpire for youth softball games, her efforts to aid in the positive development of Bedford County youths have been constant.

Annette has been integral to the success of the Bedford County "Reality Tour" at the Bedford County Jail. Here, on a monthly basis, she has spent the last five years working to convey the importance of remaining drug-free to hundreds of local teenagers by showing them the stark realities of drug abuse. This type of selfless volunteerism is another way in which Annette seeks to mold the future leaders of Bedford County.

The artistic and civic-minded aspects of Annette's community service are shown in her involvement in community theatre as well as the Boy Scouts of America. In the theatre Annette entertains Bedford County residents through her stage talents, appearing in several shows each year with the Bedford County Players, a local non-profit theater group that promotes the involvement of youth in on stage productions. With respect to scouting, after years of service to her two sons, and the Boy Scouts, as a scout leader, Annette remains active as a merit badge counselor, where she helps scouts to earn their Theatre Merit Badges.

Through her dedication to community service, and her enduring commitment to the young men and women of Bedford County, Annette Godissart is an exemplary citizen who embraces the Rotary Motto of "Service above Self." She is deserving of this year's Citizen of the Year Award, and I congratulate her for all her efforts.

EMILIO MARTINEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Emilio Martinez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Emilio Martinez is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Emilio Martinez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Emilio Martinez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

RECOGNIZING CONGREGATION TORAT EMET

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize Congregation Torat Emet. This synagogue is the product of the hard work and dedication of many individuals in Central Ohio and their commitment to the religious growth of their membership and the local Jewish community.

Central Ohio is blessed with many houses of faith that can claim long traditions of service to our community. The addition of Congregation Torat Emet to Central Ohio will continue to make it a vibrant and thriving spiritual center. The congregation will serve the community well and is an inspiration to all.

Throughout our community's history those seeking a place to learn more about their faith have found a home among our houses of worship. The faithful dedication exhibited helps to make Columbus and Central Ohio the kind of place where citizens of all religions and nationalities desire to live, work and raise their families.

This congregation, of more than 150 families, began only five years ago. The goal of securing and strengthening modern Orthodoxy in Central Ohio has been driven by Jay and Jeanie Schottenstein along with Rabbi Howard Zack. Rabbi Zack has been the Spiritual Leader of Congregation Torat Emet since its inception in September 2001. Today, as they open their second Synagogue in Columbus, Ohio may the local Jewish community celebrate the reality of this vision.

I offer my congratulations to the Congregation Torat Emet and the dedication of their new facility.

VETERANS NONPROFIT RESEARCH AND EDUCATION CORPORATIONS ENHANCEMENT ACT OF 2009

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. FILNER. Madam Speaker, today I introduce the "Veterans Nonprofit Research and Education Corporations Enhancement Act of 2009".

As the nation's largest healthcare provider network and the custodian of our veterans' health, the Department of Veterans Affairs has an important role to play in the development of innovative new healthcare technologies, medication, and practices.

Mr. Speaker, the Department of Veterans Affairs research program is well respected within the research community. The program focuses on research that concerns the special health care needs of veterans especially war related injuries and illnesses.

Some recent successes of the program include neuromotor prosthesis for paralyzed patients, development of an artificial retina for veterans who have lost vision due to retinal damage, and the use of a generic drug (prazosin) for veterans with Post Traumatic Stress Disorder.

Importantly, this research program does not just benefit veterans but also American citizens as a whole. Years ago, this program was responsible for bringing to the medical community the pacemaker.

Nonprofit Research Corporations were authorized by Congress in 1988. The intent of these Corporations was to provide a flexible funding mechanism to conduct research and education at VA medical centers. Today, there are 82 independent, state-chartered corporations.

Nonprofit research corporations are a critical component of the overall VA research program. In Fiscal Year 2007 alone, nonprofits were responsible for securing $250 million from the private sector and non-VA public funding to support over 4,000 research and education programs at the VA. This includes providing nearly 2,500 without compensation research employees who work side-by-side with VA-salaried employees.

This legislation authorizes the creation of multi-medical center research corporations that would allow two or more VA medical centers to share one Nonprofit Research Corporation. VA facilities with small research programs may join with larger ones. Additionally, smaller ones will be allowed to pool resources to support a Corporation.

It also clarifies the purpose of the corporation by enabling Nonprofit Research Corporations to support functions related to the conduct of research and education.

Additionally, this legislation will broaden the qualifications for the two mandatory non-VA board members beyond familiarity with medical research and education to acquire those with legal and financial expertise for sound governance and financial management. This provision would also remove the overly strict language prohibiting non-VA board members from having any financial relationship, current or past with a for-profit entity which funds VA research or education. This change would be consistent with the rules applied to federal employees in dealing with conflict of interest by allowing for means of recusal.

This legislation further clarifies the powers of corporations. Some of the key authorities provided by this provision include allowing the Corporations to charge registration fees for education and training programs and to use such funds to offset program expenses or for future educational purposes.

It will allow the VA to reimburse Nonprofit Research Corporations for the salary and benefits of NPC employees loaned to VA under Intergovernmental Personnel Act (IPA) assignments.

Finally this legislation will improve accountability and oversight of corporations by requiring each Nonprofit Research Corporation to submit an annual report to the Secretary of the VA on operations, activities, and accomplishments. It would also require Nonprofit Research Corporations with revenues in excess of $300,000 in any given year to obtain an audit.

I urge your support.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6319–S6392

Measures Introduced: Twelve bills and ten resolutions were introduced, as follows: S. 1211–1222, S.J. Res. 17, S. Res. 173–180, and S. Con. Res. 25.

Page S6364

Measures Passed:

Native American Heritage Day Act: Senate passed H.J. Res. 40, to honor the achievements and contributions of Native Americans to the United States, clearing the measure for the President.

Page S6389

U.S. Policy During Political Transition in Zimbabwe: Senate agreed to S. Res. 176, expressing the sense of the Senate on United States policy during the political transition in Zimbabwe.

Pages S6389–90

International Labour Organization's Adoption of Convention 182: Senate agreed to S. Res. 177, recognizing the 10th anniversary of the International Labour Organization's unanimous adoption of Convention 182, ''Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour''. **Page S6390**

Supporting Olympic Day: Senate agreed to S. Res. 178, supporting Olympic Day on June 23, 2009, and encouraging the International Olympic Committee to select Chicago, Illinois as the host city for the 2016 Olympic and Paralympic Games.

Pages S6390–91

Congratulating the American Society of Mechanical Engineers: Senate agreed to S. Res. 179, congratulating the American Society of Mechanical Engineers on its 125 years of codes and standards development. **Page S6391**

Authorizing Testimony and Legal Representation: Senate agreed to S. Res. 180, to authorize testimony and legal representation in United States v. Edward Bloomer, Frank Cordaro, Elton Davis, Chester Guinn, and Renee Espeland. **Pages S6391–92**

Measures Considered:

Family Smoking Prevention and Tobacco Control Act: Senate continued consideration of H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, taking action on the following amendments proposed thereto: **Pages S6327–29, S6335–40, S6341–42, S6347**

Rejected:

By 36 yeas to 60 nays (Vote No. 205), Burr/Hagan Amendment No. 1246 (to Amendment No. 1247), in the nature of a substitute. **Page S6347**

Pending:

Dodd Amendment No. 1247, in the nature of a substitute. **Page S6347**

Schumer (for Lieberman) Amendment No. 1256 (to Amendment No. 1247), to modify provisions relating to Federal employees retirement. **Page S6347**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, June 10, 2009, and all post-cloture time having expired, there be one hour of debate prior to a vote on the motion to invoke cloture on the bill, with the time equally divided and controlled between Senators Dodd and Enzi, or their designees; provided that upon the use or yielding back of time, and disposition of Schumer (for Lieberman) Amendment No. 1256 (to Amendment No. 1247) (listed above), Dodd Amendment No. 1247 (listed above) be agreed to, and Senate vote on the motion to invoke cloture on the bill; provided further, that if cloture is invoked, then post-cloture time be considered to have begun at 12:05 a.m., on Wednesday, June 10, 2009, and that all post-cloture time continue to run during any recess, adjournment, or period of morning business.

Page S6392

Message from the President: Senate received the following message from the President of the United States:

Transmitting a legislative proposal relative to the "Statutory Pay-As-You-Go Act of 2009," or "PAYGO," together with a sectional analysis; which was referred to the Committee on the Budget. (PM–22) **Page S6363**

Nominations Received: Senate received the following nominations:

Inez Moore Tenenbaum, of South Carolina, to be Chairman of the Consumer Product Safety Commission.

Inez Moore Tenenbaum, of South Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2006.

Robert S. Adler, of North Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2007.

Maria Otero, of the District of Columbia, to be an Under Secretary of State (Democracy and Global Affairs).

Kenneth H. Merten, of Virginia, to be Ambassador to the Republic of Haiti.

William E. Spriggs, of Virginia, to be an Assistant Secretary of Labor.

Routine lists in the Air Force and Navy. **Page S6392**

Messages from the House: **Page S6363**

Measures Referred: **Page S6363**

Measures Placed on the Calendar: **Pages S6319, S6363**

Executive Reports of Committees: **Page S6364**

Additional Cosponsors: **Pages S6364–66**

Statements on Introduced Bills/Resolutions: **Pages S6366–88**

Additional Statements: **Pages S6362–63**

Notices of Hearings/Meetings: **Page S6388**

Authorities for Committees to Meet: **Pages S6388–89**

Record Votes: One record vote was taken today. (Total—205) **Page S6347**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:37 p.m., until 9:30 a.m. on Wednesday, June 10, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6392.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF THE TREASURY AND THE INTERNAL REVENUE SERVICE

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of the Treasury and the Internal Revenue Service, after receiving testimony from Timothy F. Geithner, Secretary of the Treasury, and Douglas Shulman, Commissioner, Internal Revenue Service.

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of Defense, after receiving testimony from Robert Gates, Secretary, and Admiral Michael Mullen, USN, Chairman, Joint Chiefs of Staff, both of the Department of Defense.

APPROPRIATIONS: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of Health and Human Services, after receiving testimony from Kathleen Sebelius, Secretary of Health and Human Services.

DEFENSE AUTHORIZATION REQUEST

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for tactical aviation programs, after receiving testimony from Vice Admiral David Architzel, USN, Principal Deputy, Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, Lieutenant General George J. Trautman III, USMC, Deputy Commandant for Aviation, United States Marine Corps, Lieutenant General Mark D. Shackelford, USAF, Military Deputy, Office of the Assistant Secretary of the Air Force for Acquisition, Rear Admiral Allen G. Myers, USN, Director, Warfare Integration/Senior National Representative, Office of the Chief of Naval Operations, and Major General Marke F. Gibson, USAF, Director of Operations, Deputy Chief of Staff for Operations, Plans and Requirements, Department of the Air Force, all of the Department of Defense.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported three nominations in the Army, Navy, and Air Force.

OCEANS AND ECONOMIC FUTURE

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the role of the oceans in our nation's economic future, after receiving testimony from Deerin Babb-Brott, Massachusetts Executive Office of Energy and Environmental Affairs Assistant Secretary of Oceans and Coastal Zone Management, Boston; Judith T. Kidlow, National Ocean Economics Program, Moss Landing, California; Alexandra Cousteau, Blue Legacy International, Washington, D.C.; William Fenical, University of California Scripps Institution of Oceanography, San Diego; Brad Warren, Sustainable Fisheries Partnership, Seattle, Washington; and Willett Kempton, University of Delaware College of Earth Ocean and Environment, Newark.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Catherine Radford Zoi, of California, to be Assistant Secretary for Energy, Efficiency, and Renewable Energy, and William F. Brinkman, of New Jersey, to be Director of the Office of Science, both of the Department of Energy, and Anne Castle, of Colorado, to be Assistant Secretary of the Interior.

ENVIRONMENTAL PROTECTION AGENCY OVERSIGHT

Committee on Environment and Public Works: Committee concluded a joint hearing with the Subcommittee on Oversight to examine scientific integrity and transparency reforms at the Environmental Protection Agency, after receiving testimony from Lisa P. Jackson, Administrator, Environmental Protection Agency; John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Francesca T. Grifo, Union of Concerned Scientists and, Kenneth P. Green, American Enterprise Institute, both of Washington, D.C.; and Lynn R. Goldman, Johns Hopkins University Bloomberg School of Public Health, Baltimore, Maryland.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security, after the nominee, who was introduced by Senator Feinstein and Representative Hoyer, testified and answered questions in her own behalf.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Eric P. Goosby, of California, to be Ambassador at Large and Coordinator of United States Government Activities to Combat HIV/AIDS Globally, Department of State, after the nominee testified and answered questions in his own behalf.

PROLONGED DETENTION

Committee on the Judiciary: Subcommittee on the Constitution concluded a hearing to examine the legal, moral, and national security consequences of prolonged detention, after receiving testimony from Sarah H. Cleveland, Columbia Law School, New York, New York; and Richard Klingler, Sidley Austin LLP, David H. Laufman, Kelley, Drye, and Warren LLP, Tom Malinowski, Human Rights Watch, Elisa Massimino, Human Rights First, and David B. Rivkin, Jr., Baker and Hostetler LLP, on behalf of the Foundation for Defense of Democracies Center for Law and Counterterrorism, all of Washington, D.C.

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: 19 public bills, H.R.2765–2783; and 5 resolutions, H. Res. 520–524 were introduced. **Pages H6413–14**

Additional Cosponsors: **Pages H6414–16**

Report Filed: A report was filed today as follows:

H. Res. 522, providing for consideration of the bill (H.R. 1886) to authorize democratic, economic,

and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes, and providing for consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes (H. Rept. 111–143).

Pages H6372, H6413

Speaker: Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker Pro Tempore for today. **Page H6309**

Recess: The House recessed at 11:25 a.m. and reconvened at noon. **Page H6315**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Condemning the murder of Dr. George Tiller, who was shot to death at his church on May 31, 2009: H. Res. 505, to condemn the murder of Dr. George Tiller, who was shot to death at his church on May 31, 2009, by a ⅔ yea-and-nay vote of 423 yeas with none voting ''nay'', Roll No. 316;

Pages H6318, H6320–25, S6357–58

Witness Security and Protection Grant Program Act of 2009: H.R. 1741, amended, to require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain protection and witness assistance programs, by a ⅔ yea-and-nay vote of 412 yeas to 11 nays, Roll No. 315; **Pages H6325–29, S6357**

Agreed to amend the title so as to read: ''To require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs.''. **Page H6357**

Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act: H.R. 2675, to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010; **Pages H6329–30**

Webcaster Settlement Act of 2009: H.R. 2344, to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters;

Pages H6330–32

Condemning the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula: H. Res. 515, amended, to condemn the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas on June 1, 2009; **Pages H6332–35**

Recognizing National Physical Education and Sport Week: H. Res. 503, to recognize National Physical Education and Sport Week; **Pages H6335–38**

Supporting the goals and ideals of the Intermediate Space Challenge in Mojave, California: H. Res. 411, to support the goals and ideals of the Intermediate Space Challenge in Mojave, California;

Pages H6342–45

Consumer Assistance to Recycle and Save Act: H.R. 2751, to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles, by a ⅔ yea-and-nay vote of 298 yeas to 119 nays with 2 voting ''present'', Roll No. 314;

Pages H6345–57

Congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA): H. Res. 472, to congratulate and salute the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and their dedication to general aviation, safety and the important contribution general aviation provides to the United States; **Pages H6360–62**

Recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States: H. Res. 410, to recognize the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States;

Pages H6366–68

Expressing support for designation of June 10th as ''National Pipeline Safety Day'': H. Res. 484, to express support for designation of June 10th as ''National Pipeline Safety Day''; **Pages H6368–70**

Recognizing National Homeownership Month and the importance of homeownership in the United States: H. Res. 502, to recognize National Homeownership Month and the importance of homeownership in the United States; **Pages H6370–72**

Celebrating the life of Millard Fuller: H. Res. 385, to celebrate the life of Millard Fuller, a life which provides all the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man; and **Pages H6372–73**

Honoring and congratulating the U.S. Border Patrol on its 85th anniversary: H. Res. 498, to honor and congratulate the U.S. Border Patrol on its 85th anniversary. **Pages H6373–77**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Recognizing the significant accomplishments of the AmeriCorps: H. Res. 453, to recognize the significant accomplishments of the AmeriCorps and to encourage all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service; **Pages H6338–42**

Recognizing the 25th anniversary of the National Center for Missing and Exploited Children: H. Res. 454, to recognize the 25th anniversary of the National Center for Missing and Exploited Children; and **Pages H6358–60**

Ralph Regula Federal Building and United States Courthouse Designation Act: H.R. 1687, amended, to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse". **Pages H6362–66**

Presidential Message: Read a message from the President wherein he transmitted a legislative proposal, the "Statutory Pay-As-You-Go Act of 2009," or "PAYGO," together with a sectional analysis—referred to the Committee on the Budget and ordered printed (H. Doc. 111–46). **Pages H6377–78**

Senate Message: Message received from the Senate today appears on pages H6315–16.

Senate Referral: S. 256 was referred to the Committee on Energy and Commerce and the Committee on the Judiciary. **Pages H6316, H6412**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H6356–57, H6357 and H6357–58. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 11:57 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS'; SUBCOMMITTEE ALLOCATIONS

Committee on Appropriations: Ordered reported the following: as amended, the Commerce, Justice, Science and Related Appropriations for fiscal year 2010; and Subcommittee Allocations. 302(b).

ARMY POSTURE

Committee on Appropriations: Subcommittee on Defense held a hearing on Army Posture. Testimony was heard from the following officials of the Department of the Army: Pete Geren, Secretary; and GEN George W. Casey, Chief of Staff.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch approved for full Committee action the Legislative Branch Appropriations for the fiscal year 2010.

DEFINING FAIR GREEN MARKETING PRACTICES

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled "It's Too Easy Being Green: Defining Fair Green Marketing Practices." Testimony was heard from James Kohm, Director, Enforcement Division, FTC; and public witnesses.

CLIMATE LEGISLATION; ALLOWANCE ALLOCATION POLICIES

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing entitled "Allowance Allocation Policies in Climate Legislation: Assisting Consumers, Investing in A Clean Energy Future, and Adapting to Climate Change." Testimony was heard from public witnesses.

OVER-THE-COUNTER DERIVATIVES MARKET REGULATION

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled "The Effective Regulation of the Over-the-Counter Derivatives Markets." Testimony was heard from public witnesses.

GUATEMALA OUTLOOK

Committee on Foreign Affairs: Subcommittee on Western Hemisphere held a hearing on Guatemala at a Crossroads. Testimony was heard from Stephen Johnson, former Deputy Assistant Secretary of Defense for Western Hemisphere Policy; Mark Schneider, former Director, Peace Corps; and public witnesses.

FEMA BUDGET

Committee on Homeland Security: Subcommittee Emergency Communications, Preparedness and Response held a hearing entitled " The FY 2010 Budget for the Federal Emergency Management Agency." Testimony was heard from W. Craig Fugate, Administrator, FEMA.

SCIENCE/HEALTH/NUCLEAR DETECTION BUDGETS

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled "The FY 2010

Budget for the Directorate for Science and Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office.'' Testimony was heard from the following officials of the Department of Homeland Security: Brad Buswell, Acting Under Secretary, Science and Technology Directorate; Chuck Gallaway, Acting Director, Domestic Nuclear Detection Office; and Jon Krohmer, Acting Assistant Secretary and Chief Medical Officer, Office of Health Affairs.

JUDGE SAMUEL B. KENT IMPEACHMENT

Committee on the Judiciary: Task Force on Judicial Impeachment voted to forward to the full Committee the articles of impeachment against U.S. District Judge Samuel B. Kent.

CELL TAX FAIRNESS ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 1521, Cell Tax Fairness Act of 2009. Testimony was heard from Mara Candelaria Reardon, member, House of Representatives, State of Indiana; Joseph A. Gibbons, member, House of Representatives, State of Florida; and public witnesses.

JUVENILE JUSTICE ACCOUNTABILITY AND IMPROVEMENT ACT OF 2009

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on H.R. 2289, Juvenile Justice Accountability and Improvement Act of 2009. Testimony was heard from James Fox, District Attorney, San Mateo County, California; and public witnesses.

DRUGS/CHEMICALS WATER SUPPLY POLLUTION

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held an oversight hearing entitled ''Overdose: How Drugs and Chemicals in Water Supplies and the Environment are Harming our Fish and Wildlife.'' Testimony was heard from Tracy Collier, Director, Environmental Conservation Division, Northwest Fisheries Science Center, National Marine Fisheries Service, NOAA, Department of Commerce; Matt Larsen, Associate Director, Water, U.S. Geological Survey, Department of the Interior; Anne C. Perry, member, House of Representatives, State of Maine; and public witnesses.

PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009
FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

Committee on Rules: Granted, by a non-record vote, a structured rule for H.R. 1886, providing one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules, shall be considered as adopted. The rule waives all points of order against provisions of the bill, as amended. The rule provides that the bill, as amended, shall be considered as read. The rule makes in order the further amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Ros-Lehtinen of Florida or her designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent. The rule provides one motion to recommit with or without instructions.

The resolution also provides for consideration of H.R. 2410, the ''Foreign Relations Authorization Act, Fiscal Years 2010 and 2011,'' under a structured rule. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs and waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs, now printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. The rule makes in order only those amendments printed in part C of the report of the Committee on Rules. The rule provides that the amendments made in order may be offered only in the order printed in the report of the Committee on Rules, may be offered only by a Member designated in the Committee report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI. The rule provides one motion to recommit H.R. 2410 with or without instructions. Finally, the rule provides

that in the engrossment of H.R. 2410, the text of H.R. 1886, as passed by the House, shall be added as new matter at the end of H.R. 2410. Testimony was heard from Chairman Berman and Representatives Polis, Nadler (NY), Holt, Davis (CA), Larsen (WA), McCollum, Cuellar, Ros-Lehtinen, Smith (NJ), Burton (IN), Royce, Castle, and Kirk.

ENERGY DEPARTMENT ENVIRONMENTAL RESEARCH

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on Environmental Research at the Department of Energy. Testimony was heard from public witnesses.

WOMEN VETERANS HEALTH CARE; VA HEALTH INFRASTRUCTURE

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Assessing CARES and the Future of VA's Health Infrastructure. Testimony was heard from the following officials of the Department of Veterans Affairs: Everett Alvarez, Jr., Chairman, CARES Commission; and Donald H. Orndoff, Director, Office of Construction and Management; Mark Goldstein, Director, Physical Infrastructure Issues, GAO; and representatives of veterans organizations.

EARLY CHILDHOOD HOME VISITATION PROGRAMS

Committee on Ways and Means: Subcommittee on Income Security and Family Support, held a hearing on Proposals to Provide Federal Funding for Early Childhood Home Visitation Programs. Testimony was heard from Joan Sharp, Executive Director, Council for Children and Families, State of Washington; and public witnesses.

HUMINT

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on HUMINT. Testimony was heard from departmental witnesses.

HOT SPOTS BRIEFING

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Committee was briefed by departmental witnesses.

Joint Meetings

TROUBLED ASSET RELIEF PROGRAM

Joint Economic Committee: Committee concluded a hearing to examine the Troubled Asset Relief Program (TARP) accountability and oversight, focusing on the strength of financial institutions, after receiving testimony from Elizabeth Warren, Chair, Congressional Oversight Panel for the Troubled Asset Relief Program (TARP), Department of the Treasury.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 10, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: business meeting to consider certain pending civilian nominations, 11 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Mercedes Marquez, of California, to be Assistant Secretary of Housing and Urban Development for Community Planning and Development, and Herbert M. Allison, Jr., of Connecticut, to be Assistant Secretary of the Treasury for Financial Stability; to be followed by a hearing to examine the state of the domestic automobile industry, focusing on the impact of federal assistance, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine aviation safety, focusing on the Federal Aviation Administration's role in the oversight of air carriers, 2:30 p.m., SR–253.

Committee on Environment and Public Works: business meeting to consider the nominations of Peter Silva Silva, of California, to be Assistant Administrator for Water, and Stephen Alan Owens, of Arizona, to be Assistant Administrator for Prevention, Pesticides, and Toxic Substances, both of the Environmental Protection Agency, and Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration, Department of Transportation, Time to be announced, Room to be announced.

Committee on Foreign Relations: to hold hearings to examine the nomination of Kurt M. Campbell, of the District of Columbia, to be Assistant Secretary of State for East Asian and Pacific Affairs, 9:45 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nominations of Howard K. Koh, of Massachusetts, to be Assistant Secretary of Health and Human Services, Martha J. Kanter, of California, to be Under Secretary of Education, Jane Oates, of New Jersey, to be Assistant Secretary of Labor for Employment and Training Administration, and Laurie I. Mikva, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation, Time to be announced, Room to be announced.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Tara Jeanne O'Toole, of Maryland, to be Under Secretary for Science and Technology, Department of Homeland Security, and Jeffrey D. Zients, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget, 10 a.m., SD–342.

Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine allegations of waste, fraud, and

abuse in security contracts at the United States Embassy in Kabul, Afghanistan, 2:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the continued importance of the Violence Against Women Act, 10 a.m., SD–226.

Committee on Rules and Administration: to hold hearings to examine the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission, 2:30 p.m., SR–301.

Full Committee, business meeting to consider the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission, 3 p.m., SR–301.

Committee on Veterans' Affairs: to hold an oversight hearing to examine the Department of Veterans Affairs' construction process, 9:30 a.m., SR–418.

House

Committee on Agriculture, Subcommittee on Rural Development, Biotechnology, Specialty Crops and Foreign Agriculture, hearing to review rural development programs operated by the U.S. Department of Agriculture, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, to mark up the Interior, Environment, and Related Agencies appropriations for fiscal year 2010, 9 a.m., B–308 Rayburn.

Committee on Education and Labor, Subcommittee on Health, Employment, Labor and Pensions, hearing on Examining the Single Payer Health Care Option, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to consider the following resolutions of inquiry: H. Res. 446, Of inquiry requesting the President and directing the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget to provide certain documents to the House of Representatives relating to the Environmental Protection Agency's proposed find that greenhouse gas emissions are a danger to public health and welfare; H. Res. 449, Of inquiry requesting the President to provide certain documents in his possession to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare; and H. Res. 462, Requesting that the President transmit to the House of Representatives all information in his possession relating to specific communications with Chrysler LLC (''Chrysler''), following conclusion of the meeting of the Subcommittee on Health, 2123 Rayburn.

Subcommittee on Communications, Technology and the Internet, hearing on the following bills: H.R. 1084, Commercial Advertisement Loudness Mitigation Act (CALM); H.R. 1147, Local Community Radio Act of 2009; and H.R. 1133, Family Telephone Connection Protection Act of 2009, 10 a.m., 2322 Rayburn.

Subcommittee on Health, to mark up H.R. 2749, Food Safety Enhancement Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights and Oversight, hearing on the Uighurs: A History of Persecution, 9 a.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Foreign Policy Implications of U.S. Efforts to Address the International Financial Crisis: TARP, TALF and the G–20 Plan, 1 p.m., 2172 Rayburn.

Commitee on Homeland Security, Subcommittee on Transportation Security and Infrastructure Protection hearing entitled ''The FY 2010 Budget for the National Protection and Programs Directorate and the Transportation Security Administration,'' 2 p.m., 311 Cannon.

Committee on House Administration, to mark up the following measures: H.R. 1196, To authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives; H.R. 2510, Absentee Ballot Tract, Receive and Confirm Act; H.R. 1604, Universal Right to Vote by Mail Act of 2009; H.R. 512, Federal Election Integrity Act of 2009; H.R. 2728, William Orton Law Library Improvement and Modernization Act; H.R. 1752, To provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; H.R. 2185, Architect of the Capitol Appointment Act of 2009; H. Con. Res. 135, Directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol; H. Con. Res. 131, Directing the Architect of the Capitol to engrave the Pledge of Allegiance to the flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center; and a resolution pertaining to IG recommendations for financial documentation, 11 a.m., 210 Cannon.

Committee on the Judiciary, to mark up the following: a measure to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments; and a proposed resolution of Articles of impeachment against U.S. District Judge Samuel B. Kent, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 1612, Public Lands Service Corps Act of 2009; H.R. 1916, Migratory Bird Habitat Investment and Enhancement Act; H.R. 556, Southern Sea Otter Recovery and Research Act; H.R. 934, To convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; H.R. 1080, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009; H.R. 2188, Joint Ventures for Bird Habitat Conservation Act of 2009; H.R. 509, Marine Turtle Conservation Reauthorization Act of 2009; H.R. 1454, Multinational Species Conservation Funds Semipostal Stamp Act of 2009; H.R. 1275, Utah Recreational Land Exchange Act of 2009; H.R. 1442, To provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt

Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; H.R. 129, To authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; H.R. 409, To provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway; and H.R. 762, To validate final patent number 27–2005–0081, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, oversight hearing on the Environmental Restoration Program at Spring Valley, 2 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, oversight hearing entitled ''Commission on Wartime Contracting: Interim Findings and Path Forward,'' 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Research and Science Education, hearing on Cyber Security R&D, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Laying the Groundwork for Economic Recovery: Expanding Small Business Access to Capital,'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Control of Anti-Fouling Systems on Ships, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, to mark up the following bills: H.R. 1016, Veterans Health Care Budget Reform and Transparency Act of 2009; H.R. 1211, Women Veterans Health Care Improvement Act; H.R. 952, COMBAT PTSD; H.R. 1037, Pilot College Work Study Programs for Veterans Act of 2009; H.R. 1098, Veterans' Worker Retraining Act of 2009; H.R. 1172, To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors; H.R. 1821, Equity for Insured Veterans Act of 2009; and H.R. 2180, To amend title 38, United States Code, to waive housing loan fees for certain veterans with service-connected disabilities called to active service, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, briefing on Tasking, Processing, Exploitation and Dissemination Integration, 10:30 a.m., and, executive, briefing on Cyber Update, 2 p.m., 304–HVC Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 10

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 1256, Family Smoking Prevention and Tobacco Control Act, and after one hour of debate, vote on the motion to invoke cloture thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 10

House Chamber

Program for Wednesday: Consideration of H.R. 2410—Foreign Relations Authorization Act, Fiscal Years 2010 and 2011 (Subject to a Rule).

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