United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, OCTOBER 29, 2009 No. 159

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 29, 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.

PRAYER

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

Ever loving and attentive Lord, You speak and the Word finds a place in the hearts of Your servants.

May Your people dream new and powerful dreams not built on futile hope but on solid experience and faith.

Provide us with dreams that will take us beyond present problems and anxieties to great solutions that will shape the future.

Free us from fear that inhibits our belief in our own capabilities and in Your promises. Give us wisdom to accept our limitations and humbly lay the work of our minds and our hands before You.

Your Providence, Lord, Your Providence alone, guides this Nation. And so once more we say as Your people: ''In God we trust.'' Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

THE CURRENT HEALTH CARE REFORM PLAN: IF THIS IS THE BEST WE CAN DO, THEN OUR BEST ISN'T GOOD ENOUGH

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

Mr. KUCINICH. Is this the best we can do: mandating private insurance, forcing people to buy private insurance policies or pay a penalty, guaranteeing at least $50 billion in new business for the insurance companies?

Is this the best we can do: government negotiates rates which will drive up insurance costs, but the government won't negotiate with the pharmaceutical companies which will drive up pharmaceutical costs?

Is this the best we can do: only 3 percent of Americans will go to a new public plan while currently 33 percent of Americans are either uninsured or underinsured?

Is this the best we can do: eliminating the State single-payer option while forcing most people to have to buy private insurance?

If this is the best we can do, then our best isn't good enough and we have to ask some hard questions about our political system, such as: Health care or insurance care? Government of the people or government by the corporations?

IN RECOGNITION OF RYAN MURPHY

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

Mr. WILSON of South Carolina. Madam Speaker, in Congress, there is a normal shuffling of positions. Today, it is with mixed emotions that I announce the departure of Ryan Murphy.

For the past 2 years, Ryan has done a professional job while serving as communications director for the Second Congressional District under very extraordinary circumstances. Ryan has handled his position with professionalism, grace, and integrity. His dedication and work ethic will be difficult to replace.

Ryan began his career as a staff member of Congressman TOM PRICE. He will continue his service on Monday as the minority press secretary for the Committee on Education and Labor.

I especially appreciate Ryan as a fellow graduate of Washington and Lee University and Sigma Nu. Ryan is the son of Mike and Chris Murphy of Atlanta and Hilton Head. He is a credit to the people of South Carolina and Georgia. I wish him Godspeed.

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

Welcome, Boeing, to South Carolina. We are grateful for the new jobs in the tradition of Michelin and BMW.

SALUTING THE VERMONT NATIONAL GUARD

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

Printed on recycled paper.

Mr. WELCH. Madam Speaker, I rise today to salute the brave men and women of the Vermont National Guard, who will soon begin a year of service to our country in the rugged mountains and forbidding deserts of Afghanistan.

Tomorrow morning at Camp Johnson in Colchester, Vermonters will salute the first 35 Guardsmen and -women to leave the Green Mountain State and report for training at Fort Polk, Louisiana. They'll be followed shortly thereafter by all of the 1,400 Vermonters whose deployment will constitute the largest since World War II.

As we Vermonters bid a temporary farewell to our finest, their families and our communities will prepare to face the hardship of their absence. Yet our State can and will take pride in knowing that our loved ones and our friends and our neighbors who are devoting themselves to the service of our State and to all of the United States of America go with our support.

We stand proud to know that, as in every war since the Revolution, the Green Mountain Boys are serving our State and our country with strength, bravery, and honor.

We salute and look forward to your safe return.

RECOGNIZING SISTER TO SISTER

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

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to recognize a wonderful foundation, Sister to Sister, and its Miami Community Council.

Sister to Sister works year-round to bring heart awareness to thousands of women in south Florida. Its members educate women on the dangers of heart disease, which is the leading cause of death among women.

Sister to Sister will host its Miami Executive Women's Breakfast on November 18 in Key Biscayne, in my congressional district, to stimulate interest in the many women's heart health fairs throughout the years. These heart health fairs include free heart screenings as well as great information on preventing heart disease.

Sister to Sister's heart health fairs have been held in more than 20 cities, and more than 80,000 women have been screened.

I commend our local Sister to Sister organization for its hard work and compassion in the fight against heart disease and encourage all south Florida women to attend one of their heart health fairs.

Heart disease is a serious issue, and we can promote early detection and treatment.

HONORING THE SERVICE OF FORMER BORDER PATROL CHIEF GUSTAVO DE LA VINA

(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. Madam Speaker, on October 26 of this year, this country lost a great public servant and defender of its borders, former Border Patrol Chief Gustavo De La Vina.

Known as ''the Chief'' to the people that he worked with, Chief De La Vina passed away this Monday while on assignment in Bosnia-Herzegovina.

He was born and raised in Edinburg, Texas. He lived on the border and worked on the border all of his life. Entering the Border Patrol as an agent in 1970, he rose through the ranks and 27 years later was appointed our Chief of the Border Patrol. This was in 1997. And upon his retirement in 2004, we called upon the Chief again to serve, and he became an adviser to the International Criminal Investigative Training Assistance Program within the Department of Justice.

My condolences go to his family and to the men and women who had the honor to serve with him in the uniform of green, who served with him for the last 34 years.

Gus, we will miss you.

HEALTH CARE BILL—CONSTITUTIONAL?

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

Mr. POE of Texas. Madam Speaker, the universal health care bill forces businesses and individuals to purchase health insurance. It raises at least two constitutional issues.

The Constitution doesn't give the Federal Government direct authority to compel the purchase of health insurance. So the Supreme Court would once again have to come in and by judicial edict give government the intrusive power to do what it obviously cannot do now: stretch the meaning of the Commerce Clause.

Can the Federal Government force people to buy health insurance whether they can afford it or not? Can the Federal Government then impose a criminal fine on them under the guise of calling it a tax if they fail to buy the insurance?

Then what happens if the citizen doesn't pay the fine? Do they go to jail without the benefit of trial by jury? Do they lose their right to confront witnesses and have a lawyer?

Congress's forcing mandatory health insurance on Americans and then imposing criminal sanctions without due process is a violation of the Constitution. This action would shock the Framers of our Constitution.

These serious constitutional issues cannot be ignored in the haste to have the government take over America's health.

And that's just the way it is.

STOP-LOSS PAYMENTS

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

Mr. KLEIN of Florida. Madam Speaker, I rise today with good news for our honorable servicemembers and their families in Florida and around our country.

Last week, the Defense Department announced that it will provide retroactive payments to servicemembers who had their enlistment extended or retirement suspended under the program known as Stop-Loss.

While our men and women never hesitate to serve when asked, Stop-Loss kept them away from their families for months or years longer than planned. That is why I'm so pleased that servicemembers will receive an extra $500 for every month or part of a month they served under the Stop-Loss program. These payments are a small token of gratitude we feel toward the men and women of our military.

I look forward to working with all of our colleagues as we continue to ensure that our servicemembers have access to the full range of benefits they have earned.

MESSAGE FROM CONSTITUENTS: LESS SPENDING, LESS BORROWING, AND LESS GOVERNMENT

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

Mr. MORAN of Kansas. Madam Speaker, as I travel across Kansas, one common theme I hear from folks is their frustration with the amount of spending taking place in Washington. Rightfully so, millions of Americans are standing up to their elected officials and saying ''enough is enough.'' Our national debt is closing in on $12 trillion, almost $39,000 owed by each man, woman, and child in the United States.

I applaud the millions of Americans who have chosen to exercise their constitutional right to free speech and have taken part in the TEA party protests. I am a sponsor of House Resolution 870, which expresses the appreciation of the House of Representatives for those who participated in the Taxpayer March on September 12, 2009, in Washington, D.C.

Congress has been issuing checks that our Nation can no longer afford, and I applaud the participants for sending a clear message: It's time for Washington to change its ways. Less spending, less borrowing, and less government.

HONORING SERGEANT NICKOLAS MUELLER

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

Mr. KAGEN. Madam Speaker, it is with profound sadness that we commemorate the death of a Wisconsin native son, 26-year-old Sergeant Nickolas

Mueller, who was killed in action on October 26 during military operations in Afghanistan.

In 2002, a graduate of Little Chute High School, Sergeant Mueller was a member of the U.S. Army's 160th Special Operations Aviation Regiment, stationed in Savannah, Georgia.

And after serving 2 years in Korea, Sergeant Mueller became crew chief on an elite Chinook helicopter unit, known as the Night Stalkers, whose duties included inserting and taking out our troops from dangerous territory.

That Sergeant Mueller was several times decorated is not surprising to those who knew him. In high school, he was a member of the Mustangs' football team and wrestling teams. He was a regular participant. He was the king of homecoming in 2001.

That he was entrusted with the highly technical responsibilities of a crew chief is not surprising either. Nick is remembered by his family and friends for his fearless willingness to accept any challenge.

On behalf of the people of northeast Wisconsin, we offer our deepest condolences to his mother and father, Sharon and Larry Mueller, and his brother, John.

Sergeant Nick Mueller shall not be forgotten.

NATIONAL BREAST CANCER AWARENESS MONTH

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

Mrs. HALVORSON. Madam Speaker, I stand today in support of National Breast Cancer Awareness Month. I stand today to recognize the thousands of individuals who have bravely fought this tragic disease. I stand today to also remember those who didn't make it.

There isn't a single person who doesn't know someone affected by this disease. I will always remember my mom's fight with breast cancer. I will never forget the doctor's visits and the medication, or my parents' struggles fighting doctor's payments when she was just trying to fight the cancer. Today, there are so many just like her who must suffer through this alone and without the resources necessary to win their battle.

It is up to us to be there for them and to support them through their tough times and it is up to us to encourage early screenings and to fight for better care. This month will come and go, but we must always recognize those afflicted with this disease and help them fight for what they need and for their lives.

PATRIOT ACT

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

Mr. PITTS. Madam Speaker, in just the last few weeks, we have seen the FBI and local law enforcement thwart five separate terrorist attacks. Clearly, radical Islamic terrorists continue to be a serious threat to the safety and security of all Americans.

In one FBI sting, Hosam Smadi thought he was about to blow up a 60-story office tower in Dallas. When asked whether he wanted ear plugs, he declined saying that he wanted to hear the blast clearly. Not only was Smadi willing to take thousands of lives, he wanted to revel in the experience. To facilitate the arrest of Smadi and other terrorists, the FBI used surveillance enabled by the PATRIOT Act.

By the end of this year, three key surveillance provisions in the act will expire. If we want to ensure that the FBI is able to continue their critical mission of identifying and arresting terrorists before they strike, we must not take away these critical tools. Our law enforcement agencies are working hard to keep America safe, and the PATRIOT Act ensures that they are able to track and follow individuals who are working toward violent ends.

CAMPAIGN FINANCE REFORM

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

Mr. ARCURI. Madam Speaker, as we approach election day for many local and State elections across the country, I want to make certain that the issue of campaign finance reform is at the forefront of discussion on creating a cleaner and more accessible election system in this country. There is no doubt that our democracy here in the United States is the greatest in the world, but we need to make sure that we allow access to as many qualified citizens as possible to engage in this process.

Why should a candidate be judged on the quality of a television advertisement over the quality of their ideas to fix our Nation's economy or improve the flow of traffic through local town squares? Candidates should be elected based on merit, not on money.

In the last decade, an alliance of advocacy groups, the Fair Elections Coalitions, has been working to implement a public campaign finance system on the State level known as Clean Money, Clean Elections. Across the country, candidates have been elected based on this system, and I would hope that we can pass legislation here in Congress to reform the system fairly across the board.

As Members of Congress, we need to remember that we serve the people of this country based on issues, not dollars, and I would ask that my colleagues join me in a push toward campaign finance reform.

U.S. CHAMBER OF COMMERCE

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

Mr. CONAWAY. Madam Speaker, it seems that the Obama administration has set its sights on yet another target of political dissension: the U.S. Chamber of Commerce. The Chamber represents roughly 3 million businesses with more than 96 percent of its membership being comprised of small businesses of 100 employees or fewer, the very backbone of our economy.

The Chamber has expressed concern regarding various proposals, such as the regulation of greenhouse gases and a government-run health care plan, policies that, if enacted, would ultimately devastate small businesses across this country.

It appears that the Obama administration is actively circumventing the masses of members within the Chamber to try to craft side deals with a few individuals in an effort to persuade defections. It seems that it is all part of a grand strategy to marginalize a well-respected organization with legitimate policy differences.

When Barack Obama promised a new kind of politics, I don't believe a divide-and-conquer strategy based simply on disagreement with the American people is what the American people had in mind.

I encourage the Chamber to continue to stand up against any business policies, regardless of political pressure. The millions of businesses, many of which are located in my State and congressional district, will be grateful for their resolve.

ALCOHOLISM AND DRUG ADDICTION

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

Mr. KENNEDY. Madam Speaker, we have an elephant in the middle of our Nation's living room. That is alcoholism and drug addiction. This country's medical system does not deal with one of the major issues in this country, and that is alcoholism and drug addiction and depression and mental illness.

If we are going to do something about our health care system, we better incorporate treatment for these illnesses in order to make sure we prevent other diseases. If you have one of these illnesses, your cost for health care goes up four times. Seventy percent of the trauma care in this country is as a result of drug addiction and alcoholism. Car accidents, stabbings, gun shots, domestic violence, many of the things you see in our emergency rooms is as a result of drugs and alcohol.

That is why we need to make sure that we have early intervention and screening and treatment reimbursement in our health care bill.

U.S. CHAMBER OF COMMERCE

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

Mr. BUCHANAN. Madam Speaker, the U.S. Chamber of Commerce represents more than 3 million businesses that employ millions and millions of Americans. The overwhelming majority of these businesses are small business, the engine of our economy.

So it is more than a little surprising that the administration will be attacking this pro-job, pro-growth organization at a time when our economy is in the worst recession in 80 years. Shouldn't we be working together to create jobs and pull our country out of this economic mess? Shouldn't the Congress and the administration and the private sector all have a singular purpose of restoring America's economy and leading the worldwide economic resurgence?

Yet reports that I have read in recent weeks indicate a constant attacking of the Chamber and discrediting the Chamber of Commerce.

As a former chairman of the Florida Chamber of Commerce, we represented 139,000 small businesses in my home State of Florida. I urge the administration to drop its attack mentality and work together with the very groups responsible for creating jobs and growth in the United States of America.

HEALTH CARE

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

Mr. GENE GREEN of Texas. Madam Speaker, after World War II when our parents and, in some cases, our grandparents returned from victory, our country stayed to rebuild the countries of our former enemies and our friends. Each of these countries, with our help, established a national health care plan for their people. Our country did not since huge numbers of Americans at that time received health care through their employers. That is not true today.

My Texas district has the highest number of uninsured adults under 65 in the country. We need a national health care plan for all Americans. If you have Medicare or employer-based insurance, that's great.

Next week, let's do what we did after World War II for our enemies and our friends. Let's provide national health care for all Americans.

NEWSWEEK GIVES PRESIDENT FREE ADVERTISING

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

Mr. SMITH of Texas. Madam Speaker, the poster to my left is the winner of the Media Fairness Caucus' ''Worst of the Week'' award for media bias.

The poster says, ''Yes, He Can,'' a variation of the President's campaign slogan. While it appears to be a campaign poster, it actually is this week's cover of Newsweek magazine. The poster provides an astounding example of the national media's liberal bias. Newsweek is the same magazine that during the Presidential campaign featured then-Senator Obama on its cover three times as often as Senator MCCAIN.

No wonder 7 out of 10 Americans say the national media are intent on promoting the Obama administration, according to a recent public opinion poll. The national media should report the facts, not provide free advertising for the White House.

WHAT REFORM MEANS FOR ALL AMERICANS

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

Mr. SIRES. Madam Speaker, 23 percent. That is the percentage of those living without health insurance in my district, the highest rate in New Jersey. My constituents are looking to me and this Chamber to accomplish health care reform this year. We must finish our work, not only for those without insurance, but for the other 77 percent that have insurance but are finding coverage more expensive.

For those without insurance, we want to offer you affordable health care coverage. A new exchange will be created as a one-stop comparison shopping marketplace, including a public option to create competition for better prices and better coverage. To ensure coverage is within your means, affordability credits will be offered to help you buy insurance.

Our plan will end discrimination for preexisting conditions and require coverage for preventive care without copays. To ensure no one goes broke because they get sick, a yearly limit will be placed on how much you can be charged for out-of-pocket expenses. And if you lose or change jobs, you will be able to get your own affordable insurance.

This Nation deserves a more affordable, secure health care system. We cannot wait any longer for these reforms.

THE HONOR FLIGHT FROM OCALA, FLORIDA

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

Mr. STEARNS. Madam Speaker, as a veteran, I am especially proud of my involvement with Honor Flight, which brings veterans of World War II to Washington, D.C., to see the memorial and other cherished sites.

There are obviously many memorials and monuments in Washington, D.C. However, for too long, there was a glaring omission: no memorial to the men and women who defeated the Axis powers. I am pleased that this oversight was corrected with the World War II Memorial which was dedicated in May of 2004.

Today, Honor Flight is bringing over 100 World War II veterans from my hometown of Ocala, Florida, to Washington, D.C. I will meet them this afternoon at the World War II Memorial, and we will lay a wreath at the Florida column.

Our veterans have earned our respect, and they deserve to see that their sacrifice is still honored. I am proud to join in supporting the noble cause of Honor Flight.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 876 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 876

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The conference report shall be considered as read. All points of order against the conference report and against its consideration are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

□ 1030

Mr. HASTINGS of Florida. For the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from San Dimas, California (Mr. DREIER). All time yielded during consideration of the rule is for debate only, Madam Speaker.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 876.

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

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, H. Res. 876 provides for consideration of the conference report to accompany H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010. The resolution waives all points of order against the conference report and against its consideration. The resolution provides that the conference report shall be considered as read. Finally, the resolution provides that the previous question shall be considered as ordered without intervening motion, except for 1 hour of debate and one motion to recommit, if applicable.

This conference report makes available the necessary resources for the

Federal Government to protect our Nation's precious natural resources. It also provides to ensure clean and safe drinking water, to perform critical restoration work, and help Native American communities meet their needs.

It will help communities and public lands by focusing on five priority areas: water infrastructure and environmental protection; fire fighting and fuels reduction on Federal land; bolstering our public land management agencies; protecting public lands through the Land and Water Conservation Fund; and helping the most vulnerable Native American populations. Together, these priorities and their attendant policies provide for effective Federal stewardship of our environmental and cultural treasures while also improving the lives of all Americans who depend on these resources for their health and well-being.

Madam Speaker, it's worth noting some of the critical investments that the underlying legislation makes in essential programs and agencies.

The Environmental Protection Agency receives over $10 billion to restore and protect the quality of our Nation's air, water and land, including over $3.5 billion to help nearly 1,500 communities improve their drinking water and wastewater systems. Improving our Nation's water quality will have a direct and positive impact on overall public health, making this funding crucial to the bettering of the lives of all Americans. The EPA is also provided with increased funding to protect important bodies of water, such as the Great Lakes, San Francisco Bay, and the Chesapeake Bay, as well as significant funding to clean up dangerous toxic waste sites around the country.

Important climate change programs are also funded in this legislation, including money to implement the Energy Independence and Security Act, which will help the United States produce 36 billion gallons of renewable fuel by 2022, reducing our dependence on fossil fuels. Thousands of communities and millions of individual consumers will be able to receive assistance from the EPA to lower their emissions and adopt green technologies.

Native American and Native Alaskan programs receive hundreds of millions in increased funding from previous years, with an emphasis on supporting both federally and tribally operated health care programs, as well as bolstering law enforcement, education, and economic development programs throughout the country.

Recognizing the need for a dedicated, steady and predictable funding stream for wildfire suppression and firefighting activities, this legislation includes the Federal Land Assistance, Management and Enhancement Act of 2009. In light of recent increases in the length, severity and exponential cost of wildfire seasons, the FLAME Act includes a number of budgetary reforms to ensure that government agencies and local communities will have the necessary resources to handle large and complex fire events.

It is also worth noting that this legislation funds the Smithsonian to the appropriate level of support for the world's largest museum and research complex right here in our Nation's Capital. Here in Washington, we see the fruits of these efforts every day up and down the National Mall, as do our constituents when they visit us, and I am particularly pleased with the inclusion of $20 million for planning and design of the new National Museum of African American History and Culture, which will be built on the Mall.

Madam Speaker, this legislation also includes the continuing resolution to fund government operations through December 18. Although we completed our appropriations work during the summer, this resolution is needed to allow our good friends in the other body, the Senate, more time to complete their work.

Finally, Madam Speaker, I want to address this report's provisions regarding Guantanamo Bay. I spoke on this matter when I managed the rule for the conference report on Homeland Security Appropriations 2 weeks ago. This body seems fit to include language on Guantanamo Bay in every appropriations measure that comes before us. I appreciate that many of our colleagues have objections to the various aspects involved in closing the detention facilities at Guantanamo, which President Obama has promised to do by January of 2010. But as I have maintained before, the problem is the policy, not the place.

The debate over Guantanamo, in my opinion, is missing the larger picture, and that is the need to reform our entire detainment policy. Without a system of justice to deal with suspected terrorists wherever they are held, we are left with a broken system that has tarnished our image abroad and is used as a recruitment tool by al Qaeda and other groups which threaten our security. We need to deny them that image of America.

We need a judicial process that accomplishes three things: one, protects our national security by holding and prosecuting those who have committed crimes or who pose a threat to our country; two, upholds international standards of human rights by ensuring decent treatment and access to basic rights and resources; and three, strengthens our Nation's image as a country that upholds the rule of law. We must not resort to arbitrary justice, even while under threat. There is no reason why these three things cannot be accomplished, nor is there a reason to believe that American courts cannot deal judiciously with individuals suspected of criminal wrongdoing or acts of terrorism.

The appropriations season has so far brought forth a number of bills, almost all with language relating to Guantanamo. At some point, we're going to need to move beyond legislating this matter into appropriations bills and, instead, establish new policies and guidelines to bring our national security needs in line with our historic national values. This matter cannot be left only to the executive branch or the judiciary. Congress makes laws.

We have to put aside political posturing and ''gotcha'' on Guantanamo Bay and ''not in my backyard'' and, instead, work together to reform a broken system. To that end, I am pleased to have introduced H.R. 3728, the Detainment Reform Act, which I believe will move us forward on this matter. I urge my colleagues in this body to support this effort. And I might add, I have no pride of authorship. What I am talking about is trying to get past where we are in this ''not in my backyard'' and deal with the needed policy that will deal with people who will do harm to this country, whether they're in Guantanamo or Bagram or Leavenworth or wherever they may be held.

Ultimately, Madam Speaker, the conference report before us today provides the necessary funding to carry on our Nation's critical environmental protection efforts to ensure that all Americans will have access to clean water and safe communities.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

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

Mr. DREIER. I want to begin my extending my appreciation to my friend from Fort Lauderdale and thank him for his very thoughtful and powerful statement that he has just delivered to us.

Madam Speaker, for the second time this fall, we're considering a continuing resolution to keep the Federal Government operating as the Democratic majority fails to complete action on Federal spending for the new fiscal year. Continuing resolutions are not new. Congress has frequently, under both political parties, taken the action of having a continuing resolution to avert a government shutdown while the difficult appropriations process is finalized.

What makes this particular series of continuing resolutions so significant—and I say again, we're on the second one so far—is that it exposes this year's unprecedented—and I underscore unprecedented—closed appropriations process for what it really is. It's an utterly hollow excuse, a hollow excuse because never before in the history of the Republic have we had the appropriations process shut down, as has been the case through this past summer.

Time and again, the Democratic leadership told us during the summer that they had no choice but to shut down the debate on the spending appropriations process because they had a

schedule to keep. In fact, they very solemnly spoke of the inviolable September 30, end of the fiscal year, and that we had to have the appropriations work completed by that September 30 date. There simply was no time for us to debate appropriations bills, no time for accountability or for the kind of scrutiny that has gone on under both political parties throughout the appropriations process. They were on a timetable and they just had to stick to it, regardless of the precedents and traditions that would be abandoned. In fact, Madam Speaker, as we all know, they were abandoned.

So what did the expediency bring about? Well, they completed one-twelfth of their appropriations work by that hard, fast, inviolable September 30 deadline. It's worth pointing out that the single appropriations bill that they managed to get done on time was, what? Congress' own funding bill.

The bill that funds the Congress was the only appropriations bill that's been completed. Not national security, not the very, very important issues, not the important issues that are addressed in this bill, I will acknowledge.

In fact, I thank my good friends Messrs. DICKS and SIMPSON. We had a lengthy discussion upstairs in the Rules Committee yesterday on the importance of the FLAME Act. Especially as a Representative from the Los Angeles area, we have gone through the worst fire in the history of Los Angeles County, the Station Fire, the loss of two firefighters, Ted Hall and Arnie Quinones, whom we continue to honor in southern California, and we've had other fires since the Station Fire. So the FLAME Act is a very important part of this measure, and I appreciate that.

We could have done this bill before we did Congress' own spending bill. So having taken care of their own funding needs, Madam Speaker, the Democratic majority turned to the rest of the country's priorities, and they gave themselves another month to finish the work.

□ 1045

Now the new deadline is rapidly approaching. Over the last month, we have inched forward, and we've completed three more appropriations bills. With the first extension about to expire, this Congress has now completed one-third of its appropriations duty—our constitutional responsibility. Remember, again, we had that inviolable September 30, end of the fiscal year, deadline we had to meet, and here we sit, approaching the 1st of November, and we've completed one-third of our appropriations work.

The underlying conference report that Mr. DICKS and Mr. SIMPSON are bringing forward here actually grants another extension. It's an extension to take us all the way to December 18. Now, despite the Democratic majority's penchant for making excuses, there are really no plausible excuses left.

Madam Speaker, I know that often the finger is pointed down this hallway to the other side of the Capitol, to our colleagues there. There are 60 votes that the Democratic majority has over there. We have the White House, as we all know, in the control of Democrats and a huge majority here in the House of Representatives. The majority is so ironclad that even their supporters are complaining about their lack of progress and empty excuses. We are hearing that from supporters of the Democratic majority.

In fact, the former staff member who was a Democratic strategist, David Sirota, told Congress Daily last week: Democrats decried their lack of 60 votes in the Senate as a campaign tactic between 2006 and 2008 as the reason why they couldn't get anything done.

Again, the fact that they didn't have 60 votes in the Senate was the reason that nothing could get accomplished and that things couldn't get done.

Well, Mr. Sirota, the Democratic strategist, goes on to say they got the 60 votes. He says: Mathematically, there are no excuses left. There are no excuses left.

Those are the words of the Democratic strategist, Mr. Sirota. Yet, Madam Speaker, here we are passing another continuing resolution because the Democratic supermajority still can't get the work done.

Again, these extensions are far from unprecedented. I know the continuing resolutions have taken place again under both political parties. What is unprecedented is the fact that an open debate of the Federal budget was completely abandoned for a deadline that has proven to be utterly meaningless.

We all have to acknowledge, Democrats and Republicans alike, that that September 30 deadline was utterly meaningless, and we were told constantly, having that calendar held up before us in the Rules Committee and here on the House floor, that it was absolutely essential that we meet that September 30 deadline. It was nothing more than a pretense for shutting out amendments for both Democrats and Republicans.

That's why, Madam Speaker, I argue that this is not a partisan statement because there were just as many, if not more, Democrats who were denied an opportunity to amend appropriations bills as Republicans. Rank-and-file Members of both parties were completely shut out and were refused the opportunity to freely offer their amendments to have a debate and to have an up-or-down vote.

That kind of open process had been the custom, as I say, for 220 years. An open amendment process is something that we all, again, under both political parties, were used to. Unfortunately, those days are now behind us. For what reason? So that we can end up right where we always are—passing a string of continuing resolutions.

The need for scrutiny of the majority's spending practices became clearer than ever with the announcement of the $1.4 trillion deficit. Even the continuing resolution that we're considering today includes a number of last-minute additions that further diminish the accountability of Federal spending.

For example, there is a provision that extends funding for organizations like Fannie Mae and Freddie Mac, which are the very organizations that very heavily contributed to our current economic crisis, and those are extended until the end of next year. This is a very curious provision. The continuing resolution, itself, only goes, as I said, Madam Speaker, to December 18; yet this controversial funding provision is extended until after next year's election. It's very, very curious.

Another provision in the underlying measure provides a bailout for local housing authorities that intentionally issued vouchers that they could not afford. These agencies clearly believed that they could act with impunity because the Democratic majority would just bail them out. Clearly, Madam Speaker, they were right.

It is these kinds of practices that have driven up our deficit to unmanageable proportions and have destroyed public trust in this institution, and they are precisely why we need an open appropriations process. The American people want us to meet our priorities, but they also want us to rein in spending. Unfortunately, closing down that appropriations process denied Members the opportunity to scrutinize and then to, we hope, put together the votes to rein in spending.

The American people, Madam Speaker, have been deprived of their voice in this process, and they were promised timely action. Unfortunately, it just has not happened. With today's consideration of yet another continuing resolution, it's painfully clear that the American people have gotten neither the quick action that they were promised nor the accountability that they deserve.

So, again, I will say that there are items within the Interior Appropriations conference report that I support. I am concerned about the 17 percent spending increase that is there; but in light of the issue that I've raised and the fact that we've had an appropriations process that has been shut down for the first time in the history of our Republic, I am going to urge my colleagues to vote ''no'' on this rule and to vote ''no'' on the previous question as well.

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

Mr. HASTINGS of Florida. Madam Speaker, before yielding to my good friend, the chairman of the Interior Subcommittee, Mr. DICKS, I want to make a couple of points segueing off of my colleague's comments, those of my good friend Mr. DREIER regarding the continuing resolution.

He and I have been in this back-and-forth process for a very long time. One thing I know that my good friend

knows is that the continuing resolution is necessary to keep the government operating until we're able to complete the appropriations process. It must be passed this week and including it in the Interior conference report is just the most expedient way to get it to the President's desk. It will merely ensure that government programs remain funded through December 18 while we move quickly to fulfill our congressional responsibilities to provide funding for the rest of the fiscal year.

In the meantime, the continuing resolution in this conference report is basically a clean CR with the addition of several vital programs to ensure that people do not lose their housing, so that people have mortgage origination, so that the market remains stable, and so that small businesses are able to get loans in this period of economic turmoil.

One of the most important responsibilities of Congress is to keep the government running efficiently and effectively. Even under the best of circumstances—and I've seen it now for coming up on 19 years—and with cooperation on both sides of the aisle, the annual appropriations process is a cumbersome and time-consuming process that must be completed with a relatively short lifetime.

Now, while I agree with my colleague from San Dimas—he's not on the floor. He is, but he's busy—his staff will tell him that we have, as he put it, a supermajority in the Democratic Party. We have the White House; we have the House of Representatives; and we have 60 votes, ostensibly, in the United States Senate. That is a good thing but I was here when the Republicans had the exact same thing and had control of both Houses. What they did not have was the 60 votes.

Now, what I want to make clear here for the American people so that we can get past this discussion, talking about 60 votes is not what is needed. You really don't need but 50 because the Vice President probably would vote with his party. Some would advocate that we do this measure this way because 67 percent, it seems, of the American public want us to move on the health care provision.

All things considered, what my colleague knows and what all of us in the House of Representatives know at every level is that the Senate is the other body, and each one of those Senators is an entity unto him- or herself. I refer to them as junior Presidents. They have enormous power. They have enormous independence, and it does not matter what party they're in when they are about the business of legislating what they want done. That's why the process has slowed down, not because of a majority. It has been slowed down forever, since I've been here—all of that time—for the reason that there is the other body that has their rules, their regulations, arcane though they may be, which make it difficult for us to do our business.

The House can pass stuff. The Senate has difficulty getting agreements to get to the numbers that are necessary to get past filibusters and the numbers to get the different things that each Senator wants for herself or himself in the measure.

Madam Speaker, I am very pleased to yield such time as he may consume to my good friend, to one who has no peer in this body on the understanding of the Interior, the chairman of the Interior Subcommittee, Mr. DICKS from the State of Washington.

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

Mr. DICKS. First of all, I want to compliment the gentleman from Florida for his extraordinary summary of this legislation. I have been on this subcommittee for 33 years. It's the only subcommittee that I've been on and for which I've served throughout my entire career in the House, and I want him to know that we have not forgotten the great State of Florida in this legislation.

Madam Speaker, we have funded major restoration projects. One is the Great Lakes, where the President requested $475 million. There's $475 million in this bill for Great Lakes restoration. One of the other major projects is the Everglades. We're working hard to restore the Everglades—I think this is a national treasure—the Sea of Grass—and all of those wildlife species in Florida which need to be protected. There is the Chesapeake Bay restoration. The administration has put a new EPA official in charge there. They're taking more dramatic steps in the Great Lakes. Also, for the first time, we're recognizing that there are some great national treasures on the west coast—Puget Sound and Hood Canal where I come from. The Pacific Ocean has difficulties and problems related to ocean acidification and climate change, and it has other difficulties due to dissolved oxygen. We have a major restoration project going for Puget Sound. The San Francisco Bay is also another national asset that we need to protect.

So all of these major environmental concerns, these five major restoration initiatives, are critical in our bill.

I also want to tell my colleagues that I've served on this committee for 33 years. I served on this committee with Congressman YATES from Illinois. I believe this is the best Interior Appropriations bill we've ever passed.

Now, I know my good friend from California mentioned the fact that there was a 17 percent increase this year in this bill. Let me explain why that was necessary.

First of all, between 2001 and 2008, the Interior Appropriations bill—this was, by the way, during the previous administration—was cut by 16 percent. So, when you add 17 percent, it's a 1 percent increase. That's not very much. When you divide that over 9 years, it's just a fraction.

The other thing I'd point out is that the EPA budget over that same time frame of 2001–2008 was cut by 29 percent. This is the most important environmental agency we have, and their budget had been drastically cut. There was a cut of the Forest Service, if you take fire out, of 35 percent.

□ 1100

This appropriations bill had been hammered, and funding for our Native Americans had been particularly hard hit. So I felt this was a restoration budget by the Obama administration. This is their first budget on Interior, and I think it was justified in every sense of the word.

Let me go through some of the major items which are so important to the American people.

First of all, the Environmental Protection Agency: $10.3 billion, $2.7 billion above 2009, to restore and protect the quality of our Nation's air, water and land.

I want to mention the clean water and wastewater treatment plants, the so-called revolving funds. We had $3.6 billion to help nearly 1,500 communities improve their drinking water and wastewater systems, an increase of $2 billion above 2009.

EPA estimates, listen to this, a $662 billion construction backlog by 2019 for clean and safe drinking water infrastructure. Between our clean water and safe water infrastructure, if you took that and all of our highway projects, you would have well over $1 trillion in backlog. So infrastructure in America needs to be fixed. This $662 billion figure came from Christine Todd Whitman, the first EPA Administrator during the Bush administration. So this is a number that I don't think anyone can challenge.

Now, on this important infrastructure money, $2.1 billion is for the Clean Water State Revolving Fund to fund local sewer improvements and help communities meet the goals of the Clean Water Act.

$1.38 billion for the Local Water State Revolving Fund to protect public health by improving drinking water systems. It has been proven that one of the most important steps in protecting the health of the American people and people around the world is having safe drinking water. This is a 99.9 percent issue with the American people. They care about safe drinking water, and this revolving fund gives money back to the States and the States then loan it out.

$157 million for direct grants to States for clean drinking water. That is way too low. I am talking with Mr. OBERSTAR about this. We need to have more grant money to help rural communities, local communities, who can't afford to borrow the money. Now, we put a provision in this bill this year that 30 percent of it can be forgiven. That has never been in there until the stimulus package came through. This is critical to rural areas throughout

the country so that it can be more of a grant program.

I talked to my good friend, Bill Ruckelshaus, a good Republican from Indiana, twice former Administrator of EPA. He also stood up during the Saturday night massacre and refused to fire Archibald Cox, to his great credit. He is now living in Washington State. He reminds me that during the Nixon administration, we had $4 billion to $5 billion in grant money to go out to the local communities on an 80–20 basis. Now, think about that. That was in the 1970s, $4 billion to $5 billion. That has been taken away, and now we have just a tiny amount of grants and everything else is loans. If we are going to really do something about this infrastructure issue, we have got to deal with that.

I mentioned the great bodies of water. That is something I am very proud of, especially the effort on Puget Sound.

Hazardous waste and toxic site cleanup, $1.5 billion, $25 million above 2009, to clean up dangerous toxic waste sites around the Nation.

Climate change, one of the most important issues of our time, $385 million, $155 million above 2009, for programs that address global climate change.

We have all heard about the Energy Star program, and now we have a program that we helped create for local communities to have their own climate change program; $17 million to continue development of a greenhouse gas registry, the first step in controlling greenhouse gases; $55 million for the Interior Department's on-the-ground monitoring and adaptation to climate change impact in national parks, national wildlife refuges, and other public lands.

There is no question in my mind that climate change is occurring. We have had hearings and we brought in the Federal agencies, including people from Florida, who are very concerned about the impact of global warming. Global warming could be devastating to the Everglades and to the State of Florida. If the seas rise, because they have so many low level areas there, they would be adversely affected. So this is a serious issue that has to be confronted.

We also created a National Global Warming and Wildlife Science Center at the U.S. Geological Survey, and we are working together with the administration on that issue.

Most importantly, our trust responsibility for Native Americans and Alaska Native programs, $6.7 billion, $705.7 million above 2009 and $91 million above the request, for programs to support and improve health care, education, public safety, and human services for Native Americans and Alaskan Natives throughout our Nation.

On the Indian Health Service, a program that has been underfunded for many, many years, $4.1 billion, $17.8 million above the request and $471.3 million above 2009, to support both Federal and tribally operated national health care programs and facilities.

The Bureau of Indian Affairs, $2.6 billion—$2.3 million above 2009 and $82 million above the request—for education, law enforcement, and economic development programs that will strengthen native communities.

I brought back the hearing where we allow the Native Americans to come in and testify, which was ended under the previous regime. We put that back in place so we can hear of the concerns out there.

There are very serious problems in Indian country, none more serious than the law enforcement difficulties there, including the fact that Native American women are more often the victims of rape and other violent crimes and there is only a 1-year penalty under our Federal court system. This is intolerable. We have to change this, and this is something we are working on.

I know this is something my friend from California is concerned about, $3.5 billion for efforts to prevent and fight wildfires at the Forest Service and the Department of Interior. We know the people of California have suffered some terrible fires out there, and I know that Mr. DREIER and Mr. LEWIS have been very concerned about that. There is $1.855 billion for wildfire suppression, $526 million above 2009.

We got the FLAME Act created. We actually did the work in our conference committee with the Senate. We think this is a great FLAME Act that will give us extra money when we overrun our accounts. This is so important, because in the past money would be taken from the Forest Service accounts, from the Interior accounts, and they would never get that money paid back, in most instances. So this FLAME Act will give us a second account to help when we have these major fires.

I want to point out, as my ranking member pointed out yesterday in the Rules Committee, 98 percent of the fires are stopped: 98 percent. But the 2 percent, the mega-fires that get underway, do this enormous damage to our national parks, to our Forest Service lands, to our BLM lands, and we need very serious funding to help that.

The parks are better off, wildlife refuges are better off, the endowments for the arts and humanities are better off.

Mr. LEWIS of California. Will the gentleman yield?

Mr. DICKS. Yes, I will yield to my friend for a second.

Mr. LEWIS of California. I don't want to take a lot of time on the general debate, but I presume that the chairman is going to allow some time to discuss the question that has been raised regarding an exemption that affects ships among the Great Lakes, the Michigan boat question.

Mr. DICKS. Yes, we will be glad to discuss that. But this is the rule, as you know.

Mr. LEWIS of California. I just wanted to make sure we would have time during the general debate to discuss that. It won't take a lot of time, I am sure, but I didn't want to be left out.

Mr. DICKS. I appreciate the gentleman alerting us to his concern.

This is a great rule, a great bill. It is bipartisan. We do everything in my subcommittee on a bipartisan basis. Mr. SIMPSON has been just a delight to work with, and the Republican members have been at every hearing. We couldn't have better members on our subcommittee on both sides of the aisle.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Let me just close by responding first not to the very thoughtful remarks given by the subcommittee chairman. He didn't quite focus totally on the rule. We talked about everything from Watergate to California fires, and I appreciate his fine work there.

But I will say that as we look at the remarks that were offered by my friend from Fort Lauderdale at the outset, in which he talked about the 60 vote number that exists in the Senate and where we are, there are a couple of differences. We never had the 60 votes in the Senate, number one; and number two, we did not shut down the appropriations process, Madam Speaker. And that is what has happened throughout the past summer.

The American people had their ire raised on a procedural issue for the first time ever on June 26 of this year when early that morning, at 3 o'clock, while the motion was being offered in the Rules Committee to bring a special rule to the floor to consider the so-called cap-and-trade bill, my friend Mr. MCGOVERN was offering the motion, and I had a 300-page amendment dropped on my place at that moment. People have said: read the bill, deliberate, think about the process. That message is resonating across the country. That did not happen with this appropriations process.

Unfortunately, on consideration of this measure, we are having a continuation of that because one of the waivers provided in this rule is for the 72-hour layover, the 3-day layover requirement, which the American people believe we should have.

I am going to ask that my colleagues vote ''no'' on the previous question so we will be able to make in order the very thoughtful bipartisan effort launched by Messrs. BAIRD, CULBERSON and WALDEN that will, in fact, require the 3-day layover for measures as they move to the floor.

Madam Speaker, I ask unanimous consent that the text of the amendment, along with the explanatory material, appear in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

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

Mr. HASTINGS of Florida. Madam Speaker, by funding the EPA, the Department of the Interior, the Forest

Service and other related agencies, the conference report provides the resources necessary to protect the environment and our natural resources. The attached continuing resolution ensures that the government will continue to function through December 18th.

The increases in this bill over previous years are essential to maintain and improve current programs and activities, bettering the lives of all Americans and their communities.

As I discussed before, I hope that this body will move beyond the debate over whether or not to close Guantanamo and, instead, work to develop comprehensive detainment policies that uphold the Constitution, human rights and the rule of law.

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

Mr. DEFAZIO. Madam Speaker, today the House of Representatives is voting on a motion to instruct conferees to insist on language that would prevent any funding in this bill from being used to implement an EPA rule requiring the largest manure management systems to report annual greenhouse emissions.

The EPA rule was finalized in September 2009. It would require entities emitting only more than 25,000 metric tons of greenhouse gases per year—the equivalent of emissions from 58,000 barrels of oil—to report on annual emissions. According to the EPA, the rule will impact approximately 100 manure management systems across the country, five of which operate in the state of Oregon. Small farmers—those emitting less than 25,000 metric tons of greenhouse gases per year—would be completely exempt from the rule.

I applaud the EPA's rule and President Obama's leadership in taking serious action on climate change. After losing eight years under the Bush administration in addressing the most serious environmental challenge of our time, it's time for bold U.S. leadership. Compiling accurate and complete data on greenhouse gas emissions is a critical piece to crafting a smart and effective climate policy.

For these reasons, I intend to oppose the motion to instruct conferees before the House today. Congress should not place funding restraints on the EPA that would prevent the agency from executing its Supreme Court-confirmed authorities to regulate greenhouse gas emissions in the U.S.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 876

OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution, insert the following new section:

SEC. 2. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 876, if ordered, and suspension of the rules with regard to Senate Concurrent Resolution 45.

The vote was taken by electronic device, and there were—yeas 236, nays 183, not voting 13, as follows:

[Roll No. 823]

YEAS—236

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George

Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

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

NOT VOTING—13

Abercrombie
Barrett (SC)
Buyer
Connolly (VA)
Engel
Fattah
McCotter
Michaud
Murphy, Patrick
Nunes
Oberstar
Pomeroy
Van Hollen

□ 1142

Messrs. JONES, DUNCAN, CASSIDY, BURGESS, DANIEL E. LUNGREN of California and COSTA changed their vote from ''yea'' to ''nay.''

Mr. RUSH changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 184, not voting 16, as follows:

[Roll No. 824]

YEAS—232

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

NAYS—184

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

NOT VOTING—16

Abercrombie
Barrett (SC)
Burgess
Buyer
Deal (GA)
Emerson
Fattah
Hirono
LaTourette
Murphy, Patrick
Nunes
Pastor (AZ)
Scott (VA)
Sullivan
Velázquez
Waxman

□ 1150

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Madam Speaker, on rollcall No. 824, had I been present, I would have voted "yea."

ENCOURAGING IRAN TO REUNITE JOSHUA FATTAL, SHANE BAUER, AND SARAH SHOURD WITH THEIR FAMILIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the concurrent resolution, S. Con. Res. 45, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 45.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 825]

YEAS—423

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
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
Chu
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
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
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, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
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
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
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—9

Abercrombie
Barrett (SC)
Buyer
Fattah
Murphy, Patrick
Nunes
Rush
Turner
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1158

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Madam Speaker, had I been present for the vote on S. Con. Res. 45 I would have voted "yea."

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote Nos. 790, 798–818, and 823–825. Had I been present, I would have voted "yea" on votes 790, 798–800, 802–818, and 823–825. I would have voted "nay" on vote No. 801.

CONFERENCE REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. DICKS. Madam Speaker, pursuant to House Resolution 876, I call up the conference report on the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 876, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 28, 2009, at page H11871.)

□ 1200

The SPEAKER pro tempore. The gentleman from Washington (Mr. DICKS) and the gentleman from Idaho (Mr. SIMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2996.

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

There was no objection.

Mr. DICKS. Madam Speaker, I yield myself 5 minutes.

It is my privilege and pleasure to present the fiscal year 2010 Interior, environment, and related agencies appropriations bill to the House today. This very fine bill is the product of many hours of work, always with bipartisan input and excellent participation. I especially want to thank my friend and ranking member, Mr. SIMPSON, for the outstanding participation and cooperation he offered throughout this process.

I want to thank Chairman OBEY for recognizing that the programs funded

through this bill have been chronically underfunded and for providing the allocation necessary to reverse that trend. From 2001 through 2008, when adjusted for inflation, the budget request for the Interior Department went down by 16 percent, the EPA went down by 29 percent, and the non-fire Forest Service accounts were down by a striking 35 percent. This bill invests taxpayers' dollars in our natural resources, and for this investment all Americans will see a great return.

This conference report also contains the continuing resolution which will keep the government running until December 18. It is vital that we pass the Interior conference report to avoid a shutdown of the Federal Government.

This agreement provides focused funding to protect the environment. Clean water and drinking water infrastructure receive $3.6 billion, enough to provide assistance for more than 1,500 communities throughout the Nation to improve public health and restore ecosystems. We include authority for subsidized assistance to those cities and towns that cannot afford conventional loans.

This agreement invests $641 million to restore major American lakes, estuaries, and bays. It fully funds the President's request of $475 million for the Great Lakes Restoration Initiative and makes significant investments to protect other great American bodies such as Puget Sound and the Chesapeake Bay.

To address global climate change, this bill provides $386 million for climate change adaptation and scientific study.

The agreement before us also represents a promising renewal in our Nation's trust responsibility for Native Americans. It provides a $654 million increase for health care, law enforcement, and education in Indian country for a total of $6.8 billion. The increases here will help these communities promote the health and safety of our Nation's ''First Americans.''

This agreement makes a major investment of $3.37 billion for Forest Service and Department of the Interior wildland fire activities, including the largest non-emergency increase ever for wildfire suppression. We also have included the FLAME Act, which reforms wildfire budgeting and will help create a steady and predictable funding stream for wildfire suppression. This agreement provides $90 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads.

We have agreed to provide a $218 million increase for the National Park Service to invest in what Ken Burns has called ''America's Best Idea.'' The National Wildlife Refuge System gains a $40 million increase, to a level of $503 million, which will reduce critical staffing shortages, implement climate change strategies, and improve conservation efforts.

We have provided an increase of $82 million above 2009 for the cultural agencies supported by this bill. We recommend $167.5 million for both the National Endowment for the Arts and the National Endowment for the Humanities. The endowments are vital for preserving and encouraging America's creative and cultural heritage. They are very important for education.

Finally, I want to thank the dedicated staff who have spent long hours over many months to prepare this bill. For the subcommittee staff, majority clerk Delia Scott, Chris Topik, Julie Falkner, Beth Houser, Melissa Squire, minority clerk David LesStrang and Darren Benjamin. And I also want to thank Pete Modaff and Ryan Shauers on my staff and Missy Small and Megan Milan on Mr. SIMPSON's staff. Additionally, I want to take note that we are losing Greg Knadle after 6 years of loyal service to the Appropriations Committee. We thank him for his work on the Interior Subcommittee and wish him the best in his new endeavors. I think we should give him a round of applause for his good work.

In closing, I am very proud of this bill. It funds programs that cover a wide range of issues: from our cultural and historic heritage to the water we drink and the air we breathe. These programs redeem our trust responsibilities for the First Americans, fight fires, protect public health, and conserve natural resources. The impact of this conference agreement stretches across the Nation and will make a difference to the well-being and the future of every citizen.

We should all be proud of this conference agreement and I urge the House to support it when the vote comes.

I reserve the balance of my time.

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

I would like to begin my comments today by expressing my thanks to Chairman DICKS for the even-handed manner in which he has conducted the business of the Interior and Environment Subcommittee this year. While we may disagree about the need for a 17 percent increase in spending in this conference agreement, our work together has been a bipartisan, collaborative effort. While we certainly don't agree on every issue, when we do disagree, Chairman DICKS and I continue to work very well together.

Of the many things achieved by this legislation, I hope it will be remembered for the effort made to address the long-standing issue of adequately funding our country's fire suppression needs without bankrupting other nonfire accounts. From our hearings earlier this year, we know that almost 50 percent of the Forest Service budget is consumed by the costs of fighting wildfires. In past years, the Forest Service has had to borrow hundreds of millions of dollars from other accounts just to pay for fire suppression.

The President took positive steps this year by proposing a contingency reserve fund for fire suppression. The House and Senate also acted by approving the FLAME Act in each Chamber with overwhelming bipartisan majorities. Working together, authorizers and appropriators have developed FLAME Wildfire Suppression Reserve Funds, providing both the Department of the Interior and the Forest Service the additional tools they need to combat large, severe fire emergencies.

This conference report also provides needed attention to our Native American brothers and sisters. There are many unmet needs within Indian Country in education, health care, law enforcement, drug abuse prevention, and other areas, and this legislation does a great deal to address these issues. I thank Chairman DICKS for his attention to this important area of the budget.

However, while this conference agreement tackles many challenging issues, it also assumes that more money is the answer to every problem we face. I just don't believe that a $4.7 billion, or 17 percent, increase over last year makes sense. This additional spending comes on the heels of a 13 percent last year and an $11 billion infusion from the stimulus bill.

The Federal budget deficit is now a staggering $1.4 trillion, the highest deficit in history, and three times higher than that of the previous administration. Our current deficit is almost 10 percent of the gross domestic product, a level not witnessed since World War II. Remember, this is before Congress begins tackling the issue of health care, cap-and-trade, and other expensive pieces of legislation.

I believe a better approach would have been to create a balanced bill. This conference report provides a disproportionate level of funding to one agency, the EPA, and creates an imbalance that undermines what could be a very fine piece of legislation.

I question the need for a $10.2 million budget for EPA, a 35 percent increase from just last year. This is on top of the $7.2 billion the agency received in stimulus funding and the $7.6 billion it received in last year's Interior bill. Taken together, the EPA will receive more than $25 billion in this calendar year. That is about the size of the entire Interior and environment spending bill just 2 years ago.

This package also provides large increases in programs without having clearly defined goals or sufficient processes in place to measure results or the return on our investment. We are making rapid investments in water, climate change, renewable energy, and other areas, all of them worthy endeavors, but with relatively little planning and coordination across multiple agencies and the rest of government.

I look forward to receiving a detailed report from the administration on how and where climate change dollars are being spent, not just within this bill, but across all of government. Spending on climate change programs in this package alone has increased from $231

million in last year's budget to $382 million in this year's conference agreement. That is a 66 percent increase in 1 year.

As I said earlier, I have the highest regard for Chairman DICKS and look forward to continuing our work together. I would very much like to support this conference report, but regrettably, I cannot. The bottom line for me is that the conference agreement simply spends too much money.

In closing, I would like to thank both the majority and minority staff for their long hours and fine work in producing this conference report. On the majority side, this includes Delia Scott, Chris Topik, Julie Falkner, Greg Knadle, Beth Houser, Melissa Squire, Pete Modaff and Ryan Shauers. Of the minority staff, I'd like to thank my staff, Missy Small, Megan Milam, Kaylyn Bessey, and Lindsay Slater, as well as committee staffers, Darren Benjamin and Dave LesStrang.

Madam Speaker, I reserve the balance of my time.

Mr. DICKS. Madam Speaker, I yield 2 minutes to the distinguished chairman of the Natural Resources Committee, a person we worked very closely with on all aspects of the bill, my classmate and good friend, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Madam Speaker, I thank the distinguished chairman for yielding, and I rise today in strong support of this Interior appropriations conference report and to congratulate the House and Senate Appropriations Committees for their work on this important funding measure.

In particular, I wish to express my deep appreciation and congratulate my classmate, Interior Subcommittee Chairman NORM DICKS, as well as full committee chairman, DAVE OBEY, on the completion of this conference report. I thank Ranking Members LEWIS and SIMPSON as well.

I am privileged to serve as chairman of the House Natural Resources Committee. Many of the priorities funded in this legislation have long been priorities of the authorizing committee as well.

We often hear Members of Congress express concern about the future of our national parks, our forests, our refuges and public lands. We often hear Members express support for a strong trust relationship with native people. We often hear Members express deep concern regarding wildlife, climate change, and water quality and quantity.

I would say to my colleagues that today is one of those days where Members who say they care about these things can come to the House floor and prove it by voting for this strong conference report.

Last spring, the House approved legislation that I sponsored, the Federal Land Assistance and Management Enhancement Act, or FLAME Act, to authorize a separate funding stream for emergency wildfire suppression. Over the last decade, wildfires have become increasingly dangerous and destructive, burning more acreage and more property more often. Yet financially, the Federal Government has continued to be ill-prepared to respond to these fires. Time after time, we have seen wildfires rip through communities, while at the same time they burn through the agency's budget.

I moved the FLAME Act through the House because it will give the agencies the money they need to knock down catastrophic fires, while protecting the important funds needed to stop fires from starting in the first place. Thanks to the cooperation and assistance of the Appropriations Committee, the FLAME fund is included in this conference report, and for the first time, we are creating a savings account to cover the cost of fighting fires we know are going to happen.

Instead of a ''rainy day'' fund, it is a fund for fire seasons when we have not had nearly enough rainy days, and I know the communities threatened by these dangerous fires are grateful it is included in this bill.

The conference report also includes funding for increases for our national parks, wildlife refuges, forests and public lands, investments in what Ken Burns has reminded us is one of America's best ideas.

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

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. RAHALL. I thank the chairman.

The conference report also contains significant funding for the land and water conservation fund, a contract we have made with our grandchildren that, as we deplete our offshore energy reserves, we will invest some of the profits in conservation.

Finally, the conference report honors our enduring commitment to native people with significant funding increases for Indian health services and the Bureau of Indian Affairs. The rates of poverty and illness among native people continue at unacceptably high rates, and sufficient funding for these programs is vital.

Of course, as with all compromises, this conference report is not perfect. It includes several individual provisions I do not support. However, this legislation represents a continued commitment to protecting and preserving that which makes our Nation unique.

I urge Members' support and appreciate the work of the chairman.

Mr. SIMPSON. Madam Speaker, I yield 5 minutes to the ranking member of the full committee, the gentleman from California (Mr. LEWIS).

□ 1215

Mr. LEWIS of California. I appreciate my colleagues yielding me the time.

Madam Speaker, I want to commend my good friends, Chairman NORM DICKS and MIKE SIMPSON, for a rather fabulous job of working together on this bill. While I am concerned about the volume of dollar increases, there is no doubt that this bill represents much of the most positive work on behalf of our country, especially the work of the EPA, I might mention. I want to say to the gentleman from Washington (Mr. DICKS) that you have reason to be proud of this bill. My wife tells me that she has gotten an inkling from your wife, Susie, that she is very proud of the work you have done here as well, and she welcomes you back home one of these days.

Anyway, moving right along, while I wish to suggest that the money allotted in this bill is more than adequate, I am very hopeful that in organizations like EPA that we will be able to not find ourselves just awash in funding and, thereby, begin to throw funding at programs. In the meantime, there is little doubt that there is plenty of work to be done. The Interior appropriations conference report is important, but it's only the fifth of 12 conference reports that we need to complete. We now find ourselves 29 days into the new fiscal year, and we have fewer than half of our bills done.

Sadly, the most important appropriations bills, the defense bill and the military construction and Veterans Affairs bills, are being put on the shelf, being held for a time and a purpose that causes us all to wonder. There is no better illustration of the misplaced priorities of this Democrat majority leadership than that fact. This leadership chose to send to the President the legislative branch bill for its first bill of the year. Imagine that. While the troops are awaiting our assistance and serious recognition of the challenges they face, the legislative branch bill was first sent to the President's desk—to make sure we've got enough money, I guess, to make sure they keep the lights on while we're talking to the public today. And what kind of a signal does that send to those who are in harm's way at this moment, protecting our freedom?

Mr. Speaker, what kind of signal are we sending, and what is our purpose for holding these bills on the shelf? The House passed the Defense appropriations bill. It contains critical funding for the men and women of our Armed Forces, including over 130,000 troops stationed in Iraq and over 60,000 troops currently in Afghanistan. The $128 billion provided for the U.S. warfighting efforts is essential to continue our mission overseas and to provide critical resources, as I have said. The defense bill is ready to go today, and it should be moving today. So Mr. Speaker, why the delay?

The military construction-Veterans Affairs bill is also essential. We have all talked about our commitment to our veterans. This legislation contains much-needed funds for military construction, family housing, pension payments for disabled veterans, widows and children, and the veterans medical care and treatment programs across the country. While the Senate has had

over 100 days to complete its work on this bill—that is the preliminary construction VA bill—this bill is still not in conference. Given the importance of each of these bills, why are they being delayed?

Well, reports have indicated that the Democratic leadership may use these bills to carry controversial legislation that could—at least they seem to think—could not be passed as standalone measures. What in the world does increasing the national debt limitation or the District of Columbia voting rights bill have to do with our national defense or providing for our veterans? Mr. Speaker, the House has wasted weeks and months on trivial legislative matters, as I have suggested. The Congress is setting a dangerous precedent by holding up these major pieces of legislation rather than acting in an expeditious way. Let's move forward quickly today, pass this bill. I intend to vote against it because of the dollar amounts. But in the meantime, I will listen with care to this discussion.

Mr. DICKS. I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), the chairman of the Military Construction and VA Subcommittee, who I have enjoyed working with over the years and who is one of the best leaders we have in the House on military construction and VA matters. He has done a great job leading our subcommittee.

Mr. EDWARDS of Texas. Madam Speaker, I wish I could yield more time to the chairman, Mr. DICKS, to continue his comments. Thank you, Mr. Chairman, for your comments and for your leadership on this legislation, protecting our national parks and our environment and for being a real champion of America's military in our Nation's defense.

Madam Speaker, I rise in support of H.R. 2996 because this bill will provide much-needed funding to improve clean and safe water infrastructure for our cities and our rural communities. It will repair and maintain our treasured national parks, and it will protect our environment from pollution and wildfires.

On the issue of natural gas production, one that is important to me and I believe many Americans, it is important that this bill's efforts to safeguard our environment will not infringe upon our Nation's ability to harness clean and domestically produced natural gas.

This bill encourages EPA to do a study on the relationship between hydraulic fracturing and drinking water. Hydraulic fracturing is a crucial process for natural gas production, and it has been in practice for over 60 years. It is imperative that continued research is conducted, as this bill language report includes, through the best available science, science that is independent and peer-reviewed, while consulting with other agencies and the States, as has been done in the past.

I urge my colleagues to support this strong legislation.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), a member of the subcommittee.

Mr. CALVERT. I thank the gentleman. Madam Speaker, I want to thank Chairman DICKS and Ranking Member SIMPSON for their courtesy and openness in the process of putting together this legislation. However, I reluctantly rise today in opposition to the fiscal year 2010 Interior appropriations conference report.

While Americans are cutting their budgets, the Democratic leadership continues the spending frenzy with an increase of $4.7 billion—that's 17 percent, as was mentioned earlier—over the 2009 levels for the Interior appropriations bill. This increased spending is on top of the $11 billion included in Interior programs in the stimulus package. That's an increase of $15.7 billion in 1 year.

This bill does fund certain vital initiatives, such as hazardous fuels reduction, the so-called FLAME Act which was mentioned, in areas that face the highest risk of catastrophic wildfire. Funds to ensure that firefighters have the resources they need to battle fires and diesel emission reduction grants to improve air quality are also included.

Unfortunately, the bill simply spends too much money with too little in return. For example, it includes $750,000 for yet another study to look at the science behind the federally imposed pumping restrictions in the Sacramento-San Joaquin Delta in California. While I certainly have no objections to yet another study, I do believe that it may very well take a number of months to spend hundreds of thousands of dollars to merely confirm what I think we already know: that after 4 years of water restrictions in the delta, the delta smelt remains close to extinction, all while farmers and families continue to suffer.

The Democratic leadership in this Congress continues to sit on its hands while the flaws and shortcuts of the Endangered Species Act have tied the hands of judges and water resource planners, creating a man-made drought that is killing jobs in California. Rather than addressing an issue that is creating 40 percent unemployment in some parts of the Central Valley, the majority has ignored yet another opportunity to resolve the problem and, instead, is focused on yet another job killer: cap-and-trade climate change language.

The bill includes $385 million for climate change initiatives, and earlier this week, Energy Secretary Chu suggested at a Senate hearing that the U.S. is falling behind countries like China in developing green energy because Congress has failed to pass the cap-and-trade legislation. The last time I checked, China has not implemented a cap-and-trade, nor has any intention to enter into a regulatory regime on cap-and-trade, so I was a bit surprised to hear the Secretary point to them as the gold standard.

I believe the statements from the Secretary, like the bill before us, reflect a key policy difference. While my friends on the other side of the aisle prefer to achieve results by expanding government, increasing spending, regulating everything, I believe we can achieve results by implementing policies that give hardworking Americans the freedom and basic tools that will enable them to unleash their ingenuity and entrepreneurial spirit.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Michigan (Mr. KILDEE) who is also a classmate and someone who is known in the House of Representatives for his concern about Native Americans and his advocacy on their behalf.

Mr. KILDEE. I thank the gentleman.

Madam Speaker, I rise in strong support of H.R. 2996, the Interior and Environmental Appropriations bill for fiscal year 2010. This is a great bill. The conference agreement includes unprecedented funding levels for many of the programs that serve Native American and Alaskan Natives. The conference agreement, among other things, includes $6.7 billion of total funding to support and improve health care education, public safety, and human services for Native Americans and Alaskan Natives throughout the Nation. These numbers demonstrate an increase of $705.7 million above FY 2009 and $91 million above the original request.

The conference report includes unprecedented levels of funding Indian Health Services, at a level of $398 million, a $116 million increase from FY 2009. The bill also contains increased levels of funding for BIA Justice and public safety programs of $328.8 million, a $58 million increase from FY 2009.

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

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. KILDEE. This conference agreement also contains an $81 million increase for K–12 and tribal college educational programs, including $50 million to fund tribal colleges to help aid in academic and enhanced curriculum plans.

This is a great bill, and I appreciate it very much.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE), another member of the subcommittee.

Mr. LATOURETTE. I thank my friend for yielding. I want to commend Chairman DICKS and Ranking Member SIMPSON for putting together what I consider to be a fine bill. Like most bills around here, it has some warts, but overall, this is a good bill.

Particularly, I want to highlight what I think is good for the part of the world that I live in. I want to thank the President, President Obama, for putting in his budget request for the first time since I have been here real money for the Great Lakes; $475 million is included in the conference report. I also need to thank Delia Scott,

the clerk of the subcommittee, for working with us on report language to make sure that that $475 million, which is primarily given to the Environmental Protection Agency, doesn't get stuck to the sticky fingers sometimes here in Washington and that it actually gets to the Great Lakes to improve water quality, habitat restoration, and things of that great nature.

As we all know, those of us that live near the Great Lakes, it has 20 percent of the world's fresh water. I can remember a couple of years ago when we put real money into the Everglades, and it really was the Great Lakes' turn. The President deserves credit and so do the crafters of this conference report. I am also grateful that included in here are some things that we worked on in a bipartisan fashion, some land acquisition for what used to be called the Blossom Music Center. I'm grateful for that.

I am grateful for the work of the full committee chairman and chairman of the Transportation and Infrastructure Committee in solving the difficulty that we had with some EPA regulations for Great Lakes shipping, and it was their leadership that, in fact, fixed that. I would just say to my good friend the chairman of the Transportation and Infrastructure Committee, when I was the ranking member on the Coast Guard Subcommittee and this pollution on ships legislation came up last Congress, I said, ''I told you so.'' And now those chickens have come home to roost. But I am grateful for that.

If there were disappointments with this conference report, one is, which I expressed during the conference, in the House bill—there is wonderful water infrastructure in this bill. If you represent an older group of cities, you know that we have pipes in the ground that have been there since 1920, 1930. Water infrastructure is greatly needed.

I was pleased to join with the gentleman from Virginia (Mr. MORAN) in offering an amendment that would have attached prevailing wage requirements for that infrastructure construction. The House bill had it, and it was accepted. But a funny thing happened over in the conference. The Senate said they couldn't do it. So now you have this sort of unique situation where you only have Davis-Bacon protection for fiscal year 2010. Now the EPA says they can handle it. I guess that you could handle it—but this pipe was laid in 2010, this pipe was laid in 2011. I think it's difficult, and I guess I am disappointed that we couldn't prevail on that issue.

The last source of disappointment is that this legislation carries the continuing resolution. I don't object to the fact that there is a continuing resolution. We need to keep the government operating. But the attachment, which has been done in the past—it was done earlier this year, it was done in 2006—to this legislation prevents the minority from having a motion to recommit on the continuing resolution. And the last time that we had this discussion, I was sort of chastened. The full committee chairman said, Well, you don't necessarily need a motion to recommit; we made in order hundreds of Republican amendments during the appropriations process. So I actually had my staff look at it, and in fact, that's right. There were 714 amendments made in order to the appropriations bills that we considered this year, but sadly, 688 of them were authored by only three Members: Mr. FLAKE, Mr. CAMPBELL or Mr. HENSARLING.

□ 1230

So that means that 26 substantive amendments by everybody else over here are the only amendments that were made in order. That's disappointing. I hope that, if we need another CR, we can have it be freestanding so we at least have the opportunity to make a couple of observations.

Mr. DICKS. Madam Speaker, I yield 1 minute to the distinguished chairman of the Transportation and HUD Appropriations Subcommittee, also a very hardworking and conscientious member of our subcommittee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding.

I want to thank the chairman, Mr. OBEY, for the very good allocation that has been afforded the Interior Subcommittee, which has allowed Chairman DICKS and Ranking Member SIMPSON and their excellent staffs to craft a very good bill.

Madam Speaker, I want to talk about just the funding levels in three particular areas within the bill.

Firstly, this bill provides more than a 12 percent increase in funding for the Indian Health Service, which will greatly improve the quality and the availability of critical health care services to address the many health deficiencies that our Indian people suffer.

Secondly, it provides $500 million for national wildlife refuges, which is an increase of $40 million over the last year. This increase will provide critically needed staff, will improve funding for conservation efforts, and will implement strategies to mitigate climate change.

Lastly, the bill provides an increase in funding above $2.7 billion to restore and help protect the quality of our Nation's air and water.

I urge a ''yes'' vote on the conference report.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to another member of the subcommittee, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Madam Speaker, former President Woodrow Wilson, who was, of course, a considerable scholar of this institution, used to reflect that Congress on the floor is Congress' theater, but Congress in committee is Congress at work.

I want to particularly commend Chairman DICKS and Ranking Member SIMPSON for the manner in which they worked and, more importantly, for how they worked together throughout the process.

We hear a great deal—and there is sometimes considerable truth in it—about the absence of bipartisanship. I just want to make a point as a freshman member of this subcommittee as to how much bipartisanship there was on the subcommittee and as to how well we worked together. Of course, that couldn't happen without the chairman and ranking member setting the example and taking the lead.

You know, like all Members, I look at this appropriations bill, and I come to an undebatable conclusion that it spends too much money on things that I don't care about but not nearly enough on things that I do. Unfortunately, every other Member seems to have a somewhat different opinion about what is important and about what is not, and it has been left to the chairman and ranking member, as best they can, to work through that. Yet where I think there can't be much debate is that this is truly an excellent piece of legislation and funding from a Native American perspective and from the perspective of Indian country.

Madam Speaker, it's a trite but true observation that the First Americans are often the last Americans. They live shorter lives; they are poorer on average; they are less educated; they have less opportunity. This bill makes major steps to try and correct those inequities. It does really revolutionary things, in my opinion, in terms of health care, in terms of law enforcement, and in terms of education.

I want to particularly thank again Ranking Member SIMPSON and Chairman DICKS for taking that into consideration. I want to thank, frankly, every other member of the committee who I found really focused on this issue, and I want to thank the staff, which really did a superb job as well. We had a series of absolutely first-rate hearings, and I think we made good and wise decisions that the American people can be proud of.

It was a privilege to be able to participate on this committee.

Mr. DICKS. Will the gentleman yield?

Mr. COLE. I yield.

Mr. DICKS. I want to commend the gentleman.

He was at every single hearing and was especially very helpful to all of us on the Native American issues.

As a Native American, we appreciate your contribution, and we thank you for your good work and for your participation. It made a big difference.

Mr. COLE. Well, the gentleman, as always, is very kind.

Madam Speaker, again, I want to thank the committee, and I want to thank the leadership of the committee. I look forward to the passage of this very important legislation.

Mr. DICKS. I yield myself 1 minute.

Madam Speaker, again, on this question of how much is in this bill, I want to remind people that the Interior budget had been cut by 16 percent, the EPA budget by 29 percent, and the Forest Service budget by 35 percent. So the Obama administration made an increase here, but this is playing catchup. I mean these budgets have been really stressed over the last 7 or 8 years. We did good things on the Park Service, but many other agencies were cut, and because we didn't have the FLAME Act, we had to borrow money out of the trails and road repair and out of other things which are essential.

So I think this is just a catchup year, and I hope Members will take that into account as they make their decisions on how to vote. I hope that they will vote for this conference report, remembering that the CR is in this, and we don't want the government to come to a screeching halt on Saturday.

I reserve the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to a valuable member of the Resources Committee, the authorizing committee, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Idaho.

Madam Speaker, Homeland Security and our Border Patrol have done a marvelous job in the urban areas of our southern border, which is why the bulk of illegal immigration now coming across our southern border comes through rural lands which are owned by the Bureau of Land Management and the National Park Service.

According to two uncirculated public reports by the Department of the Interior, we have areas now in the southern part of this country that are public lands which are controlled by the drug cartel from Mexico. We have areas where citizens of America cannot enter those lands without an armed escort, where the land has been devastated, where military training missions have been curtailed, and where citizens of America have simply been attacked and mugged by foreigners on our own soil.

The House recognized this when it passed a motion to recommit by an overwhelming majority on the floor. The Senate also recognized this by including an amendment by Senator COBURN on the floor. Yet the conference committee, behind closed doors, has taken this amendment that dealt with the entire southern border, and they limited it only to the 340 miles where fencing actually exists. In essence, they have eviscerated the amendment and have denied the spirit and the sentiment that was expressed on the House floor as well as on the Senate floor.

Secretary NAPOLITANO has simply said it is a major difficulty when there are multiple public organizations with various interpretations on land policy. More graphically, she said it is difficult for border security when they have to stop hot pursuit and have to wait until the arrival of horses to continue on.

This is a problem we should be facing directly, not glossing over and ignoring in a conference report. We should recognize that our inactivity by Congress has helped cause this problem, and our further inactivity on this issue cannot solve this problem. It is one of those areas that is a glowing and great error within this particular conference report. Congress should be doing better.

Mr. DICKS. I yield myself 1 minute.

Madam Speaker, I just want to make it clear that what we tried to do in dealing with the Coburn amendment was to focus it on the very southern border, itself. We were concerned, that if it weren't focused on the fence area, it could overturn the Archaeological Resources Protection Act, the Native American Graves Repatriation Act, the American Indian Religious Freedom Act, the Endangered Species Act, NEPA, and many other laws. So we tried to focus this like a rifle shot.

I went out there myself to visit the border. I think the fence area is working pretty effectively, but I am concerned about the impact on other areas adjacent to the border.

So we have tribes there, and 700 miles of the border are part of Federal lands. This is a very significant problem, and we're taking it very seriously, and we want to make sure that Secretary Salazar and Secretary Napolitano work together.

Mr. LEWIS of California. Will the gentleman yield?

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

Mr. DICKS. I yield myself another 1 minute in order to yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman yielding.

Madam Speaker, I rise to ask the gentleman a question, if I might, and I very much appreciate his responding to this line of questioning.

The gentleman knows that I worked with the EPA for literally decades, years ago, in writing that legislation which created the Air Quality Management District Act in southern California. They were extremely helpful as we did battle with the executives of our auto industry, as they thumbed their noses at us, as we tried to get them to improve the engines of our automobiles. The EPA was great to work with, so I am impressed by the increase in funding here for the EPA; but because of that, I can't help but ask a couple of questions.

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

Mr. SIMPSON. Madam Speaker, might I inquire as to the amount of time remaining?

The SPEAKER pro tempore. The gentleman from Idaho has 10½ minutes remaining, and the gentleman from Washington has 15½ minutes remaining.

Mr. SIMPSON. I yield 5 minutes to the gentleman from California.

Mr. LEWIS of California. Madam Speaker, I will continue this discussion, if you would not mind, with the chairman.

I mentioned the EPA. I worked with the EPA for years, particularly in the field of air quality, and I am a great admirer of their work. Within this legislation there is a very interesting line. It involves the Great Lakes Restoration Initiative. I note that there is a 692 percent increase in that funding within this bill.

Now, frankly, the environment that involves the water of the Great Lakes deserves a lot of attention. I don't know just how much it really needs or can handle in a single year; but juxtaposed to that is a bit of language inserted in this bill, in the conference report, that was not in either bill that left the House or the Senate. That language specifically has an exemption for emissions coming from engines of ships doing business on the Great Lakes.

Especially because of my interest in air quality and because of the work that I've done to try to improve the American auto industry, it strikes me as ironic that we are not willing to really put pressure on including changes in emission requirements for those ships on the Great Lakes. There needs to be an explanation of this, and I would very much appreciate our understanding why we should allow these huge sulfur emissions, et cetera, to continue as they are in the Great Lakes Region.

That is the question I have. If the chairman would respond, I would appreciate it.

Mr. DICKS. I yield 3 minutes to the chairman of the full committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Before you do that, Mr. Chairman, I would suggest, if the gentleman has questions, I would like to hear what they all are. When he has asked them all, then I will be happy to respond on my own time.

Mr. DICKS. I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the chairman for yielding.

Madam Speaker, it is intriguing to me that the gentleman from California is so concerned about the Great Lakes. I welcome his interest, and I welcome his support for an increase in funding for the removal of bottom sediments that contain toxins, which are getting into the fish and into the food chain. We desperately need the funding. It has been neglected for at least 15 years.

□ 1245

The provision in this bill deals with an EPA emissions rule that was announced in the Federal Register to deal with exhaust emission standards for the largest marine diesel engines used for propulsion on ocean-going vessels. Never in the discussion in the Federal Register nor in the hearings EPA held on the saltwater coasts did they ever mention the Great Lakes. At the end of

the rulemaking process, Madam Speaker, I would say to the gentleman, at the end of the rulemaking process, EPA threw the Great Lakes in.

Now, there are 13 vessels, that range in age of construction from 1906 to 1959, the most recent vessels built on the Great Lakes, that burn this bunker fuel. The combined horsepower of those 13 vessels is less than that of the Regina Maersk, a 6,600 container carrying vessel that plies the saltwater and puts in on east coast ports. Those vessels, those modern vessels, burn bunker fuel at sea, but when they are within the 200-mile economic zone of the United States where they are subject to emissions requirements, they can switch to low sulfur diesel fuel. The older vessels on the Great Lakes do not have that capability.

Never once were our ports, were our lake carriers, consulted in the process of the rulemaking. What the language does in this bill is simply to give our industry time to evaluate various emissions control mechanisms, such as re-engining, such as new shafts, drive shafts, for the vessels. There is a worldwide shortage of drive shaft production. It would take 2 years to build drive shafts for a 1906 vessel, even for the Anderson, which was built in 1952. And we also need time to consider other means of low sulfur, biodiesel fuel.

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

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. OBERSTAR. But never once did EPA come and knock on the door and say, you have a problem.

Mr. LEWIS of California. Will the gentleman yield?

Mr. OBERSTAR. I will be glad to yield to the gentleman on the limited time I have.

Mr. LEWIS of California. I appreciate my chairman yielding.

I must say I have worked with him many, many a year regarding EPA's work, particularly with the automobile circumstance. It took us years and years and years to get Detroit to even respond to this problem, the air quality problem in Southern California. It began to respond to improving engines once the Japanese produced a car that produced much better mileage.

There has been almost a revolution in Southern California. We have been successful with that in no small part because you have helped us raise that pressure, and I would suggest there is a need for pressure now on those who are using these engines that spew sulfur endlessly and are polluting the air in the Great Lakes.

Mr. OBERSTAR. Well, there is no hue and cry from any of the ports on the Great Lakes. There isn't any effect on residents in the Great Lakes. EPA never raised this issue in any appropriate fashion for ship owners to offer suggestions or negotiate terms and conditions under which they could undertake the conversion. It was just dropped in their lap.

Mr. SIMPSON. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I very much appreciate the exchange with my colleague.

I have a letter here from the American Lung Association that I would like to submit at this point in the RECORD, for it speaks to the very question you are asking here.

OCTOBER 7, 2009.

Hon. DIANNE FEINSTEIN,

Chair, Subcommittee on Interior, Environment and Related Agencies, U.S. Senate, Washington, DC.

DEAR CHAIRMAN FEINSTEIN: We are writing to express our strong opposition to any rider on the FY 2010 Interior and Environment Appropriations Bill that will weaken, delay or limit the ability of the U.S Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 liters per cylinder. Our organizations have long advocated for the cleanup of these vessels because of the enormous impact they have on air pollution.

EPA has conducted an extensive public process on marine compression-ignition engines. This process includes a November, 2007 Advanced Notice of Proposed Rulemaking and the 2009 Notice of Proposed Rulemaking that was announced on July 1, 2009 with public hearings in New York and Long Beach, CA on August 4 and 6 respectively. The comment period closed on September 28, 2009. All stakeholders have had ample opportunity to participate in this rulemaking.

The need for these rules is urgent. EPA's analysis estimates that the cleanup of these vessels will prevent up to 33,000 premature deaths each year by 2030. Any delay will postpone the health benefits. The impact of pollution from these sources is not limited to communities surrounding the ports but EPA's analysis shows that the impact is felt hundreds of miles inland. We commend EPA for working to address this problem through the pending regulations, but also through the International Convention on the Prevention of Pollution from Ships (MARPOL Annex VI).

Chairman Feinstein, please oppose any rider that will weaken, delay or limit the ability of the U.S. Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 liters per cylinder.

Sincerely,

American Lung Association.
Clean Air Watch.
National Association of Clean Air Agencies.
Natural Resources Defense Council.
Puget Sound Clean Air Agency.

We are in the process of negotiating an international agreement regarding these huge engines that we are worried about. If we find ourselves as those negotiations are coming to a conclusion with an exemption laid out in the law for American vessels, it would seem to me, and I would ask you, don't you think it could put pressure in a negative way on our ability to establish those standards on those international carriers that are under consideration at this very moment?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. The International Maritime Organization negotiations which have been going on for some time will affect oceangoing vessels. These are landlocked vessels. These vessels operate exclusively within the Great Lakes. There is no fuel capability for these old steamers, and we just need time to see if there is a way of converting or maybe retiring those vessels.

Mr. LEWIS of California. Reclaiming my time for just a moment, I would read this first sentence from this letter addressed to Chairman FEINSTEIN:

''We are writing to express our strong opposition to any rider in the Interior and Environment appropriations bill that with would weaken, delay or limit the ability of the U.S. Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 letter per cylinder. Our organizations have long advocated for the cleanup of these vessels because of the enormous impact they have on air pollution.''

They are specifically expressing concern about these engines and the potential loss of life that results from not being able to successfully complete major change for the world of vessels.

Mr. OBERSTAR. If the gentleman would further yield, the rule promulgated by EPA, and which is being negotiated in international maritime councils, applies to oceangoing vessels. These vessels will never set anchor in saltwater. Never.

Mr. DICKS. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished chairman of the full committee.

Mr. OBEY. I thank the gentleman for the time.

Madam Speaker, what has occurred here is this: As the gentleman from Minnesota indicates, EPA had been developing a standard for oceangoing vessels for quite some time, but it was not until a very few weeks ago that it was discovered that, belatedly, under their proposed rule, they attempted also to apply that to the Great Lakes. When we discovered that, we reacted with alarm on both sides of the aisle. The gentlewoman from Michigan (Mrs. MILLER), for instance, participated in a meeting with EPA, along with Mr. OBERSTAR, myself, Mr. YOUNG from Alaska and several other people.

Out of that came a decision to bring forward the proposal that we have in this bill today. That bill does two things. The bill simply exempts from the rule—it does not delay the rule in any way. In fact, the Canadian Government was opposed to the EPA rule—but what this provision does is to exempt the 13 steamers on the Great Lakes from that regulation, for one very good, simple reason—because if they use the kind of fuel that EPA wants them to use, they have a risk of blowing up, and we think that might be a bit of a problem for people on those ships.

Secondly, the provision simply asks EPA to also consider when they deal

with the question of the diesels on the Great Lakes, we ask EPA to simply do two things: We ask them to do an economic analysis to determine what the impact is on the Great Lakes region; and we ask them to provide, as they do in many other rules, for the possibility of a request for a waiver from the operators of those ships. Whether a waiver is granted is up to the EPA to determine.

The other waiver we asked them to consider putting in the rule is a waiver which would apply if the fuel that EPA wants them to use is not available. That sounds to me to be a perfectly reasonable proposition.

I think EPA thinks it is reasonable, which is why they have issued this statement: ''EPA welcomes public input on its Clear Air Act proposal to address emissions from large ships. The agency understands the unique technical and economic challenges that steamships would face if they were required to use lower sulfur fuel. The amendment announced today is consistent with one of several policy options the agency has been considering and would apply to only 13 U.S.-flagged ships, which account for less than one-half of 1 percent of the Nation's particulate matter emissions.''

So if someone wants to make a Federal case out of it, be my guest. But I would point out there are two other reasons for the committee action: number one, the EPA rule as it originally was being contemplated would have been a devastating blow to the Midwest. It could have wiped out steel production in the Midwest because it would raise prices on those tankers so high that that region would have been uncompetitive. The result could be that steel production would move from that region of the country and from Canada to China. If you do that, you wind up with much greater emissions, because under the rule if you operate a ship outside of 200 miles from our coast, you can use the old, dirty fuel. But if you ply the Great Lakes, you have to use the new fuel, because on the Great Lakes you are never further than 200 miles away from shore.

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

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. OBEY. I would also point out that if the result is to shift transit on the Great Lakes from ships to trucks or rail cars, you increase, you do not decrease, the emissions, because it takes a Great Lakes ship 18 tons of carbon dioxide to move 1,000 tons of cargo 1,000 miles. If that cargo were shifted to a rail car, it would emit 55 tons of carbon dioxide for the same job, and a truck would emit 190 tons.

So I submit the committee solution is good for the environment, it is good for the jobs in the upper Midwest, it assists the economies of New York, Ohio, Michigan, Wisconsin, Minnesota and Indiana, and, in economic times like this, I make no apology whatsoever for doing that.

Mr. SIMPSON. Would the Speaker tell us how much time is remaining on each side?

The SPEAKER pro tempore. Each side has 6½ minutes remaining.

Mr. SIMPSON. I yield 2 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I appreciate the gentleman yielding.

I would like to just respond briefly by reading from a communique that came from a person that has been very actively involved in the air quality of the region for years and working specifically with the EPA addressing some of the health questions that somewhat were addressed by my chairman, Mr. OBEY.

''The stakes for human health are enormous, huge, colossal. Weakening the domestic standards will have their own adverse effect, but it is crucial to recognize that doing so could also imperil International Maritime Organization's final consideration of the entire U.S. Emission Control Area application, which was favorably received by the IMO's Marine Environmental Protection Committee in June. The IMO is slated to make a final decision in March. Our nation will weaken the basis for its request that the IMO enable the most protective emissions standards under international law for foreign-flagged ships if we are including domestic vessels.''

So weakening standards for our vessels is going to threaten this effort internationally.

''As you know, the stakes for human health are profound—up to 14,000 premature deaths annually are to be prevented by 2020.''

It is very important that America speak with a strong and unified voice here. I think that the timing of this exemption itself is most unfortunate.

Mr. DICKS. I yield an additional 1 minute to the distinguished chairman of the full committee, Mr. OBEY.

Mr. OBEY. Madam Speaker, two points: First of all, we specifically worked with EPA to assure that there would be no delay in the rule. That is why we did not pursue a wholesale exemption for the Great Lakes, as we originally had requested EPA to consider.

Secondly, I must say I welcome the gentleman from California's belated interest in the health of the Great Lakes.

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But I wonder, is this the same gentleman from California who, years ago, when chairing the appropriations subcommittee, brought to the floor a bill which contained some 17 riders to gut virtually every environmental protection you could find which, for instance, exempted the oil refinery industry from air toxic-emission standards, which would have allowed 1 million tons of hazardous waste from cement kilns to be exempted from air toxic requirements, which would have prohibited EPA from protecting any of the Nation's remaining wetlands and would have stopped all work on the Great Lakes Initiative, for which this bill provides $500 million?

Mr. SIMPSON. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, when will the insanity stop, the runaway spending, the debts, the deficits? The American people are saying enough is enough.

Now we have a Department of the Interior and environment conference report that contains a 17 percent increase over last year's spending. I assure you the family budget that has to pay for this Federal budget, their budget didn't increase 17 percent. People want to know why is Federal spending out of control?

In addition, now we have a continuing resolution attached to this conference report. Why are we voting on it? We are voting on it because this Congress and this President have spent too much money, and now they want more.

Already this President and this Congress have passed a $1.1 trillion government stimulus plan which, by the way, since it passed, over 3½ million of our fellow countrymen have lost their jobs. We have the highest unemployment rate in our Nation in a generation. That stimulus plan weighed in at $9,745 per household. I would suggest to you, Madam Speaker, the American people didn't get their money's worth.

Next, this Congress and this President passed and signed into law an omnibus spending plan costing $410 billion, weighing in at $3,511 per household.

Then under this administration and Congress the bailouts continue: another $30 billion for AIG, almost $36 billion for Fannie Mae and Freddie Mac, $60 million for GM and Chrysler. Now the news today is the administration wants to hand GMAC another $12 billion.

What has it all brought us? The Nation's first trillion-dollar deficit, a spending plan that will triple the national debt in the next 10 years. On top of that, we have the announcement of the trillion-dollar government takeover of our health care.

How can you raise the cost and decrease the quality all at the same time? This Congress apparently has figured it out. Under this spending plan, the American people cannot afford it.

Mr. DICKS. Madam Speaker, I yield 1½ minutes to the distinguished vice chairman of the Interior, Environment, and Related Agencies Appropriations Subcommittee, Mr. MORAN of Virginia, who knows more about endocrine disruptors than any other Member.

Mr. MORAN of Virginia. I thank the very distinguished chairman of our subcommittee from Washington State who is also my good friend.

Ladies and gentlemen, this is a good bill. The Federal Land Management

Agency gets the resources they need to meet their stewardship responsibilities.

The EPA gets the resources they need for the first time in more than a decade to better protect the environment and our public health. It brings us closer to meeting our treaty obligations with America's first residents.

I am proud to say that this bill moves us from an emphasis on unsustainable resource extraction and towards conservation of those resources. Offshore royalty fees are reformed and the oil and gas industry will be reimbursing the Federal Government closer to the actual cost that the government bears in permitting drilling operations on the public's land.

Now, finally, on Indian reservations, we are taking the right steps after decades of neglect, equipping trained nurses and law enforcement with the tools that they need to end the epidemic of violence committed against Native American women.

I thank the chairman for his very good work.

This bill begins to address a backlog of needs. It responds to the current challenges we face. It deserves our unanimous support.

Mr. SIMPSON. I would inform the gentleman from Washington that I am ready to close whenever the gentleman is.

Mr. DICKS. I still have some speakers.

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

Mr. DICKS. Madam Speaker, I yield 1 minute to Mr. HOLT from New Jersey, who is very concerned and one of our best environmental supporters in the House.

Mr. HOLT. Madam Chair, Chairman DICKS may hesitate to blow his own horn, so I will say it. This is the best Interior appropriations bill we have seen.

Where do I begin praising it—$453 million for the Land and Water Conservation Fund, more than a third up from last year, doubles the State matching grants. LWCF is an issue I have worked on since I first came to Congress. This robust funding for Federal agencies and States to preserve open space is critically important.

The bill's $385 million for climate change mitigation, a large increase over the last year, including $17 million for establishing a national greenhouse gas registry that my colleagues Representative BALDWIN, Representative INSLEE and I have advocated.

It includes a good increase for our national parks to preserve these national treasures for the enjoyment of future generations.

It includes a real increase for the National Endowment for the Arts and the National Endowment for the Humanities. The arts and humanities play a crucial role in our society in enhancing creativity, quality of life and, yes, improving local economies. I could go on—EPA, land management, Native Americans and more.

I urge my colleagues to support this bill.

Mr. DICKS. I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK), who has been a very hardworking Member and very concerned about the issues in this bill.

Mr. STUPAK. Madam Speaker, I rise in support of H.R. 2996, the Interior appropriations conference report.

I congratulate the Chair, Mr. DICKS, for a fine piece of legislation.

I want to thank Chairman OBEY for the work he did with the Environmental Protection Agency so that they would strike the appropriate balance between the Great Lakes economy and its environment.

In my district I have three of the five Great Lakes. I have over 1,600 miles of Great Lakes shoreline. And on October 9, the International Maritime Organization adopted new rules to control exhaust emissions of oceangoing ships. The EPA then decided to apply these oceangoing ship standards to Great Lakes ships.

The EPA was completely unaware that the proposed limitation to sulfur emissions from oceangoing ships would ensnare a distinct segment of our Great Lakes shipping fleet. Great Lakes members have raised these concerns with Chairman OBEY and others about the EPA's proposal.

What this conference report really does is fixes this problem in two ways: The 13 steamships of the Great Lakes fleet that cannot switch to the new proposed fuel, these older ships that we talked about, would be exempt. These 13 ships combined emit less than what one oceangoing vessel emits.

The larger category 3 diesel ships would still comply with the final EPA rule, provided that the new fuel does not increase the cost of shipping by water so much that it would make shipping by land cheaper and cause more pollution.

Without these changes, Great Lakes shipping, the economic shipping that we see through waterborne commerce of coal, steel, iron ore, paper and farm commodities, would come to an end.

Mr. SIMPSON. I will close. Again, I want to thank Chairman DICKS and the staff for the tremendous job they have done and the bipartisan way in which they have worked with us in trying to solve some problems.

Madam Speaker, I don't think there is anybody on this side of the aisle that actually disagrees with the various programs that are going on in this appropriations bill. The disagreement comes that we just believe it's too much money; a 17 percent increase on top of the $11 billion that was received during the stimulus package I think is too much, given these economic times and the hardship that is being felt by Americans all across this country.

I think that's where the main opposition comes. It's not about any particular program. We have done a tremendous job in a lot of different areas that I think all of us agree with. There are specifics that I think if I were king for a day would probably be a little different, and this bill would probably be a little different if you were king for a day.

We realize it's a compromise, and we try to work out those differences between both the majority and the minority and between the House and the Senate. I think Chairman DICKS has done an admirable job of doing that. In fact, I don't even disagree with the discussion that was going on here earlier about the Great Lakes shipping. I don't disagree with what Chairman OBEY was trying to do here. I understand the impact that it would have on the economy in the Great Lakes and what is going on there.

All we ask oftentimes is that when we have those same types of issues relative to mining or timber or industries in our part of the country, that people will be sensitive to the impact that some of the regulations that are imposed by the EPA and other agencies are going to have on those, and we are only seen as trying to gut those regulations when, in fact, we are trying to do oftentimes the same thing that's being done here. I don't disagree with what you are trying to do, and I understand it. I support what you are trying to do.

While I would like to tell the chairman that I could support this bill, because I think we have done some good work here, unfortunately, I can't, just because of the spending level. I would encourage my Members to vote ''no'' on this appropriations bill.

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

Mr. DICKS. Madam Speaker, I yield myself the remaining time.

I again want to point out that over the last 8 years, Interior's budget has been cut by 16 percent. The EPA has been cut by 29 percent, and the Forest Service by 35 percent. This budget does provide a significant increase, but it's only catchup because these agencies have been severely damaged. The Forest Service has a huge backlog of work on infrastructure, on roads, on trails. The Park Service has billions of dollars of requirements. Christine Todd Whitman, the first EPA administrator under President Bush, said there is a $662 billion backlog on infrastructure for clean water and wastewater treatment in this country, which are fundamental to the health of the American people.

I am a little bit amazed to hear all this concern about the EPA when at the same time they are saying let's vote, give the EPA less money. That doesn't add up. That doesn't make sense. If you are concerned about the EPA, you need to know that they need those resources to do the enforcement work that's necessary.

This is an extraordinarily good bill. I have been on this committee for 33 years. This is the best Interior bill we have ever presented. The money here for Native Americans is long overdue. This is a catchup bill.

I urge the House to vote for it and to reject the negativity of the other side.

Mr. BOREN. Madam Speaker, I rise in support of the conference report on the Department of the Interior, Environment and Related Agencies Appropriations Act for Fiscal Year 2010. This bill will fund many vital activities over the coming year that protect our public lands and our environment and that support our cultural heritage and contribute to the vibrant artistic life of the Nation. This bill also will have a major impact on the future energy development for our country.

It is in the best interests of our Nation to become energy independent and to reduce our reliance on foreign oil. No country can remain a leading player in the community of nations if it must increasingly rely on other nations for one of the bedrock elements of its economy. We must do everything we can to effectively increase our domestic supplies of energy in the most responsible manner possible.

As we all know, there are many things that we can do to facilitate the production of domestic energy including tapping of vast resources of clean-burning fuels such as natural gas. According to recent reports, the United States now holds as much as 1,800 trillion cubic feet of natural gas reserves, almost one-third of which is in shale reservoirs. This is perhaps equivalent to over 300 billion barrels of oil, more than even the energy reserves of Saudi Arabia.

Hydraulic fracturing is one key and very important technique to help us tap the potential of our domestic oil and gas resources. Since the first commercial hydraulic fracturing operation was conducted in 1948, the use of this technology has become routine and often essential in the production of oil and natural gas. In fact, over 95 percent of new wells in unconventional formations such as tight sands, shales and coalbeds are hydraulically fractured. Hydraulic fracturing has literally unlocked vast supplies of natural gas in our country and has allowed us to produce natural gas in areas where it was never before possible.

States have effectively regulated hydraulic fracturing for many years and are fully capable of continuing to do so without unnecessary federal oversight. The key state organizations with the most significant involvement in oil and gas regulation—the Interstate Oil and Gas Compact Commission (IOGCC) and the Ground Water Protection Council (GWPC)—have both strongly reaffirmed the adequacy of state regulation of hydraulic fracturing. In fact, after analyzing the oil and gas regulations of 27 states, including the regulation of hydraulic fracturing by these states, the GWPC recently concluded that existing state oil and gas regulations were ''adequately designed to directly protect water resources.''

A number of studies have confirmed that these state regulatory programs are effective in protecting sources of drinking water. It was only a few years ago, in 2004, that EPA issued a report concerning its study of the potential impacts of hydraulic fracturing of coalbed methane wells on underground sources of drinking water. At the time EPA stated that its report was the most comprehensive study ever undertaken of hydraulic fracturing. The Agency concluded that hydraulic fracturing of CBM wells—which was thought to represent a worst case scenario since coalbeds tend to be shallower and therefore closer to drinking water aquifers than other types of formations such as shales—posed little to no risk to underground sources of drinking water. EPA also found that there were no confirmed instances in which hydraulic fracturing had contaminated a drinking water well, despite the fact that the technology had been in use for over 50 years and hundreds of thousands of wells had been hydraulically fractured during that time.

Since its publication some have sought to discredit this EPA report based largely on the allegations of a single EPA employee who disagreed with the methods by which the report was created. However, the study was and remains both valid and credible. In fact, since EPA issued the report state regulatory officials have reiterated on numerous occasions that they are aware of no instances in which hydraulic fracturing has contaminated drinking water supplies.

The evidence clearly indicates that there is no need for further study of hydraulic fracturing. Rather than spend additional resources, EPA's Office of Drinking Water should be addressing activities that actually pose a significant risk to drinking water supplies. Nevertheless, the conference report we are considering today calls for EPA to undertake another study of hydraulic fracturing.

Under these circumstances we must ensure that any further study is guided by some key, well-recognized principles. First and foremost, any new study should be conducted in a very comprehensive, scientific, credible and transparent manner. To achieve this goal, it would be extremely prudent for this study to be conducted in accordance with applicable Agency quality assurance guidance and should be guided by recognized principles of risk assessment that consider hazard assessment, exposure pathways, and exposure levels. This work also should be based on substantiated information that is developed in accordance with fundamental scientific protocols. This approach will allow EPA to conduct a high quality study that focuses on the actual risks to public health, if any, that hydraulic fracturing entails.

In addition, another key point is that this study should be based on a phased approach in order to conserve resources and to avoid undertaking investigative activities that are not warranted. As part of this approach, EPA should first review and consider any existing studies, particularly the studies by the Groundwater Protection Council and the Interstate Oil and Gas Compact Commission, who have already undertaken considerable efforts in this area, and other related information concerning hydraulic fracturing and its potential impacts and determine specific areas that might deserve further review.

In addition, the study should be conducted with the involvement of a variety of key participants. For example, the study should be conducted in consultation with the Department of Energy and the U.S. Geological Survey and should include the participation of key state regulatory officials as well as the Interstate Oil and Gas Compact Commission and the Ground Water Protection Council. Interested stakeholders should certainly be involved at key stages of the study, and the public should have an opportunity to comment on the proposed design of the study and should be allowed to review and comment on a draft of any study report. The study also should be subject to an appropriate peer review process consistent with standard Agency guidance.

Finally, there is no need to reinvent the wheel. Any study by EPA should certainly take into account the Agency's prior 2004 study of hydraulic fracturing and the conclusions reached in that study. At the same time, the study should take into account the impacts of current state and federal regulatory programs covering hydraulic fracturing Finally, it might be prudent to give proper consideration to an appropriate role for the National Academy of Sciences, an independent body of distinguished experts, in developing the study.

Madam Speaker, I am confident that if EPA embraces these principles as it further studies hydraulic fracturing, this study will properly address this issue in the detail that it deserves. This approach will help us then move forward in developing our nation's energy resources in the most effective manner possible.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of the conference report on H.R. 2996, the Interior, Environment, and Related Agencies Appropriations Act for FY2010.

This legislation provides a 17 percent increase over FY09 levels for critical programs that protect our public health and environment.

Among other provisions, the legislation provides $605 million for the Superfund program which will assist sites across the country clean up hazardous substances, including potentially the San Jacinto River Waste Pits site.

It also provides $3 million to fund four new centers of excellence to study toxin and chemical impacts on children.

Madam Speaker, I would also like to highlight two important projects I requested funding for in this bill, but unfortunately, did not receive mention in the final conference report.

The first is the Mickey Leland National Urban Air Toxics Research Center to continue air quality public health research on air toxics in urban areas as directed by the. U.S. Congress. The Center is a 501(c)(3) institution authorized by Congress in the Clean Air Act Amendments of 1990.

The individual FY2010 Interior and Environment Appropriations bills approved by both the House and Senate included language recognizing the significant contributions made by the Center in the understanding of the human health effects due to exposure to air toxics. Further, the House legislation encouraged EPA to consider allocating funding for the Center in EPA's budget. The EPA has gone through a deliberative process during the past four months to review the qualifications and research contributions to-date made by the Center and as a result, has recommended that funding for the Center be included in the agency's FY2011 budget. Funding air toxics research through the Center is consistent with the congressional intent and supports the Administration's stated objective of expanding research and efforts to address the human health effects of air toxics.

I am concerned the final conference report did not reaffirm the importance of the Center's work to our country. Americans want to know whether they are at risk from pollutants in the air that they breathe. People who live near sources of air toxics such as major roadways, industrial facilities, or small businesses, are often especially concerned about their risk.

The Center is conducting The Houston Exposure to Air Toxics Study, HEATS, which is an ongoing project designed to study the relationship between personal exposures—the air

people breathe as they go about their daily activities—and fixed site monitored concentrations of air toxics by measuring personal, residential indoor, and outdoor concentrations.

Federal support for the Center is critical to ensure this research continues and I hope to continue working with the chairman, EPA, and OMB to get funding for this research in the budget as Congress intended when it created the Center.

We also sought funding funding for a 6-year Capital Improvement Project that will rehabilitate and upgrade the city of Baytown, Texas's wastewater and water infrastructure to comply with federal and state regulations, maintain its condition and reliability and save costs. The city has implemented an asset management program to assess equipment condition, optimize work practices and ensure funding remains in place to sustain infrastructure improvements over time.

The funding we requested under the State and Tribal Assistance Grant would help rehabilitate portions of the Central District Wastewater Treatment Plant to include elevation of redesign of critical components to reduce the storm surge impacts suffered during Hurricane Ike. These include the influent lift station, blower building, administration/laboratory building, and grit removal process. The internal piping needs to be replaced to improve energy and operating efficiency, along with the chlorine contact basin and plant pumping/transfer systems. Installation of post-storm emergency power systems are also a part of this effort.

This is an important project to help Baytown recover from damage caused by Hurricane Ike, and overall to upgrade their wastewater system, and I look forward to working the Chair as we move forward to find assistance for this project.

I also want to express some reservation and guidance to EPA as it works to carry out a study in the bill ''on the relationship between hydraulic fracturing and drinking water, using a credible approach that relies on the best available science, as well as independent sources of information.''

I understand the concerns and desire to adequately protect the environment when developing our domestic resources. Hydraulic fracturing is a well-tested technology that has been used to develop energy for over 60 years.

First used in 1947, hydraulic fracturing has become a standard practice for improving the process of natural energy extraction. The practice involves the pumping of fluid into wells at high pressure to create fractures in rock formations that allow for complete production of oil. Hydraulic fracturing is responsible for about 30 percent of our domestic recoverable oil and natural gas. About 90 percent of currently operating wells use this technology. Hydraulic fracturing, as used to produce natural gas from shale formations, has created new opportunities for clean energy and employment without causing environmental damage.

Recent studies on fracturing conducted by the Environmental Protection Agency in 2004 found no confirmed evidence of contamination of drinking water. The study concluded that the injection of hydraulic fracturing fluids poses ''little or no threat'' to humans or the environment, EPA. The EPA did not find a single incident of the contamination of drinking water wells by hydraulic fracturing fluid injection.

Just like EPA's prior study, the new study in H.R. 2996 should be conducted using a systematic, scientific approach that assures transparency, validity and accuracy. The study should be based on accepted quality assurance guidelines in order to ensure that the information on which the study is based is of sufficient quality to support the study's conclusions. It should be properly peer-reviewed by qualified experts in accordance with standard practices, and should also draw on the expertise of those both inside and outside the Federal Government who can contribute relevant information to a high quality study. These contributors should include the Department of Energy and the U.S. Geological Survey as well as the state regulators who have many years of experience with hydraulic fracturing. This study should eventually be made available for review and comment by interested members of the public prior to being finalized.

At the same time, since we have already studied hydraulic fracturing, it would be prudent for any proposed study to fully take into account other studies that have already been undertaken by Federal or State governmental agencies, councils, commissions or advisory committees. For example, given the significant effort associated with the Agency's prior 2004 study, it would certainly be prudent to fully consider this study in undertaking any further examination of hydraulic fracturing.

Finally, and perhaps most importantly, the study should be based on well-recognized principles of risk assessment to determine whether there is any realistic risk that individuals may be exposed to substances used in the hydraulic fracturing process at levels that could possibly be considered harmful.

Madam Speaker, I believe that a targeted study of hydraulic fracturing is the most efficient way to use our resources to accomplish the goals of this study. We need to continue to develop our domestic energy resources, including clean-burning natural gas. A focused approach to the study will allow us to address concerns about hydraulic fracturing while facilitating the continued use of this critical technology.

Ms. KAPTUR. Madam Speaker, I rise in strong support of H.R. 2996, the Interior Appropriations bill.

This legislation provides critical support for redevelopment of the Great Lakes and includes $475 million to jumpstart restoration activities in our freshwater rich region. For the past decade, our region has been carefully assembling a comprehensive restoration strategy, and for the first time, this bill begins to fund that restoration.

With 84 percent of our Nation's fresh water, over 40 million people living on the Great Lakes and over 20 percent of the world's freshwater, America must implement a restoration strategy that empowers the basin to use this freshwater resource to promote sustainable growth. As we are constantly reminded, freshwater is becoming a scarce resource.

This has been a watershed year for the Great Lakes. With the inclusion of this language in the budget resolution and now the full fledged commitment of the Appropriations Committee and Congress, America takes a significant step to restore the landscape on which over 40 million Americans rely.

In addition to this historic commitment for the Great Lakes, this bill provides nearly $3.6 billion for sorely needed drinking water and wastewater investments, and significant increases for the National Park Service. This legislation supports activities by the Forest Service to more effectively deal with invasive species that have destroyed the tree cover by bugs such as the Emerald Ash Borer which have killed as many as 40 million trees in the Midwest. Our region alone will lose 10 percent of its tree cover as a result of a bug that came into our country from imported material.

Let me congratulate the chair of the full committee, the gentleman from Wisconsin, Mr. OBEY and the chair of this subcommittee, Mr. DICKS, the gentleman from Washington who have done yeomen's work in shepherding through this legislation which protects the environment and allows Great Lakes shipping to continue. U.S.-flag Great Lakes fleet already burns cleaner fuel than that used by many of the world's ocean going vessels.

The useful lives of the 13 U.S.-Flag steamships to 2020, will be extended when the .5 percent sulfur standard is implemented worldwide. Ships burn less fuel and produce fewer emissions than trains and trucks. It would take 1.1 million trucks or 290,000 railcars to replace their carrying capacity. We all win when we keep these cargos on vessels working the Great Lakes.

Let me thank all the conferees for their hard work.

Mrs. MILLER of Michigan. Madam Speaker, the nation's current debt ceiling is $12.1 trillion, and the Congress is going to have to act to raise that ceiling in the next month or so. Let me be clear—the spending path we are on is unsustainable, and we cannot have 17% spending increases on appropriations bills as standard operating procedure. I would warn the majority that we should not make these large increases a regular practice.

That being said, I am willing to support the Conference Report for the Interior and Environment Appropriations bill because of the tremendous positive impact it will have on the Great Lakes.

The Great Lakes are one of the world's unparalleled natural resources. They are wholly ⅕ of the planet's fresh water supply. They are home to a tremendously diverse ecosystem. They represent the identity and economic prowess of the region, and my home state of Michigan.

Throughout my career at the local, state, and federal levels of government, I have promoted efforts to clean up our precious Great Lakes, which have suffered from severe pollution—partly out of ignorance and partly out of indifference. Improper sewage discharges, industrial pollution, and invasive species have wrecked havoc on the Great Lakes over the decades. It takes tremendous coordinated efforts at all levels to deal with these problems.

It is the legislation before us today that gives us an opportunity to embark on a new chapter in restoring the Great Lakes. This Congress and this administration have stepped up to the plate and provided full funding for the Great Lakes Restoration Initiative—a $475 million effort that will combat invasive species, reduce non-point source pollution, and remove contaminated sediment. Through this measure, we will begin to undo the damage that has occurred, and we can take a big step forward in preserving the Great Lakes for future generations.

This conference report also includes an important policy provision that will help protect

thousands of jobs in the Great Lakes Region. Late this summer, the EPA proposed a rule that would have the effect of eliminating up to half of the U.S. flag vessels on the Great Lakes. In addition to the maritime jobs that these vessels support, the cargo on these vessels is critical for commerce including the steel and automobile industries. Losing these vessels would have meant higher costs for consumers and lost jobs for many in the Great Lakes region.

I want to commend Chairman OBEY and Chairman OBERSTAR for their hard work on this issue. As a result of their efforts, the conference report includes language that will grandfather in 13 of these affected vessels, and provides a waiver for other vessels if economic hardships can be shown. We all want cleaner air, but the EPA went about this the wrong way by targeting these small ships that collectively produce fewer emissions than one large ocean-going vessel.

Because of the importance of this legislation to the Great Lakes environment as well as the jobs of those who live in the region, I will support this conference report and I urge my colleagues to join me.

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

The SPEAKER pro tempore. Pursuant to House Resolution 876, the previous question is ordered on the conference report.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by a 5-minute vote on the motion to suspend the rules on H. Res. 783.

The vote was taken by electronic device, and there were—yeas 247, nays 178, not voting 7, as follows:

[Roll No. 826]

YEAS—247

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

NAYS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Barrett (SC)
Buyer
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Nunes
Towns

□ 1339

Messrs. TURNER and MOORE of Kansas changed their vote from ''yea'' to ''nay.''

Mr. TANNER changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE PASSING OF FORMER GOVERNOR DAVE TREEN

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

Mr. SCALISE. Madam Speaker, it is with sadness that I announce to the House the passing of a former Member of this body, a former Governor of the State of Louisiana, Dave Treen, who passed away this morning at East Jefferson Hospital. He was 81 years old.

He served in this Chamber from 1973 until 1980 and then served as Governor of the State of Louisiana from 1980 until 1984. He was the first Republican Governor elected from Louisiana since Reconstruction. A man who is considered by all on both sides of the aisle as probably one of the people who had the most honor and integrity of anybody in the history of Louisiana politics, somebody who truly set the bar for integrity in public service. Dave Treen is somebody who truly is respected by people all across Louisiana as one of the truly most honorable men to serve in public service.

He also joins his wife, Dodi, whom he loved dearly. He's a proud father, a proud grandfather, a brother as well, and somebody who will dearly be missed in Louisiana.

I yield to my colleague from Louisiana (Mr. MELANCON).

Mr. MELANCON. Madam Speaker, whether serving in Congress or as Governor or working as a private citizen, Dave Treen always put Louisiana first. Dave was bipartisan, a middle-of-the-road compromiser who never forgot that there were greater principles worth fighting for beyond party and politics. He will be remembered fondly by all of us who knew him as a warm, wonderful person and a committed reformer.

My thoughts and prayers are with his family during this difficult time.

Having been a Kappa Sigma, that was one of the places where we had common interest and bond. Dave Treen will

be sorely missed. He was a gentleman, an honorable person, and he loved this body when he served here, and he will be well remembered as Governor of the State of Louisiana.

Mr. SCALISE. Madam Speaker, I ask that the House observe a moment of silence in honor of Dave Treen and his family.

The SPEAKER pro tempore. Members will rise. The House will observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

RECOGNIZING HISPANIC HERITAGE MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 783, 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 Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 783.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 827]

YEAS—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
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
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
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
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
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
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
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—9

Barrett (SC)
Buyer
Coffman (CO)
Gutierrez
Johnson (GA)
Murphy, Patrick
Murphy, Tim
Nunes
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1350

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.

PROVIDING FOR CONSIDERATION OF H.R. 3854, SMALL BUSINESS FINANCING AND INVESTMENT ACT of 2009

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 875 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 875

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except the amendments printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In

the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Small Business or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of October 30, 2009, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing unemployment compensation.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks and include extraneous remarks on H. Res. 875.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Madam Speaker, H. Res. 875 provides for consideration of H.R. 3854, the Small Business Financing and Investment Act of 2009, under a structured rule. The rule self-executes an amendment that removes direct spending from the bill, thereby making the underlying bill PAYGO compliant. The bill makes in order 16 amendments printed in the Rules Committee report. The amendments are debatable for 10 minutes each, except for the manager's amendment which is debatable for 20 minutes.

Additionally, the rule provides authority for the Speaker to entertain motions to suspend the rules through Friday of this week for a measure addressing unemployment compensation.

Madam Speaker, today we will pass a very important piece of legislation that will directly help small businesses from around our country. H.R. 3854, the Small Business Financing and Investment Act of 2009, increases the loan limits available for small businesses through the SBA; it promotes increased private investment in small businesses; it provides increased resources for businesses working in the field of renewable energy; and it supports our veterans returning from Iraq and Afghanistan seeking the capital they need to start or to grow their businesses.

What this bill does beyond anything else is provide much-needed support for Main Street to help small entrepreneurs grow, save, and create jobs. As President Obama said last week, supporting small businesses needs to be our highest priority because when small businesses are succeeding, America succeeds.

When I return to my home State of Maine, I hear from small businesses week after week that access to capital is one of the most difficult challenges that they face. The credit market has been drying up, and small businesses have been hit hard.

Earlier this year, my office hosted an event focused specifically on connecting small businesses with capital, including SBA programs. The response was overwhelming. We had hundreds of small businesses RSVP to attend, so many that we needed to reserve an overflow room to accommodate the demand. These were businesses of all types and sizes, and many of them had driven hours to come to the workshop. They came to this meeting because they felt they had nowhere else to turn.

SBA programs have been an important resource for businesses during this economic downturn, and this bill will take important steps to increase access to and the success of these programs. I want to take a minute to give you a couple of examples from my State of how SBA loans are working to support small businesses.

A company named ALCOM was established by Tom Sturtevant and his stepson, Trapper Clark, in 2006 and is one of the largest manufacturers of aluminum trailers in the northeast. With an SBA loan under the 504 program, this business was able to construct a new, 70,000-square foot manufacturing facility with much-needed space for expansion while enhancing the flow of inventory, and they were able to hire 15 new workers. This is a family-owned business with good-paying manufacturing jobs that has been able not only to survive in the current economic climate, but grow thanks to an SBA loan.

Julia McClure opened Sweets & Meats, a market in Rockland, Maine, earlier this year, thanks to financing she received through the SBA's 7(a) program. Women-owned enterprises is the fastest growing business group, and this grocery store, specializing in local meats and produce, is a great example of how the SBA has worked to support these entrepreneurs.

Casco Bay Molding in Sanford, Maine, is an injection molding company founded by Andy Powell. After working to develop a customer relationship with Flotation Technologies, another Maine-based company and a world leader in buoyance systems, these two companies worked to design and implement a new line of proprietary, deepwater oil and gas exploration and harvesting equipment.

This new demand meant that Casco Bay Molding needed to upgrade to compete with much larger molding shops in the region. With a loan under the SBA 504 program, this small business was able to upgrade their equipment, meet the demand, and employ five additional people in their community in good-paying manufacturing jobs. Furthermore, by helping Casco Bay Molding to succeed and grow, this loan supported other local businesses, like Fiber Materials, providing them the benefits of an expert injection molding operation within close proximity to their manufacturing facility.

□ 1400

This is a great example of the exponential impact that investment in small businesses has in all of our communities, one that expands small businesses, creates new, good-paying jobs, rewards ingenuity, and supports Main Street through this economic downturn.

The problem is there are not enough of these success stories. Small businesses are desperate for credit to expand and grow, and SBA programs, as they currently stand, simply cannot meet this demand. That is why this bill is so important. It will expand and develop these vital programs, including the 7(a) and 504 programs, to better meet the needs of all small businesses.

Mr. Speaker, all across this country, small businesses have struggled during these difficult times through no fault of their own. They didn't cause this economic crisis, but they can help to lead us out of it, and we have to help them access the funding they need to survive, grow and to expand their businesses. The jobs they create today will bring economic growth and prosperity to our communities tomorrow if we just give them the chance.

I urge my colleagues to support this bill today and the underlying bill. As Rumery's Boatyard, another SBA loan recipient from Maine told me, it is imperative that we support our small businesses and ensure that they are ready to go once the economy fully recovers.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentlewoman yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, we've just heard our good friends from the Democratic Party talk about wanting to support small business. I think it's interesting that today this bill is all about making sure the government has money available to loan to small business because we want them to be successful, and yet this committee and this Congress, under the Democrat leadership, ignores the leading four or five different items that small business would say they need the most to be successful to grow, to expand, to continue employment, which is the backbone of the economy.

High taxes, depreciation—this next week the biggest killer of them all, after we pass this bill, the health care bill is going to come on the floor which will kill small business. President Obama's own numbers say 4.7 million

jobs will be lost with the health care bill. It will tax small business. It will bring enormous rules and regulations, and yet here we are, talking about wanting to help small business today. If you really want to help, first of all, you ought to get out of the way; secondly, don't pass rules, regulation, laws, taxation that diminish small business.

So, with that said, I am delighted to be on the floor to talk about this Small Business Financing and Investment Act. In the Rules Committee, it was plain and simple that not allowing an open rule this year is where we continue. There is plenty of time for my friends on the other side of the aisle to allow for an open rule today to discuss the 42 amendments that were offered in the Rules Committee, of which only 16 were made in order.

I offered an amendment to the Rules Committee last night that was voted down by my Democrat colleagues. My amendment would have benefited small businesses by allowing them to choose the asset depreciation schedule that best suits their individual businesses. Today we have a depreciation schedule that is entirely formulated by the government, to the detriment of the free enterprise system and small businesses. The current system of asset depreciation inhibits economic growth. That's right. It forces companies to depreciate their assets over an arbitrary period of time. It competes against business, and certainly small business, by making sure the government gets their money first. Congress needs to create incentives for American businesses to reinvest in their companies, buy new equipment and hire more workers, not the opposite.

Small business employs about half of all Americans, and they are critical to our economic growth. But tax policies out of Washington by this Democratic Congress are making it harder and harder for them to do business. Also add in rules, regulations and a political agenda that will lose a net 10 million American jobs, most of them small business, just with the three biggest political agenda items that the Democratic Party has, 10 million American jobs lost, and that's the political agenda.

If this Democrat majority really wants to help small businesses, they would have allowed some commonsense amendments to come forth to the floor, by the way, amendments that small businesses ask for the most. I plan on using this opportunity to talk about our economy, the Nation's diminishing job numbers, the future of government mandates, and tax increases that will continue to stifle our economy and cut U.S. jobs. This is the Democratic Party's agenda, to kill the free enterprise system in America, and the starting blow is these three major political agendas that will lose a net 10 million American jobs.

Mr. Speaker, the Obama administration promised Americans that if Congress passed the stimulus package, that unemployment would not go above 8 percent, that it would create and save millions of jobs. Here we are 9 months later with a record 9.7 percent unemployment rate, the highest in 26 years, and more than 2 million Americans have lost their jobs since the stimulus package of $1.2 trillion.

What do we see from the White House? Lavish parties, trips to New York, just a whole lot of fun, everything but this President focusing on what any economist would say will create jobs in this country, what will keep the jobs that we have in this country. So my colleagues on the Democratic side continue to push their agenda that increases costs, increases taxes for individuals, while shrinking our Nation's workforce.

By the way, the Nation's workforce is called American jobs. By the way, those evil corporations that our friends, the Democrats, are after are called employers. Let's just put them at bay, and you will see no job employment.

In June, my friends on the other side of the aisle passed a cap-and-trade, or what is commonly called cap-and-tax, bill that will raise prices on energy, raise prices on goods, raise prices on services for every single hardworking American in this country. In my home State of Texas, the average household can now expect to spend more than $1,100 extra a year if this bill passes as a result of this legislation, and this legislation could diminish over 1.38 million manufacturing jobs.

In my book, manufacturing is small business. Just today congressional Democrats had a great big press conference that looked more like a victory lap to me, thinking that they're going to pass this bill that was 1,990 pages, a sweeping health care bill that effectively will continue to shrink the employer base. It will shrink the employer-based insurance market and force 114 million people into an unsustainable government-run program, a program where government bureaucrats will be choosing what doctors a patient can see and, further, what procedures will be paid for for that doctor.

This trillion-dollar package also raises taxes on individuals, it raises taxes on small businesses that do not participate in the government plan, and up to $800 billion will be spent, according to a model developed by the President's own economic adviser, and it will diminish between 4.7 and 5.5 million more American jobs, using the President's own figures. Most of those will come from small business.

Well, hold it. I thought we were here to help small business today. But don't worry, next week we'll go ahead and pass a bill that will diminish between 4.7 and 5.5 million more American jobs. No wonder the American public can't figure out what's going on in Washington. One week we're saying, We're trying to help you, and the next week, I'm sorry about that, but somebody else's job is more important than yours.

Earlier this month, the Treasury Department reported that the Federal budget deficit reached a record $1.1417 trillion during the month of September. The Treasury Department also reported that the national debt reached $11.9 trillion. This means that since 2007, the Obama administration and this Democrat Congress have increased the Federal deficit by over $1.25 trillion and increased the national debt by over $3 trillion. When will it stop? No wonder we're losing small business jobs. No wonder we're losing American jobs. No wonder the American people are saying, What is going on in Washington, D.C.?

The Democratic majority is taxing, spending with more rules and regulations, and the jobs—let's get this right—are leaving. They're leaving this country, and they're going somewhere else. We aren't just losing the jobs. They're going somewhere else. We've asked this administration, we've asked this Democrat majority, Where are the jobs? Where are the jobs you promised? We've spent a lot of money. Where are the jobs?

In closing, Mr. Speaker, this legislation—yeah, I would offer some assistance to small business, but I believe there are more effective ways to assist them during the economic crisis. For instance, not growing the size of government just to give them, small business, a loan. We should be doing things to improve small business by expensing, by permanently repealing the death tax, by extending tax relief, by improving regulatory reform, by not adding a cap-and-trade bill, and by golly, for sure not next week trying out and then passing a health care bill which will diminish American jobs.

Mr. Speaker, we have a lot to say. There is a lot of time today, but what we want is for the American people to become engaged in what's going on in Washington, and I think they're watching.

I will be asking for a ''no'' vote on the previous question, a ''no'' vote on the rule.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, before I yield to one of my colleagues, I do want to point out that while my good colleague from Texas (Mr. SESSIONS) has indeed stated many issues of concern to small businesses, that the amendment he proposed in the Rules Committee was nongermane and also violated the PAYGO rule. I suspect that's why my colleagues on the Democratic side voted against that particular amendment.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise on the rule to support the underlying bill, H.R. 3854, the Small Business Financing and Investment Act of 2009. This is an important piece of legislation that

will provide our country's small businesses with additional tools that they need during these uncertain economic times.

I'm particularly pleased that the Rules Committee adopted an amendment that I authored and included it in Chairwoman VELÁZQUEZ' manager's amendment. I want to thank her and commend her for her hard work on this important piece of legislation.

The amendment that has been included gives priority to small businesses applying for stabilization loans in cities that have been hit especially hard by high levels of unemployment. For cities in my district and in the San Joaquin Valley, like Delano, Firebaugh and Mendota, that have over 30 percent unemployment, this will be an additional help for the struggling small businesses in those communities. But in communities throughout the country that are experiencing high, above-average unemployment levels, it will of course be very helpful.

Overall, the legislation helps facilitate small businesses by lending, by bolstering vital programs within the SBA, the Small Business Administration. It also encourages small lenders to participate in programs to help rural businesses and veteran-owned businesses to secure loans, loans which have been difficult for them to obtain. This bill is expected to produce over $44 billion in lending to small businesses across the country, help create jobs and get our economy back on the path to recovery.

I ask for an ''aye'' vote.

□ 1415

Mr. SESSIONS. Mr. Speaker, I yield 8 minutes to a very distinguished young gentleman who is an arch supporter of not only small business but who remembers that, if we will balance the budget, the free enterprise system will grow, the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman. I doubt I will take 8 minutes.

Mr. Speaker, I rise in opposition to this rule. I submitted an amendment to the Rules Committee that would have prevented the Small Business Administration from engaging in the practice of making direct loans to private small businesses. I should mention that this amendment was germane. There was no problem. It wasn't out of order, and it should have been made in order here today.

The Capital Backstop Program, authorized by this legislation, would allow the SBA to make direct loans during a time of recession to small businesses that are denied loans by private lenders. In other words, the Federal Government will begin making loans using taxpayer dollars to finance small businesses that are unable to secure loans through the private sector.

Now, let's back up just a bit.

What the Small Business Administration does is it guarantees loans made by banks to businesses. In this case, if a bank won't lend money to a business even if that money is guaranteed by the Federal Government, then we might step in and lend money directly to that business. This is something we have not done in decades with the SBA.

Ask yourself: If a bank out there won't lend money with Federal guarantees, is it the proper role of the Federal taxpayer to step in and lend money directly to that business?

Maybe we ought to step back and say, There might be a problem here with that business. If a bank won't lend them money when that loan is guaranteed, why should we be lending them money? Why should we be exposing the taxpayer here?

Government interference in the private sector is not the only cause for concern over this program. Not long ago, Congress undertook a series of studies and hearings on the government-run Reconstruction Finance Corporation, which was a relic of the Great Depression that engaged in direct lending to private entities. I will mention we haven't done this for a long time, but we did at one point lend money directly to businesses.

The Depression had long since ended, but the RFC remained intact, and there were reports of corruption. One of the studies, called the Hoover Commission, submitted a report to the Congress in 1949. It warned—and I'll read directly from the report:

Direct lending by the government to persons or enterprises opens up dangerous possibilities of waste and favoritism to individuals and enterprises. It invites political and private pressure or even corruption.

This is what they found happened when we lent money directly to businesses in this fashion. Yet here we are today, willing to ignore our own reports in Congress, willing to ignore the lessons of the past, and willing to start engaging in this practice again.

Again, this bill authorizes a program which, after a bank has passed on giving a loan to a business even after we step in and say we'll guarantee that loan, the bank says, No, we still won't do it. So we say, Okay. We'll put taxpayers on the hook.

Now, why in the world wouldn't we allow an amendment today to have an up-or-down vote on whether to strike that provision of this new authorization? Why shouldn't we decide that here in this House? Why is it so important to rush this bill through without giving the Members of this body the opportunity to stand up and say, Hey, you know, we've produced reports in this Congress; we've had commissions which report that there is a problem when we have direct lending programs like this that, maybe, we ought to consider?

No. The Rules Committee says, We don't even want you to vote on that. We don't want anything to do with it. We'll just not allow it on the floor. We'll have a structured rule, and you won't have an opportunity to vote on it.

That simply isn't right, Mr. Speaker. I'm disappointed that we won't be able to debate the merits on this.

I would ask that the Members of this body vote ''no'' on this rule. Go back to the Rules Committee. Allow a rule to come to the floor that allows the Members of this body to actually exercise our franchise here. When we see a program that might have a problem, let's at least have an up-or-down vote and at least be able to decide if we should be doing this or not instead of just turning a blind eye and saying that the reports that this Congress has produced in the past and that the studies of the commissions that we've appointed don't matter because we know better now.

So, Mr. Speaker, let's vote down this rule, if we can't change this bill, to prohibit the direct lending to small businesses that banks won't even lend to after we guarantee those loans. If that provision isn't removed, we ought to vote down the bill.

Ms. PINGREE of Maine. Mr. Speaker, I want to point out that the gentleman who just spoke does have one amendment in order under the rule.

I yield 2 minutes to a member of the Small Business Committee, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise in support of the rule to consider the Small Business Financing and Investment Act.

This bill improves access to capital for small businesses, which is a vital step towards growing our economy and creating jobs. Time after time, I hear from small business owners in western Pennsylvania saying they would like to hire more employees and would like to expand their services, but they cannot acquire the loans necessary no matter how good their credit scores.

I would like to highlight a provision that I drafted that this rule makes in order as part of the manager's amendment to this bill.

My provision directs the New Market Venture Capital companies to prioritize providing financing to veteran-owned small businesses in low-income areas. The New Market Venture Capital program encourages equity investments in small businesses in low-income areas by providing tax credits, and it is just the kind of targeted program that America needs to recover from economic hardship.

This provision I added, with the support of my colleagues, gives priority to the heroes of America's Armed Forces as they apply for funding in areas that qualify for the New Market Venture Capital program in order to start new lives following their service to this country. We can never fully repay our veterans, but with this provision, we can honor them by offering new opportunities to use their strength and experience to create jobs in communities that need them the most.

I urge my colleagues to support the rule and the bill.

Mr. SESSIONS. Mr. Speaker, I would like to inform my colleague that I do not anticipate having any additional speakers at this time, and I would allow the gentlewoman to run down any time she has with the knowledge that, before she would close, I would do the same.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentlewoman from Maine for yielding me this time.

Mr. Speaker, I do rise in strong support of the rule and of the underlying bill, the Small Business Financing and Investment Act. This bill couldn't be more timely. Many of the provisions that we passed in the American Recovery Act to expand the opportunity of small business loan programs are about to expire.

I know, in my district in western Wisconsin, I haven't been on the phone more often than in the past year talking to small business owners who are struggling to get credit in order to keep their doors open. In fact, earlier this week, I was on the phone with the owner of a small manufacturing business that makes boats. He said that he has got customers lining up who are willing to make purchases of those boats, but because lines of credit are not available to them, they can't move forward and close the deals. This has a tremendous ripple effect throughout our entire economy.

I would submit to my colleagues here today that, unless we figure out a way of freeing up the capital markets so that they are more free-flowing and are more efficient, especially for small businesses and farmers, this will be a very difficult recovery to endure. That's why the Small Business Financing and Investment Act is important. We are expanding and extending the 7(a) and 504 loan programs, not to mention expanding the ARC program, as well as the Working Capital Loan Fund.

I want to just take a moment and commend the regional director of the Small Business Administration in my area, Eric Ness, with whom I've teamed up in the last 6 months to hold multiple small business forums throughout western Wisconsin, which help inform small business owners and farmers about the availability of the SBA programs, as well as the local lenders, so that they do know what's available and how it works.

Now, my good friend and colleague from the State of Texas—and he is my friend—had a few mischaracterizations that I want to clarify. As President Reagan is fond of saying, facts can be a stubborn thing. The facts are these:

When we passed the American Recovery Act, we did have accelerated depreciation and expensing for small businesses in it. We had a net operating loss carryback for small businesses so that the profits that they took in previous years could be immediately written down over the last couple of years when they were suffering losses. This has worked to have an immediate cash infusion into those small businesses. What we're doing here today is directly beneficial to small businesses in trying to free up these capital markets that are not working well. These are proven programs that we clearly need to extend and expand upon.

I commend Chairwoman VELÁZQUEZ of the Small Business Committee, and I commend every member on that committee for the attention and the energy that they have devoted to the plight of small business owners.

In my region of the world, in my district, I know, unless small businesses have the ability to keep their doors open—to make payroll, to make investments, and to expand jobs—we're not going to see the type of job growth that is required to recover from the worst economic recession since the Great Depression.

I would encourage my colleagues to support this rule and to support the underlying bill. Show your support for small businesses, support that they need today.

Mr. SESSIONS. Mr. Speaker, over the last few months, the American people have written and called their Members of Congress. They've attended town hall meetings. They've been in the media, on the news, in the newspapers, and they have asked that all Members of Congress read their bills before they vote on them. The American people are outraged.

That's why, today, we will be asking for a ''no'' vote on the previous question, because we believe that this process is closed and not open to amendments that would need to be done, which the American people are asking for, including small businesses. We can see what's getting ready to happen next week when we handle the health care bill. So I will be asking for a ''no'' vote on the previous question so we can amend the rule and can allow the House to consider an open bill for H. Res. 544, a bipartisan bill by my colleagues Representatives BAIRD and CULBERSON. They have gathered together to make sure that all of the bills of interest would be allowed to be read for 72 hours.

I also ask unanimous consent to insert in the RECORD an amendment and extraneous materials prior to the vote on the previous question.

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

There was no objection.

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

Ms. PINGREE of Maine. Mr. Speaker, I want to again highlight what we are considering here today.

This is a bill that will support small businesses when they need it most—access to the financing they need to survive, to grow, to expand, and to create the jobs that will drive our economy. I know this is essential as I have heard from businesses throughout the 125 towns in my congressional district.

In fact, I have owned small businesses for most of my adult life. For many years, I owned a business that sold our products around the country and grew to employ 10 people in a town with just 350 residents. I currently own an inn and a restaurant that uses produce grown in my community and seafood caught locally. I know what it is to be the last person to lock the doors at the end of the day, to meet a payroll, and to argue with the bank about borrowing money to expand.

Mr. Speaker, I have been lucky to own a small business which has been an important part of my community and which has provided jobs, but I never would have been able to survive without access to the investment the business has needed to grow.

When facing the economic climate that we currently do, it is vital that we do everything in our power to support the small businesses that create 64 percent of the new jobs in this country, that comprise more than 99 percent of all employer companies, and that are the backbone of the communities that we live in.

This bill is an important step in supporting those small businesses—with $44 billion in lending that will help save or create 1.3 million jobs each year and by ensuring that small businesses have the necessary capital to stay in business and to expand as the economy recovers. This bill is more than simply an investment in small business; it is an investment in American job growth.

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

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 875 OFFERED BY MR. SESSIONS

At the end of the resolution, insert the following new section:

Sec. 4. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit

which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. PINGREE of Maine. I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1430

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the H.R. 3854.

The SPEAKER pro tempore (Mr. KIND). Is there objection to the request of the gentlewoman from New York?

There was no objection.

SMALL BUSINESS FINANCING AND INVESTMENT ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 875 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3854.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

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

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

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

Mr. Chairman, I rise in support of this bill, which will enhance the SBA's capital access programs. This bill is a bipartisan product. It has the support of 48 stakeholder groups and could not have come together without the contributions of eight different committee members, including two from the minority. It addresses a key concern for small firms and ensures they have the resources to help grow our economy.

If history is any guide, small businesses will be the key to our recovery. Since our Nation's founding, they have helped us bounce back from countless downturns, including the recession of the mid-1990s. At that time, start-up businesses generated 3.8 million new jobs. And ultimately, Mr. Chairman, that is what our recovery efforts are all about, putting Americans back to work.

Through innovation and ingenuity, small businesses have created enormous wealth for our Nation. But America's economic engine doesn't run on good ideas alone. Small firms need capital to not only get off the ground, but to operate and grow. That is why H.R. 3854 delivers better funding options to small firms at every stage of development.

For the aspiring entrepreneur, it opens new avenues for seed capital and microloans. For the mid-market venture, it provides fresh funds for investment. And for the established business, it creates room for targeted risk and innovation. And it could not have come at a more critical time.

Small business lending is declining at alarming rates. In July, a survey by the Federal Reserve found that 35 percent of banks have tightened lending to small businesses. In terms of credit cards, a popular source of funding for entrepreneurs, 79 percent have seen their lines cut radically. These are exceptional declines. And if we fail to address them, we risk losing more than our most innovative businesses. We risk losing hundreds of thousands of jobs.

Small businesses with tight profit margins do not have the luxury of simply tightening the belt. When money is short, they are often forced to lay off workers. But with unemployment at 9.8 percent, we just cannot afford more losses. That is why this bill delivers critical capital to new ventures.

To begin, it helps steer equity investment to start-ups in high-growth fields like IT and clean energy. It also enhances SBA's microloan program. Two weeks ago, my committee heard from an entrepreneur who used microloans to grow his business from a fledgling firm to a thriving enterprise with 30 employees. By improving the microloan program, imagine how many more new businesses, and new jobs, we can generate.

Ask any small business owner, and they will tell you that start-ups are not the only firms that need capital. Established ventures in fields like manufacturing, for example, need funding to adapt to the changing marketplace. By improving the 504 program, this bill gives them the flexibility to purchase new equipment and otherwise retool operations. When paired with new initiatives like the New Markets Venture Capital and Renewable Energy Capital Investment programs, these efforts will help manufacturers emerge from the downturn stronger and better poised to create new jobs.

Meanwhile, we are also delivering important lending options to our Nation's veterans, offering reduced borrower fees and increased loan guarantees. As our servicemen and -women return home from deployment abroad, we need to be sure they have access to the economic opportunities that entrepreneurship offers.

Mr. Chairman, this bill is about choices. It is about better options for the small businesses that didn't get a bailout. H.R. 3854 provides critical funding to small firms in every industry and, most importantly, generates

jobs. In fact, it will create or sustain more than 1.3 million positions nationwide.

In the 111th Congress, job creation is our number one priority. It only makes sense to support legislation that gets us there.

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

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

Mr. Chairman, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act of 2009. Before we even get started, I want to thank the chairwoman, the gentlelady from New York, and Subcommittee Chairman SCHRADER for working in a very bipartisan manner to craft this important legislation. This bill includes bills introduced by Mr. BUCHANAN and Mr. LUETKEMEYER of the committee, and I think it is a good piece of legislation.

The bill before us today will significantly strengthen the ability of small businesses to obtain needed capital for retaining and creating new jobs. The committee has heard time and time and time again that small businesses want to expand but can't find funds necessary to do so. I am sure most of the Members of this Chamber have heard the same thing from their small business constituents back home.

If small businesses create most of the new jobs in this country and can't obtain capital, economic recovery is going to be a faint light at the end of a very long and dark tunnel. Enactment of H.R. 3854 isn't going to magically correct the flaws in the credit markets for small businesses, nor will the programs in these bills increase the confidence of small businesses while the President continues to push initiatives such as capital-and-trade and health care reform that are going to raise costs on small businesses. Nevertheless, the provisions of this bill to improve the financing programs operated by the Small Business Administration can play a vital role in relieving the existing stress on the capital and credit markets for small businesses until those markets return to more normal operations.

Title I of the bill reduces the barriers to utilization of the 7(a) guaranteed loan program by community banks, particularly those in rural areas.

Mr. BUCHANAN's bill, incorporated as title II, overhauls the operation of the Certified Development Company loan program and will make long-term fixed rate debt available to many small businesses, particularly manufacturers seeking to retool and expand their operations.

Title III makes modest, but important, changes to the microloan program, which will give America's smallest entrepreneurs a greater chance of success.

Title IV adopts Mr. LUETKEMEYER's bill to enhance the Small Business Investment Company program by enabling successful managers of such companies to more easily expand their operations.

Title V's most significant change is to correct a flaw in the New Market Venture Capital Company program that would spur greater investment in poor rural areas of the country.

Title VI establishes a loan program which will enable physicians and other providers of health care to make the necessary investment in the efficiency of electronic health records.

Title VII provides the SBA with the opportunity to leverage Federal funds with the best venture operators to promote investment in early stage businesses, like the next Microsoft, Dell, Google or Federal Express.

Title VIII makes additional modifications to the SBA's disaster loan program in order to ensure that small businesses will quickly have needed funds to help recover from a disaster.

In addition to amending key financing programs, this bill, including title IX, makes concerted efforts at increasing the transparency of the SBA's decision-making process. It would be foolish to make significant improvements in these vital financial programs, yet have small businesses' access to them curtailed by inefficient and opaque administration by the SBA.

I would like to add one final point to my comments, Mr. Chairman. Some may question the cost of this bill in a time of fiscal constraints. However, I believe that it represents a vital investment in a better future for our economy. For the past decade, this country's biggest export has been risk. However, America was not built on derivatives or credit default swaps. It was built by individuals creating new products in new ways that the entire world demanded. This bill will help us return to that America, one based on the hard work of creating real and tangible products that are the envy of the entire world.

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

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

I rise today in strong support of H.R. 3854, the Small Business Financing and Investment Act of 2009. This bill represents the culmination of work done by many hard-working members of the Small Business Committee, Democrats and Republicans. They both understand how critical small business growth is for communities throughout this Nation and to our economy as a whole.

I specifically want to acknowledge Chairwoman VELÁZQUEZ, Ranking Member GRAVES, Representatives HALVORSON, KIRKPATRICK, NYE, LUETKEMEYER, DAHLKEMPER, ELLSWORTH and GRIFFITH, and the ranking member of my Subcommittee on Finance and Tax, Representative BUCHANAN, and their expertise in crafting the various sections of the bill that the ranking member referenced. These leaders recognize that small businesses are the backbone of our economy and must be the driving force in spurring economic growth.

Also, I want to thank personally my Small Business Advisory Board in Oregon. They provided me critical information and thoughts about what this Congress can be doing to truly aid small businesses.

Small businesses are the real job creators for most of our communities, but unfortunately, the current recession has hit them very, very hard. As a small business owner myself for over 30 years, I understand all too well the difficulties they face accessing capital during these tough economic times. Many small business owners literally survive month-to-month. They rely on timely payment for their products and services because they do not possess the deep reserves of some of the larger companies. That is why a deep, prolonged recession is particularly dangerous for small businesses.

In August, I held a hearing of my Finance and Tax Subcommittee in Salem, Oregon, in the heart of my congressional district. We took testimony from small business owners and learned firsthand about the difficulties of accessing loans and how crippling the current situation is for many small businesses. We also heard from banks and credit unions who talked about their concerns with making loans, given the recession environment, and the new regulatory burdens placed on them. We talked about problems with the SBA and how we can improve their programs to make them friendlier, more efficient and responsive to both businesses and lenders, and we talked about many solutions to the current credit freeze. I am pleased to say that many of these proposals are in the legislation we are debating here today.

In our current environment, small businesses everywhere, in every industry, face the same problem: They cannot access affordable capital. Entrepreneurs who are looking to expand and hire workers, and companies who want to borrow money to stay afloat, are unable to secure necessary credit because of the economic downturn, despite their own past good credit.

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The SBA's diverse catalog of lending and investment programs, as approved here today, have the potential to increase access to capital and provide the needed loans when the private sector is uncertain about accepting more risk.

That is why passage of H.R. 3854 is so critical to create jobs and build our economy right now. It increases the maximum loan sizes for SBA 7(a), 504, microloan, and newly created ARC loan programs. It increases efficiency at the SBA, something we have needed for a long time, by reducing burdensome application loan times for the regular loans, rural loans, cooperative loans and the ARC program. It allows CDCs to do loan liquidation for the 504 program, helping pay for that program. It includes closing costs on 7(a) and 504

loans in the loans. It approves the SBIC licensing protocol to make it more attractive to our lenders and aligns definitions and program opportunities with the U.S. Department of Agriculture with similar programs.

It encourages banks to participate once again and loan by increasing guarantees to 90 percent. It extends for a longer period of time the American Recovery and Reinvestment Act so it's more attractive for banks to gear up for those programs. It cuts lender fees, requires prompt purchase of bad loans by the SBA within 45 days, and simplifies the ARC loan application to one page.

Mr. Chairman, our American small businesses are comprised of individuals who drive innovation, develop resources to meet the demands of our changing world, and make a meaningful impact on our local communities. In my State of Oregon, 98 percent of the businesses are small businesses, and they employ almost 60 percent of our workforce.

At a time when our State and our country face high unemployment, it makes perfect sense to do all we can to help small businesses do what they do best, create jobs in our economy. That's what H.R. 3854 will do, and why I urge a strong ''yes'' vote.

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

Mr. GRAVES. Mr. Chairman, I yield such time as he may consume to my colleague from Missouri, Mr. LUETKEMEYER, the ranking member of the Rural Development, Entrepreneurship and Trade Subcommittee.

Mr. LUETKEMEYER. Again, I would like to echo the sentiments of Ranking Member GRAVES with regards to the fine bipartisanship and the good, hard work of everybody on the committee to come up with, I think, an outstanding bill to help our small business folks in this country.

Mr. Chairman, I rise today in support of H.R. 3854 and am pleased to see that this bill includes my legislation, H.R. 3740, the Small Business Investment Company Modernization and Improvement Act of 2009.

As a small businessman, I am proud to support a bill that would assist many fellow small business owners and employees throughout my district and Missouri and all throughout the country. Small businesses have generated up to 80 percent of new net jobs annually over the last decade and contribute 38 percent of the GDP. Like every recession before, small business will lead us back to economic prosperity.

Most small business owners remain cautious in their economic outlook, with more than two-thirds in recent polls saying the recession is not over for them. Many people want to signal that their economy is on the mend, but American small businesses and small business owners aren't able to send that message yet.

Small businesses have never had a harder time getting a loan, as access to credit is being denied at an increasing pace. Since the onset of the credit crisis over 2 years ago, available credit to small business consumers has contracted by billions of dollars. Without access to credit, small businesses can't grow, can't hire, and too often end up going out of business.

In recent hearings on the Small Business Administration's capital access programs, we heard from two SBIC witnesses from my home State of Missouri, Capital For Business and C3 Capital. Both testified that despite having a 50-year record of growing American small businesses and providing over $55 billion in financing to over 100,000 U.S.-based businesses, the SBIC is being dramatically underutilized. When both credit and investment have evaporated, it does not make sense to leave an effective small business tool unused.

Additionally, this bill will halt the continued flight of SBICs that participate in the program by establishing an expedited licensing process. A broken licensing system for far too long has been cutting off capital to good small businesses. I know of a successful SBIC in Missouri that applied for a second license and it took over 1 year, countless hours of paperwork and expensive legal bills.

This legislation would provide a transparent process with clear standards and a reasonable timeline for applicants. This bill also includes strong taxpayer protections. New background checks and proof of raised capital would be required.

Funds that have major regulatory problems or are unable to raise private funds would not be able to get an expedited repeat license. Further, the administrator should have the authority to put the brakes on any application that she thinks may pose a risk to the taxpayer.

At a time when small businesses are still struggling to keep their doors open, I am pleased to see a bill working its way through the legislative process that would improve initiatives already available to small businesses. Perhaps more important, the bill we consider today recognizes the ability here to create good private sector jobs in Missouri and across the country.

Mr. Chairman, this bill is not an answer to what ails our economy. It is a good start to help small business, the economic engine of our economy, get back into the business of doing business.

I urge my colleagues to adopt the legislation.

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. Mr. Chairman, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act. I am proud to be an original cosponsor of this bill, which includes language from legislation I introduced, H.R. 3723, the Small Business Credit Expansion and Loan Markets Stabilization Act.

I commend Chairwoman VELÁZQUEZ, Ranking Member GRAVES, and Mr. SCHRADER for his hard work on the bill before us today.

This year, the House has already passed several pieces of legislation that will help our Nation's small business owners, but it's clear that we still have much work to do. I also want to thank the small business owners in my district for getting together regularly to let me know what is going on with their small business. In fact, we are still hearing from them every day about what's going on and especially the difficulties in accessing credit, which continues to be a major challenge.

Small businesses need capital to grow and create new jobs, but the credit crunch has made it exceedingly difficult for them to obtain loans, which we know firsthand, as my husband owns two small businesses, and that also continually is a difficult time. In times like this, small businesses turn to the SBA. The American Recovery and Reinvestment Act includes several provisions that strengthen the Small Business Administration's ability to help small businesses access capital.

The legislation before us today will enhance the SBA's access to capital programs and build on the progress made by the recovery bill. H.R. 3854 will improve the SBA's flagship 7(a) loan program. It extends provisions in the Recovery Act that reduce borrower fees and increase SBA loan guarantees.

We will also extend the ARC loan program, simplify the application process and increase the maximum loan. To increase lender participation, the bill creates new rural and small lender outreach programs of the SBA.

Finally, we are going to help veteran entrepreneurs by fully implementing the SBA's Increased Veteran Participation Loan Program.

H.R. 3854 will help get credit flowing again for America's small business owners so that they can create new jobs and jump-start our economy.

I urge my colleagues to join me in supporting this legislation.

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

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. I thank the chairman and thank all of my colleagues on the committee for their hard work on this bill, especially Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their leadership and the bipartisan spirit with which we wrote this bill.

Mr. Chairman, tough economic times like these we are in right now have time and time again spurred the innovations to put us back on the right track. The entrepreneurs who take on the risk of starting a new business in these times, they are the ones who will transform our economy and jump-start growth in our communities.

Unfortunately, entrepreneurs in my district and across the country are

being turned away by lenders nervous about the risk of starting a new business. That's why it's so important that we pass this bill today. The Small Business Financing and Investment Act will provide much-needed assistance to entrepreneurs who are just asking for a chance to succeed.

The Small Business Administration's microloan program helps entrepreneurs like these secure start-up capital to get their new ventures off the ground. Unfortunately, the SBA's microloan program remains underused.

Too many of these funds Congress has provided to help these small businesses are being left on the table, despite the credit crunch in the private marketplace. Clearly we need to bridge the gap so that more aspiring business owners find the credit they need to get started.

The legislation before us includes a bill that I authored to improve how the SBA's microloan program functions. The Small Business Microlending Expansion Act makes a number of changes to improve this program and expand its reach to more small businesses.

These changes will put unused loan funds toward making existing microloans more affordable. It will get more lenders involved in the program while expanding the amount existing lenders can provide to their communities. It improves the ability of lenders to provide the technical assistance entrepreneurs need to succeed.

Simply put, this bill will increase the capital flowing to entrepreneurs, who can use those loans to build a business, employ their neighbors, and improve their community. That is our goal today, and it should be the goal every day.

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

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. I thank the Chair for yielding.

Mr. Chairman, I rise in strong support of the manager's amendment and the Small Business Financing and Investment Act of 2009.

I want to commend Chairwoman VELÁZQUEZ and the subcommittee Chair, Mr. SCHRADER, for their hard work on behalf of small businesses across the country. As a former small business owner, I appreciate the challenges entrepreneurs and small business owners face in gaining access to the capital that they need to grow their businesses.

This summer, I held a roundtable with Illinois businesses and the SBA to discuss these challenges. That's why I have long supported measures to improve and expand SBA loan programs, which offer low interest, long-term loans to creditworthy community business owners. In the last Congress, I authored similar legislation, the Small Business Lending Improvements Act, which passed the House in 2007.

The expedited consideration of H.R. 3854 underscores both the importance and urgency of assuring access to capital for our small business community. Simply put, the U.S. cannot promote economic recovery without small businesses, as they are the engine of job creation and innovation in our Nation.

The American Recovery and Reinvestment Act did a great deal to provide lending and investment. Since the bill's enactment in February, the SBA has supported $13.4 billion in small business lending, and weekly loan approvals have increased by 75 percent.

That said, the SBA's capital access programs aren't equipped to meet current needs. H.R. 3854 brings long-awaited updates and improvements to SBA's lending initiatives, most importantly, preserving the original intent of these programs to help make affordable sources of financing accessible.

This legislation raises the cap on 7(a), 504 and ARC loans. It directs the SBA to target capital towards communities hard-hit by the recession and towards industries that hold the most promise for American innovation and competitiveness. The measure also streamlines the loan application process and makes it easier for small and community lenders to participate in the programs.

I am particularly pleased that a provision that I authored enabling staffing company franchises to qualify for SBA programs was included in the manager's amendment. Supporting the temporary staffing industry is important now more than ever as temporary positions provide a lifeline to many workers in a constrained job market. Their market growth also serves as an early indicator of emerging job markets towards broader recovery.

My provision directs the SBA to continue applying its historically considered affiliation factors when determining a business' independence so that franchisees are not penalized.

I would like to thank Chairwoman VELÁZQUEZ for including this provision in the manager's amendment. H.R. 3854 provides the tools to help small businesses access capital, create jobs and fuel our economy as we move forward.

I urge my colleagues to support this important bill.

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The CHAIR. The Chair will note that the gentleman from Oregon has 12½ minutes remaining. The gentleman from Missouri has 22½ minutes remaining.

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

Mr. SCHRADER. Mr. Chairman, I would like to yield 3 minutes to the gentlelady from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Chairman, I rise today in support of the Small Business Financing and Investment Act. I want to thank Subcommittee Chair SCHRADER and Chairwoman VELÁZQUEZ as well as so many members of the committee who have worked so hard on this legislation.

As a member of the Small Business Committee and a former small business owner, I know firsthand that small businesses are the driving force of our economy, creating between 60 and 80 percent of our Nation's new jobs every year. Small businesses create good jobs and strengthen our communities. Not only do small businesses bring valuable resources to our neighborhoods, but they bring prosperity as well. When small businesses succeed, they benefit everyone in the community.

Small businesses have been among the hardest hit by the recession. The Small Business Financing and Investment Act will help open tight credit markets that have shut down small business owners during this economic crisis so that small businesses can create jobs, particularly in struggling regions and industries. In addition, this small business legislation takes an important step to address another issue affecting small businesses in the health care business sector.

My legislation, the Small Business Health Information Technology Financing Act, which has been incorporated into this bill, makes cost-saving information technology affordable for small group and individual health care practitioners. Administrative burdens add dramatically to the ever-rising price tag of health care, but the cost-saving information, technologies which are ready available, are often too expensive an investment for small group or individual health care providers. That includes small group physicians, nurse practitioners, community pharmacists and others.

My provision creates an affordable loan program for these providers to make the investment in health information technologies that lower the cost of health care for everyone.

The Small Business Health Information Technology Financing Act creates a new loan guarantee program at the Small Business Administration for the purchase of health information technology by health care professionals in individual and small group practices, those with 50 or fewer employees. The loan guarantee program provides a 90 percent guarantee and loan amounts up to $350,000 for an individual practitioner and $2 million for a group.

Mr. Chairman, the Small Business Financing and Investment Act will help grow small businesses, create good jobs for Americans and help lower the administrative costs of health care. I urge my colleagues on both sides of the aisle to support this small business legislation.

Mr. GRAVES. Mr. Chairman, may I inquire how many speakers the majority has?

Mr. SCHRADER. We have no further speakers and are prepared to close.

Mr. GRAVES. Mr. Chairman, I will go ahead and yield back the balance of my time.

Mr. SCHRADER. I yield the balance of my time to the gentlewoman from New York (Ms. VELÁZQUEZ).

The CHAIR. The gentlewoman is recognized for 10 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to take this opportunity to thank the staff—from both sides of the aisle—that worked so hard on this bill.

From the majority—Michael Day and Andy Jiminez; and Ethan Pittleman from Mr. SCHRADER's staff.

From the minority—Barry Pineles and Karen Haas; and Max Goodman from Mr. BUCHANAN's staff.

Their efforts to ensure the members' priorities are included in this legislation are very much appreciated.

Mr. Chairman, the Small Business Committee is not alone in its commitment to small firms. Since the downturn began, we have heard countless calls from both sides of the aisle for a new economic foundation—one that puts Main Street before Wall Street and that values entrepreneurship over corporate greed. Well, this bill does both. By empowering small businesses, it makes a direct investment in the two things our economy needs most—innovation and job creation.

Capital is a fundamental building block for small business growth. Without it, new ventures cannot get off the ground and existing companies cannot hire workers. H.R. 3854 delivers the resources small firms need to grow. For small medical practices, it makes health IT more affordable. For entrepreneurs developing the next breakthrough in clean energy, it buys time for R&D. And for veterans and rural Americans seeking economic empowerment, it puts entrepreneurship within reach. Most importantly, however, this bill keeps workers on payroll. By allowing entrepreneurs to expand their ventures, H.R. 3854 will create and sustain more than 1.3 million jobs. In other words, Mr. Chairman, a vote for this bill is a vote for job creation. If you ask me, that is something we can all get behind, Democrats and Republicans alike, and I urge adoption of this bill.

Mr. VAN HOLLEN. Mr. Chair, small businesses are the backbone of the American economy. They represent almost 8 out of every 10 new jobs created in the country and are a key element of the Nation's efforts to achieve a successful and complete economic recovery.

Last week I joined President Obama, Treasury Secretary Tim Geithner, Small Business Administrator Karen Mills, Members of the Maryland Delegation, Governor Martin O'Malley, County Executive Jack Johnson, and Hyattsville Mayor William Gardner at Metropolitan Archives in Largo, MD to discuss the work Congress and the Obama administration are doing to create jobs and expand credit access to Maryland small businesses. The bill we consider today, H.R. 3854, the Small Business Financing and Investment Act of 2009, is a significant part of our efforts.

H.R. 3854 reauthorizes and increases the resources of successful programs such as the SBA 7(a), Business Stabilization Loans and the SBA Microloan programs. The Small Business Administration 7(a) program guarantees long-term loans for business startups and expansions. The bill authorizes funds to guarantee $20 billion in 7(a) loans in 2010 and 2011. The bill extends until 2011 Business Stabilization Loans which provide $50,000 each for qualifying small businesses to make payments on existing loans. The bill also helps provide small businesses with short-term, working capital through the SBA Microloan program. Under the program, small businesses and not-for-profit child care centers can qualify for loans up to $35,000 to use for equipment, supplies, inventory and other business necessities.

The bill renews and expands the resources of the public/private partnership programs that serve small businesses such as community development programs, the Small Business Investment Company and the New Markets Venture Capital Program.

The SBA works with certified development companies to contribute to the economic development of communities. These public/private partnerships provide community small businesses with long-term loans to expand and modernize with the purpose of creating local jobs. This bill authorizes the SBA to guarantee no less than $9 billion of these community directed loans in 2010 and 2011.

The bill also continues Congress' commitment to the Small Business Investment Company by authorizing the SBA to guarantee $5 billion in loans in 2010 and $5.5 billion in 2011 for the program. The Small Business Investment Company licenses private investment firms to borrow Treasury money and make loans to small businesses. The loans are made with the long-term growth in mind since such investments can take years before becoming profitable. Since its creation in 1958, the Small Business Investment Company has provided nearly 100,000 small businesses with the capital they need to develop and grow.

The bill also reauthorizes the New Markets Venture Capital Program to promote economic development and job creation in low-income areas with $100 million in loans and loan guarantees for qualifying venture capital companies engaged in small business and job creation and economic development.

The latest reports and statistics catalogue the continued difficulty small businesses are experiencing as they attempt to access credit. The Nation's rising unemployment statistics emphasize the urgency of the problem. The resources provided by this bill should help American small businesses cope as the country struggles to right itself in the aftermath of the greatest economic downturn the world has ever known. I urge my colleagues to join me in support of the bill.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 3854, the Small Business Financing and Investment Act. This legislation will directly support small business jobs in Rhode Island by extending certain small business American Recovery and Reinvestment Act provisions and updating SBA programs to help meet the needs of businesses.

Small businesses have borne the brunt of this economic crisis. I continue to hear from many small business owners in Rhode Island that accessing credit remains a significant problem. Remarkably, small businesses make up 96 percent of all employers in Rhode Island, and their inability to access credit to keep their businesses operating has clearly added to our high unemployment rate of 13 percent.

It is imperative that our small businesses have access to the tools they need to weather this economic downturn, as well as to keep and create jobs. H.R. 3854 does this by extending Recovery Act provisions that eliminated fees on SBA loans and guaranteeing these loans at 90 percent. This gives local banks and credit unions the confidence to lend to small businesses. This bill also raises the cap level on 7(a) loans from $2 million to $3 million, makes microloans more affordable for budding entrepreneurs, and streamlines the cumbersome loan application process.

Additionally, the legislation boosts programs that help small manufacturers and improves a renewable energy investment program to encourage small enterprises that are researching alternative and renewable energy solutions. H.R. 3854 also provides tools for veterans to start their own businesses and also makes permanent the Community Express program, which promotes lending to small businesses owned by women and economically disadvantaged individuals.

I encourage my colleagues to support H.R. 3854, which will help our small businesses grow, keep people employed and create new jobs. A few months ago, I had the chance to visit Jamiel's Shoe World, a small, family-owned business and a Rhode Island institution, which was able to take advantage of a loan guaranteed by the stimulus bill—a loan that enabled them to keep their doors open and keep Rhode Islanders employed. I look forward to seeing this legislation signed into law so that other small Rhode Island businesses can access the capital they need to flourish.

Ms. MATSUI. Mr. Chair, I rise today in strong support of the Small Business Financing and Investment Act. I also want to congratulate Chairwoman VELÁZQUEZ and the Small Business Committee for bringing this bill before us today.

We are all aware of the importance of small businesses in our neighborhoods and communities.

While we rely on them to produce goods and services, we also depend on them to create and sustain jobs. Small businesses are the engine of economic growth and innovation.

Nationally they represent more than 90 percent of all business in our country and have generated 70 percent of all new jobs over the past decade.

In my home district of Sacramento, small businesses are an integral part of our economy.

In fact, most Sacramentans obtain their first job through a small business.

In today's economic recession, however, many small businesses are struggling to make payroll, retain their employees, and expand their operations.

Over the last few months I've held two, separate, "Small Business Workshops" in Sacramento to help existing small business owners understand the stimulus legislation, obtain

financing and find new opportunities through government programs.

These two workshops attracted more than 800 local small businesses in Sacramento.

At these workshops, I heard from small business owners who were eager to be connected to business counseling resources, learn more about financing opportunities, SBA loan products, and government contracting opportunities.

I also heard from local small engineering firms who expressed concern that they did not qualify for an SBA loan because of their Standard Size.

I thank Chairwoman Velázquez for joining me in writing to SBA Administrator Karen Mills to move quickly to consider changing the size standard applied to small engineering firms.

Mr. Chair, the failure to promptly adjust the standard could inflict long-term damage to businesses within the engineering community and reduce federal contract participation opportunities.

The American Recovery and Reinvestment Act that we passed earlier this year included dozens of new opportunities for small businesses through government contracts and grant programs totaling nearly $9 billion in lending since its enactment.

The bill before us today would build on these successes by infusing more than $44 billion for new lending and investment for small businesses.

It would also establish a new public-private partnership at the SBA and improve access to capital by increasing loan sizes.

Finally, it would create a new program to help small health practitioners adopt Health Information Technology, while increasing investment in small companies that are researching alternative and renewable energy solutions.

Mr. Chair, the federal government, in partnership with the private sector, is taking demonstrative action today to strengthen small businesses.

I commend our Leadership for bringing the Small Business Financing and Investment Act to the floor, and for their ongoing efforts to assist America's small businesses.

I urge my colleagues to support passage of the pending legislation.

Mr. REYES. Mr. Chair, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act of 2009. This bill will assist small businesses across the country by increasing the amount of funding that is available to them as well as streamlining many of the current SBA application processes.

There is a vibrant business community in my district of El Paso, Texas, with the Greater El Paso Chamber of Commerce, the El Paso Hispanic Chamber of Commerce, and the El Paso Small Business Consortium all playing a key role to open doors for many of our local entrepreneurs. Small businesses are a vital part of El Paso's economy, and I support this bill because it will help small firms access larger amounts of capital which is critical during these difficult economic times.

I am particularly pleased with the provisions of the bill that make permanent the Community Express and the Veteran Participation Loan Programs. These programs share a common goal of assisting borrowers who have not accessed SBA programs in the past or who have traditionally had limited access to capital. The Community Express Program is an important tool used by the El Paso Hispanic Chamber of Commerce to provide funding to local firms that are deemed un-bankable by conventional lenders. El Paso's growing military community will also benefit from the higher guarantees and lower cost loans available to veterans interested in starting their own businesses.

Mr. Chair, I support this legislation because I believe it will improve the efficiency and transparency of the SBA's programs as well as provide essential capital to small firms. I urge my colleagues to vote in favor of this bill.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise in firm support of H.R. 3854, the Small Business Financing and Investment Act.

As a vital part of our economy, small businesses account for at least 65 percent of American jobs.

The legislation we are considering today provides a much-needed increase in loans for the nation's small businesses.

During a time of economic recession, it is increasingly important that we provide access to start-up capital, long term financing, and other forms of investment capital to small businesses.

Hit particularly hard by these rough economic times, small businesses receive greater access to critical financing through this legislation.

The bill also provides financing opportunities for rural communities through the Rural Lender Outreach Program.

Another critical provision in H.R. 3854 creates a grant program for companies to begin recovery efforts after a natural disaster.

I am confident that the nation's underserved small businesses—particularly minority owned businesses—will be better served because of this important legislation.

Access to capital is one of the greatest challenges preventing fair competition for small businesses.

H.R. 3854 addresses accessibility to financing and overall investment.

I urge my colleagues to support this important legislation.

Mr. BOSWELL. Mr. Chair, I ask unanimous consent to revise and extend my marks.

I rise today in support of the manager's amendment, and the underlying bill, H.R. 3854, the Small Business Financing and Investment Act of 2009.

Thank you Chairwoman VELÁZQUEZ for including an amendment I submitted to Rules.

This amendment will ensure that Small Business Administration loans may be used to purchase facilities and equipment that have been left behind by closed manufacturing plants.

Each of us has seen communities devastated by the loss of a factory—from the closing of automotive businesses, to the buyout of Maytag Corporation in my own district.

On Tuesday, many of us read in the Washington Post that an electronic car company will be taking over a GM building in Delaware.

I believe we must continue to incentivize this practice—but on a broader scale.

In my own district I have seen companies from within and outside Iowa purchase Maytag campus facilities, our own Iowa Telecom, Trinity Towers wind energy, and a new and locally owned small business, Madhouse Brewery.

The empty factory buildings scattered across our nation represent the loss of jobs, tough times, and hard choices for families and community leaders.

I believe these buildings can be used to better our districts and states. By helping small businesses that are rooted in the community purchase these buildings or equipment, we will help bring hope to our towns that have suffered such losses.

This amendment and legislation will empower the financial stability of America's small businesses. I urge my colleagues to support this amendment and H.R. 3854.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 3854, the Small Business Financing and Investment Act of 2009.

While our economy has begun to show some signs of rebounding from the recession, there is still a long way to go before we have returned to full strength. Far too many Americans are looking for work and the unemployment rate remains high, reaching into the double digits in my State of North Carolina. Many businesses are finding it difficult to obtain the credit they need to operate. H.R. 3854 will benefit the small businesses that form the backbone of our economy and serve as our biggest job creators.

H.R. 3854 contains several provisions that will help finance new small businesses and allow them access to more capital. This bill supports public and private partnerships that invest capital into new startups, and makes microloans more affordable for budding entrepreneurs. For existing small businesses, this bill improves the Small Business Administration's 7(a) loan initiative by raising loan amounts and maintaining the fee reductions and guarantee increases that were included in the American Recovery and Reinvestment Act. I am also pleased that his bill contains provisions that help rural businesses and veteran-owned businesses obtain loans. H.R. 3854 is expected to support $44 billion in small business lending, which could create or save over 1 million jobs.

I support stronger lending tools for our nation's small businesses and I support the Small Business Financing and Investment Act of 2009. I urge my colleagues to join me in voting for its passage.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment printed in part A of House Report 111–317 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 3854

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Financing and Investment Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS LENDING ENHANCEMENTS

Sec. 101. Small lender outreach program.
Sec. 102. Rural lending outreach program.
Sec. 103. Community Express Program made permanent.
Sec. 104. Increased veteran participation program made permanent.
Sec. 105. Leasing policy.

Sec. 106. National lender training program.
Sec. 107. Applications for repurchase of loans.
Sec. 108. Alternative size standard.
Sec. 109. Pilot program authority.
Sec. 110. Loans to cooperatives.
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TITLE I—SMALL BUSINESS LENDING ENHANCEMENTS

SEC. 101. SMALL LENDER OUTREACH PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(34) SMALL LENDER OUTREACH PROGRAM.—The Administrator shall establish and carry out a program to provide support to regional, district, and branch offices of the Administration to assist small lenders, who do not participate in the Preferred Lenders Program, to participate in the programs under this subsection.''.

SEC. 102. RURAL LENDING OUTREACH PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(35) RURAL LENDING OUTREACH PROGRAM.—

''(A) IN GENERAL.—The Administrator shall establish and carry out a rural lending outreach program (hereinafter referred to in this paragraph as the 'program') to provide loans under this subsection in accordance with this paragraph.

''(B) MAXIMUM PARTICIPATION.—A loan under the program shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

''(C) MAXIMUM LOAN AMOUNT.—The maximum amount of a loan under the program shall be $250,000.

''(D) USE OF RURAL LENDERS.—The program shall be carried out through lenders located in a rural area (as such term is defined under subsection (m)(11)(C)) or, if a small business concern located in a rural area does not have a lender located within 30 miles of the principal place of business of such concern, through any lender chosen by such concern that provides loans under this subsection.

''(E) TIME FOR APPROVAL.—The Administrator shall approve or disapprove a loan under the program within 36 hours.

''(F) DOCUMENTATION.—The program shall use abbreviated application and documentation requirements.

''(G) CREDIT STANDARDS.—Minimum credit standards, as the Administrator considers necessary to limit the rate of default on loans made under the program, shall apply.''.

SEC. 103. COMMUNITY EXPRESS PROGRAM MADE PERMANENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(36) COMMUNITY EXPRESS PROGRAM.—

''(A) IN GENERAL.—The Administrator shall carry out a Community Express Program to provide loans under this subsection in accordance with this paragraph.

''(B) REQUIREMENTS.—For a loan made under the Community Express Program, the following shall apply:

''(i) The loan shall be in an amount not exceeding $250,000.

''(ii) The loan shall be made to a small business concern the majority ownership interest of which is directly held by individuals the Administrator determines are, without regard to the geographic location of such individuals, women, members of qualified Indian tribes, socially or economically disadvantaged individuals, veterans, or members of the reserve components of the Armed Forces.

''(iii) The loan shall comply with the collateral policy of the Administration.

''(iv) The loan shall include terms requiring the lender to provide, at the expense of the lender, technical assistance to the borrower through the lender or a third-party provider.

''(v) The Administrator shall approve or disapprove the loan within 36 hours.''.

SEC. 104. INCREASED VETERAN PARTICIPATION PROGRAM MADE PERMANENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) by redesignating the second paragraph (32), as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186; 122 Stat. 631), as paragraph (33); and

(2) in paragraph (33), as so redesignated by paragraph (1) of this section—

(A) by striking ''pilot program'' each place it appears and inserting ''program'';

(B) by striking subparagraphs (C) and (F); and

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 105. LEASING POLICY.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by striking paragraph (28) and inserting the following:

''(28) LEASING.—If a loan under this subsection is used to acquire or construct a facility, the assisted small business concern—

''(A) shall permanently occupy and use not less than 50 percent of the space in such facility; and

''(B) may, on a temporary or permanent basis, lease to others not more than 50 percent of the space in such facility.''.

SEC. 106. NATIONAL LENDER TRAINING PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(37) NATIONAL LENDER TRAINING PROGRAM.—

''(A) IN GENERAL.—The Administrator shall establish and carry out, through the regional offices of the Administration, a lender training program for new and existing lenders under this subsection with respect to the lending systems, policies, and procedures of the Administration.

''(B) FEES.—The Administrator shall charge a fee for the program established under subparagraph (A) to reduce the cost of such program to zero.

''(C) LIMITATION.—The program established under subparagraph (A) may not be carried out by contract with a nongovernmental entity.''.

(b) PARTICIPATION.—An entity may not be permitted to participate in any program under the Small Business Act (15 U.S.C. 631 et seq.) or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) that is amended under this Act, as a lending or investment entity or as an agent of the Small Business Administration, unless such entity satisfies the following:

(1) The entity has as the primary mission of the entity the financing or development of small business concerns.

(2) The entity has a full-time staff dedicated to loan making activities, investment activities, or entrepreneurial development training.

(3) The entity does not significantly participate in activities unrelated to the primary mission of the entity.

SEC. 107. APPLICATIONS FOR REPURCHASE OF LOANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(38) APPLICATIONS FOR REPURCHASE OF LOANS.—

''(A) IN GENERAL.—Not later than 45 days after the date of the receipt of a claim from a lender for proper payment of the guaranteed portion of a loan under this subsection due to default, the Administrator shall make a final determination with respect to the approval or denial of such claim.

''(B) LATE DETERMINATIONS.—If the Administrator does not make a final determination under subparagraph (A) in the time period specified in such subparagraph, the claim shall be approved and paid promptly.''.

SEC. 108. ALTERNATIVE SIZE STANDARD.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) In addition to any other size standard under this subsection, the Administrator shall establish and permit a lender making a loan under section 7(a) to use an alternative size standard. The alternative size standard shall be based on factors including the maximum tangible net worth and average net income of a business concern.''.

(b) APPLICABILITY.—Until the Administrator establishes under section 3(a)(5) of the Small Business Act, as added by subsection (a) of this section, an alternative size standard for use by a lender making a loan under section 7(a) of such Act, the alternative size standard in section 121.301(b) of title 13, Code of Federal Regulations, shall apply in such a case.

SEC. 109. PILOT PROGRAM AUTHORITY.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by striking paragraph (25) and inserting the following:

''(25) LIMITATION ON CONDUCTING PILOT PROJECTS.—

''(A) LIMITATION ON NUMBER.—Not more than 10 percent of the total number of loans guaranteed in any fiscal year under this subsection may be awarded as part of a pilot program.

''(B) DOLLAR LIMITATIONS.—

''(i) IN GENERAL.—With respect to any pilot program under this subsection established on or after the date of the enactment of the Small Business Financing and Investment Act of 2009, no loan shall be made under such program if such loan would result in the total amount of loans made during a fiscal year under all such programs to be in excess of 5 percent of the total amount of loans guaranteed in such fiscal year under this subsection.

''(ii) CERTAIN PRE-EXISTING PROGRAMS.—With respect to any pilot program under this subsection established before the date of the enactment of the Small Business Financing and Investment Act of 2009, no loan shall be made under such program if such loan would result in the total amount of loans made during a fiscal year under all such programs to be in excess of 10 percent of the total amount of loans guaranteed in such fiscal year under this subsection.

''(C) EXPIRATION.—

''(i) IN GENERAL.—Except as provided in clause (iii), the duration of any pilot program under this subsection may not exceed 3 years.

''(ii) DESIGNATION AS NEW PROGRAM.—For purposes of this subparagraph, a pilot program shall not be treated as a new pilot program solely on the basis of a modification or change in the pilot program, including the change of its name.

''(iii) EXISTING PROGRAMS.—With respect to any pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009, such program may continue in effect for a period not exceeding 3 years after such date without regard to the duration of such program before such date.

''(D) REGULATIONS.—

''(i) IN GENERAL.—With respect to each pilot program under this subsection, including each pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall—

''(I) issue regulations for such program after providing notice in the Federal Register and an opportunity for comment; and

''(II) ensure that such regulations are published in the Code of Federal Regulations.

''(ii) PILOT PROGRAMS ESTABLISHED AFTER DATE OF ENACTMENT.—With respect to any pilot program established after the date of the enactment of the Small Business Financing and Investment Act of 2009, such program shall not take effect until the requirements under this subparagraph are satisfied.

''(E) REPEAL OF AUTHORITY TO WAIVE CERTAIN RULES.—

''(i) IN GENERAL.—Notwithstanding section 120.3 of title 13, Code of Federal Regulations, the Administrator may not from time to time suspend, modify, or waive rules for a limited period of time to test new programs or ideas with respect to this subsection, unless such suspension, modification, or waiver is explicitly authorized by Act of Congress.

''(ii) EXISTING PILOT PROGRAMS.—Nothing under clause (i) may be construed to affect a pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009.

''(F) PILOT PROGRAM.—For purposes of this paragraph, the term 'pilot program' means any lending program initiative, project, innovation, or other activity not specifically authorized by Act of Congress.''.

SEC. 110. LOANS TO COOPERATIVES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(39) COOPERATIVES.—The Administration may provide loans under this subsection to any cooperative that—

''(A) is not organized as a tax-exempt entity;

''(B) is engaged in a legal business activity;

''(C) obtains financial benefits for the cooperative and for the members of such cooperative; and

''(D) is eligible under applicable size standards of the Administration, including that any business entity that is a member of such cooperative is eligible under applicable size standards of the Administration.''.

SEC. 111. CAPITAL BACKSTOP PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(40) CAPITAL BACKSTOP PROGRAM.—

''(A) IN GENERAL.—The Administrator shall establish a process under which a small business concern may submit an application to the Administrator for the purpose of securing a loan under this subsection. With respect to such application, the Administrator shall collect all information necessary to determine the creditworthiness and repayment ability of an applicant and shall determine if such application meets basic eligibility and credit standards for a loan under this subsection.

''(B) PARTICIPATION OF LENDERS.—

''(i) IN GENERAL.—The Administrator shall establish a process under which the Administrator makes available to lenders each loan application submitted and determined to meet basic eligibility and credit standards under subparagraph (A) for the purpose of such lenders originating, underwriting, closing, and servicing the loan for which the applicant applied.

''(ii) ELIGIBILITY.—Lenders are eligible to receive a loan application described in clause (i) if they participate in the programs established under this subsection.

''(iii) LOCAL LENDERS.—The Administrator shall first make available a loan application described in clause (i) to lenders within 100 miles of the principal office of the loan applicant.

''(iv) PREFERRED LENDERS.—If a lender described in clause (iii) does not agree to originate, underwrite, close, and service the loan applied for within 5 business days of receiving a loan application described in clause (i),

the Administrator shall subsequently make available such loan application to lenders in the Preferred Lenders Program under paragraph (2)(C)(ii) of this subsection.

''(v) AUTHORITY OF ADMINISTRATION TO LEND.—If a lender described in clauses (iii) or (iv) does not agree to originate, underwrite, close, and service the loan applied for within 10 business days of receiving a loan application described in clause (i), the Administrator shall originate, underwrite, close, and service such loan.

''(C) ASSET SALES.—The Administrator shall offer to sell loans made by the Administrator under this paragraph. Such sales shall be made through the semi-annual public solicitation (in the Federal Register and in other media) of offers to purchase. The Administrator may contract with vendors for due diligence, asset valuation, and other services related to such sales. The Administrator may not sell any loan under this subparagraph for less than 90 percent of the net present value of the loan, as determined and certified by a qualified third party.

''(D) LOANS NOT SOLD.—The Administrator shall maintain and service loans made by the Administrator under this paragraph that are not sold through the asset sales under this paragraph.

''(E) EFFECTIVE DATES.—This paragraph shall have effect on a date if—

''(i) such date occurs during a period that—

''(I) begins on the date the Bureau of Economic Analysis, or any successor organization, makes a determination that the gross domestic product of the United States has decreased for three consecutive quarters; and

''(II) ends on the date the Bureau of Economic Analysis, or any successor organization, makes a determination that the gross domestic product of the United States has increased for two consecutive quarters; and

''(ii) the number of loans provided under this subsection prior to such date in the fiscal year including such date is at least 30 percent less than the number of such loans provided prior to the same point in the previous fiscal year.

''(F) IMPLEMENTATION.—The Administrator shall establish a group of at least 250 individuals available to carry out activities under this paragraph on any date on which this paragraph has effect under subparagraph (E). The Administrator shall provide to such group the training necessary to carry out activities under this paragraph.

''(G) APPLICATION OF OTHER LAW.—Nothing in this paragraph shall be construed to exempt any activity of the Administrator under this paragraph from the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(H) AUTHORIZATION OF APPROPRIATIONS.—

''(i) PROGRAM LEVELS.—The Administrator is authorized to make loans under this paragraph in an amount that is equal to half the amount authorized for loans under this subsection other than loans under this paragraph.

''(ii) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out this subsection, there are authorized to be appropriated such sums as may be necessary to carry out this paragraph.''.

SEC. 112. LOANS TO FINANCE GOODWILL.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(41) GOODWILL.—The Administrator may not apply an application, processing, or approval standard to a loan for the purpose of financing goodwill under this subsection, unless such standard applies to all loans under this subsection.''.

SEC. 113. APPELLATE PROCESS AND OMBUDSMAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. APPELLATE PROCESS AND OMBUDSMAN.

''(a) APPELLATE PROCESS.—

''(1) IN GENERAL.—Not later than 270 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall establish an independent appellate process within the Administration. The process shall be available to review material determinations made by the Administration that affect a lender or investment company that participates or is applying to participate in a program administered by the Administration.

''(2) REVIEW PROCESS.—In establishing the independent appellate process under paragraph (1), the Administrator shall ensure that—

''(A) any appeal of a material determination by the Administration is heard and resulting recommendations are provided expeditiously; and

''(B) appropriate safeguards exist for protecting the appellant from retaliation by Administration employees.

''(3) COMMENT PERIOD.—Not later than 180 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall provide an opportunity for notice and comment on proposed guidelines for the establishment of an independent appellate process under this section.

''(b) AGENCY OMBUDSMAN.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall appoint an ombudsman.

''(2) DUTIES.—The ombudsman appointed in accordance with paragraph (1) shall—

''(A) act as a liaison between the Administration and any lender or investment company that participates or is applying to participate in a program administered by the Administration with respect to a problem such entity may have in dealing with the Administration resulting from a material determination made by the Administration; and

''(B) ensure that safeguards exist to encourage complainants to come forward and preserve confidentiality.

''(c) OTHER AUTHORITY.—An individual carrying out the independent appellate process established under subsection (a) or the position of ombudsman established under subsection (b) is authorized to—

''(1) examine records and documents relating to a matter under review pursuant to such subsections; and

''(2) initiate the review of a matter under such subsections if such individual believes that Administration procedures have not been followed as intended with respect to such matter, without regard to whether an appeal or complaint has been made.

''(d) LIMITATIONS.—

''(1) IN GENERAL.—An individual carrying out the independent appellate process established under subsection (a) or the position of ombudsman established under subsection (b) may not, as a result of the authority provided under this section—

''(A) make, change, or set aside a law, policy, or administrative decision;

''(B) make binding decisions or determine rights;

''(C) directly compel an entity to implement the recommendations of such individual; or

''(D) accept jurisdiction over an issue that is pending in a legal forum.

''(2) RULE OF CONSTRUCTION.—Activities carried out under this section may not be construed—

''(A) as a formal investigation, formal hearing, or binding decision;

''(B) as limiting any remedy or right of appeal;

''(C) as affecting any procedure concerning grievances, appeals, or administrative matters under law; or

''(D) as a substitute for an administrative or judicial proceeding.

''(e) REPORT.—Not later than one year after the date of the enactment of the Small Business Financing and Investment Act of 2009 and annually thereafter, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing and providing the status of appeals made under subsection (a) and complaints made under subsection (b).

''(f) DEFINITIONS.—In this section, the following apply:

''(1) MATERIAL DETERMINATION.—The term 'material determination' includes determinations relating to—

''(A) applications for payment relating to a loan guarantee; and

''(B) the ability of an entity to participate in an Administration loan or investing program.

''(2) INDEPENDENT APPELLATE PROCESS.—The term 'independent appellate process' means a review by an Administration official who does not directly or indirectly report to the Administration official who made the material determination under review.''.

SEC. 114. EXTENSION OF RECOVERY AND RELIEF LOAN BENEFITS.

(a) FEE REDUCTIONS.—Section 501 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a) by striking ''September 30, 2010'' and inserting ''September 30, 2011''; and

(2) in subsection (c) by striking paragraph (2).

(b) ECONOMIC STIMULUS LENDING PROGRAM FOR SMALL BUSINESSES.—Section 502(f) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''the date 12 months after the date of enactment of this Act'' and inserting ''September 30, 2011''.

SEC. 115. REDUCED DOCUMENTATION FOR BUSINESS STABILIZATION LOANS.

Section 506(a) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by adding at the end the following: ''In carrying out such program, the Administrator shall establish and utilize a one-page application for loans under this section and shall authorize lenders to utilize the same documentation and procedural requirements for loans under this section as such lenders utilize for other loans of a similar size and type.''.

SEC. 116. EXPANDED ELIGIBILITY FOR BUSINESS STABILIZATION LOANS.

Section 506(c) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''but shall not include'' and all that follows through ''enactment of this Act''.

SEC. 117. INCREASED AMOUNT OF BUSINESS STABILIZATION LOANS.

Section 506(d) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''$35,000'' and inserting ''$50,000''.

SEC. 118. EXTENSION OF BUSINESS STABILIZATION LOANS.

Section 506(j) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 119. SBA SECONDARY MARKET LENDING AUTHORITY MADE PERMANENT.

Section 509 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f), (h), and (i) as subsections (e), (f), and (g), respectively.

SEC. 120. SBA SECONDARY MARKET LENDING AUTHORITY EXPANDED.

Section 509 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by this Act, is further amended—

(1) in subsection (c)(1) by adding at the end the following: ''Such process shall include the designation of each lender participating in a program under section 7(a) of the Small Business Act as a Systematically Important Secondary Market Broker-Dealer for purposes of this section.''; and

(2) in subsection (e), as so redesignated by section 20 of this Act, by adding at the end the following: ''To the extent that the cost of an elimination or reduction of fees is offset by appropriations, the Administrator shall in lieu of the fee otherwise applicable under this subsection collect no fee or reduce fees to the maximum extent possible.''.

SEC. 121. INCREASED LOAN LIMITS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) in paragraph (2)(A)—

(A) in clause (i)—

(i) by inserting after ''$150,000'' the following: ''and is less than or equal to $2,000,000''; and

(ii) by striking ''or'' at the end;

(B) in clause (ii) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) 50 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $2,000,000.''; and

(2) in paragraph (3)(A) by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 122. REAL ESTATE APPRAISALS.

Section 7(a)(29) of the Small Business Act (15 U.S.C. 636(a)(29)) is amended—

(1) in the matter preceding subparagraph (A) by striking ''a State licensed or certified appraiser'' and inserting ''an appraiser licensed or certified by the State in which such property is located'';

(2) in subparagraph (A) by striking ''$250,000'' and inserting ''$400,000''; and

(3) in subparagraph (B) by striking ''$250,000'' and inserting ''$400,000''.

SEC. 123. ADDITIONAL SUPPORT FOR EXPRESS LOAN PROGRAM.

Section 7(a)(18)(B) of the Small Business Act (15 U.S.C. 636(a)(18)(B)) is amended by adding after ''under subparagraph (A)(i)'' the following: '', except that a lender making a loan under paragraph (31) may not retain any percentage of a fee collected under such subparagraph''.

SEC. 124. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

''(f) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(a).—

''(1) PROGRAM LEVELS.—For the programs authorized by this Act, in each of fiscal years 2010 and 2011 commitments for general business loans authorized under section 7(a) may not exceed $20,000,000,000.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).''.

TITLE II—CDC ECONOMIC DEVELOPMENT LOAN PROGRAM

Subtitle A—General Provisions

SEC. 201. PROGRAM LEVELS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (f) the following:

''(g) PROGRAM LEVELS WITH RESPECT TO CDC ECONOMIC DEVELOPMENT LOAN PROGRAM.—

''(1) FISCAL YEAR 2010.—For financings authorized by section 7(a)(13) of this Act and title V of the Small Business Investment Act of 1958, the Administrator is authorized to make $9,000,000,000 in guarantees of debentures for fiscal year 2010.

''(2) FISCAL YEAR 2011.—For financings authorized by section 7(a)(13) of this Act and title V of the Small Business Investment Act of 1958, the Administrator is authorized to make $10,000,000,000 in guarantees of debentures for fiscal year 2011.''.

SEC. 202. DEFINITIONS.

Section 103 of the Small Business Investment Act of 1958 (5 U.S.C. 662) is amended as follows:

(1) By amending paragraph (6) to read as follows:

''(6) the term 'development company' means any corporation organized in order to promote economic development and the growth of small business concerns and includes companies chartered under a special State law authorizing them to operate on a statewide basis;''.

(2) By striking ''and'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting a semicolon, and by adding at the end the following new paragraphs:

''(20) the term 'certified development company' means a development company that the Administrator has determined meets the criteria set forth in section 501;

''(21) the term 'local governmental entity' means—

''(A) a State or a political subdivision of a State; or

''(B) a combination of political subdivisions which—

''(i) has been formed to promote economic or community development;

''(ii) is composed of representatives of the State or a political subdivision acting in their official capacity; and

''(iii) includes an area in an adjacent State if it is part of a local economic area, a rural area, or has a population determined by the Administrator to be insufficient to support the formation of a separate development company;

such term includes entities meeting the requirements of clauses (i) through (iii), such as, but not limited to, a council of governments, regional development corporation, regional planning commission, or economic development district;

''(22) the term 'member' means any person authorized to vote for a director of a corporation or the dissolution or merger of a company (for purposes of this definition, a shareholder of a for-profit corporation shall be considered a member);

''(23) the terms 'rural' and 'rural area' shall have the same meaning as those terms are given in section 1991(a)(13)(A) of title 7, United States Code; and

''(24) the term 'small manufacturer' means a small business concern—

''(A) the primary business of which is classified in sector 31, 32, or 33 of the North American Industrial Classification System; and

''(B) all of the production facilities of which are located in the United States.''.

Subtitle B—Certified Development Companies

SEC. 211. CERTIFIED DEVELOPMENT COMPANIES.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended to read as follows:

''SEC. 501. CERTIFIED DEVELOPMENT COMPANIES.

''(a) CERTIFIED DEVELOPMENT COMPANY DEBENTURE AUTHORITY.—Only development companies certified by the Administrator shall have the authority to issue debentures under this Act.

''(b) CERTIFICATION STANDARDS.—A development company shall be certified for the purposes of issuing debentures if the Administrator determines that it meets each of the following criteria:

''(1) SMALL CONCERN.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) of paragraph (2), the company, including its affiliates, shall have no more than 200 employees.

''(B) CONTROL.—Except as provided in paragraph (2) (B) or (C) the company shall not be under the control of any other concern.

''(C) NOT FOR PROFIT.—The development company is organized as a not-for-profit corporation.

''(2) EXCEPTIONS.—

''(A) FOR PROFIT STATUS.—If a development company was chartered as a for-profit corporation and issued debentures prior to January 1, 1987, the company shall not be required to change its status to not-for-profit in order to be certified.

''(B) AFFILIATION GRANDFATHER.—Any company that was authorized by the Administrator to issue debentures before December 31, 2005, shall be eligible for certification without regard to its status as part of, or its affiliation with, any other not-for-profit corporation or local governmental entity unless that not-for-profit corporation or local governmental entity is another entity that issues debentures under this title.

''(C) AFFILIATION WITH LOCAL GOVERNMENTAL ENTITIES.—Any company that was organized after the date of enactment of the Small Business Financing and Investment Act of 2009 shall be eligible for certification without regard to its status as part of or affiliation with any local governmental entity.

''(3) GOOD STANDING.—A development company shall be in good standing and comply with all laws, in every State in which it is incorporated or authorized to conduct business.

''(4) MEMBERSHIP.—

''(A) IN GENERAL.—The development company shall have at least 25 members.

''(B) VOTING RIGHTS.—No member shall control more than 10 percent of the total voting power in the development company.

''(C) RESIDENCE.—Members must be residents of the State in which the development company is chartered or authorized to do business.

''(D) DIVERSITY.—The development company must have at least one member from each of the following:

''(i) A local governmental entity.

''(ii) A financial institution subject to regulation by a Federal organization belonging to the Federal Financial Institutions Examination Council and that provides long-term fixed asset financing in the commercial market.

''(iii) A not-for-profit organization, other than a development company, that is dedicated to promoting economic growth.

''(iv) A for-profit business, other than a financial institution described in clause (ii).

''(E) EMPLOYMENT STATUS.—Membership in a development company shall not be predicated on employment status and an individual who retired from or was terminated (for reasons other than fraud or the commission of a crime) from an entity described in subparagraph (D) shall be deemed to be from the organization described in that subparagraph.

''(5) BOARD OF DIRECTORS.—

''(A) IN GENERAL.—The development company's board consists of members and each director receives a majority vote of the members unless the development company is a for-profit corporation in which case the board need not consist entirely of members.

''(B) BOARD REPRESENTATION.—There shall be at least one director from not fewer than 3 of the 4 types of organizations specified in paragraph (4)(D) but no single type of organization shall have more than 50 percent representation on the board of the development company. If the development company is a for-profit corporation, financial institution representatives may make up more than 50 percent of the board.

''(C) AFFILIATED ENTITY REPRESENTATION RESTRICTIONS.—A development company that is described in paragraph (1)(C) may have any or all of its board members appointed by entities affiliated with the company and may include common members who also serve on the affiliate's board of directors if the appointment of board members was exercised by an affiliate prior to December 31, 2005.

''(D) SPECIAL RULE FOR CERTAIN DEVELOPMENT COMPANIES.—The board of directors for any development company issuing debentures before December 31, 2005, and incorporated under a State law requiring, or which is interpreted by the State's legal department as imposing specific requirements on, the number and selection of members, board members, or both, and the rights and privileges conferred by such State law, may adhere to such provisions.

''(6) PROFESSIONAL MANAGEMENT AND STAFF.—

''(A) IN GENERAL.—The development company shall have full-time independent professional management, including a chief executive officer to manage the daily operations and a full-time professional staff qualified to carry out the functions authorized under this title.

''(B) UTILIZATION OF STAFF FROM AFFILIATED ENTITIES.—A development company shall not be denied certification under this section if its chief executive or full-time professional staff is from an affiliated entity as described in paragraph (1)(C).

''(C) STAFF UNDER CONTRACT.—The Administrator shall not deny certification to a development company that contracts for its full time staff if one of the following conditions is met:

''(i) The development company is located in a rural area, obtains its staff through contract from another development company that is certified by the Administrator and that development company operates in the same or a contiguous State.

''(ii) The development company had issued debentures under this title prior to December 31, 2005, and had contracted with a for-profit business concern to provide staffing and management services.

''(c) APPLICATIONS.—

''(1) DEVELOPMENT COMPANIES ISSUING DEBENTURES BEFORE SEPTEMBER 30, 2009.—

''(A) SHORT FORM APPLICATION.—(i) For any development company that issued debentures pursuant to this title before September 30, 2009, the Administrator shall develop, after an opportunity for notice and comment, no later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, a short-form application that contains sufficient information for the Administrator to determine that the development company currently meets the standards set forth in subsection (b). In developing such application, the Administrator shall be required to limit the amount of paperwork necessary to determine whether the development company meets the standards for certification and may limit the application to the filing of reports previously submitted to the Administrator.

''(ii) For those companies that obtain staff through contracts, the application shall include a copy of the contract.

''(B) CERTIFICATION DECISION.—(i) The Administrator shall certify the development company if the application demonstrates that the applicant meets the standards in subsection (b). The decision to certify or not approve the request for certification shall be made within 7 business days from the date the initial submission of the application is received by the Administrator. If the Administrator takes no action to approve or disapprove within 7 business days, the application for certification is deemed approved and no further action is required by the Administrator or the development company to obtain certification. If the Administrator disapproves the application, the Administrator shall provide in writing within 3 business days the reasons for the disapproval. If such document is not provided within the time specified, the application is deemed approved and no further action is required by the Administrator or the development company to obtain certification.

''(ii) For those development companies that submit contracts under subparagraph (A)(ii), the Administrator is limited in rejecting the application only if the Administrator finds that the entity servicing the applicant is no longer able to provide the employees or services needed by the applicant to perform the functions that would be authorized under this title.

''(C) APPLICATION RESUBMITTAL.—If the Administrator disapproves the application for certification and provides a written statement as set forth in subparagraph (B), the development company may file a new application limited solely to addressing the concerns of the Administrator and the certification procedures set forth in subparagraph (B) shall recommence.

''(D) APPEALS.—If the Administrator disapproves an application in accordance with the procedures of subparagraphs (B) or (C), the applicant may, within 10 calendar days after receipt of the disapproval, appeal such disapproval. The Administrator shall conduct a hearing to determine such appeal pursuant to sections 554, 556, and 557 of title 5, United States Code, and shall issue a decision not later than 45 days after the appeal is filed. The decision on appeal shall constitute final agency action for purposes of chapter 7 of title 5, United States Code.

''(E) GRANDFATHERING.—

''(i) IN GENERAL.—For the period 2 years after date of enactment of the Small Business Financing and Investment Act of 2009, any development company that was issuing debentures on or before the date set forth in this clause (i) shall be deemed to be a certified development company.

''(ii) COMPLETION OF APPLICATION PROCESS.—The procedures set forth in this paragraph for determining certification shall apply to any development company meeting the qualifications of clause (i).

''(iii) EFFECT OF DENIAL.—The denial or rejection of an application for certification as set forth in this subsection shall have no effect on the ability of a development company meeting the qualifications in clause (i) from continuing to issue debentures during the entire two-year period established in that clause.

''(iv) FAILURE TO OBTAIN CERTIFICATION.—Any development company that fails to obtain certification in accordance with the procedures set forth in this paragraph during the period set forth in clause (i) shall be considered to be a new development company and the procedures of paragraph (2) shall apply. The authority to issue debentures shall cease for any development company covered by this subparagraph that has failed to obtain certification from the Administrator during the time period set forth in clause (i).

''(F) AUTOMATIC QUALIFICATION PROVISION.—If the Administrator fails to implement the certification process set forth in this paragraph, any development company that was issuing debentures before September 30, 2009, pursuant to this title shall be considered certified until such time as the Administrator develops the certification procedures set forth in this paragraph.

''(G) SAVINGS CLAUSE.—Any action taken by a development company or the Administrator pursuant to this paragraph shall have no impact on any guarantee of a debenture issued prior to the date of enactment of the Small Business Financing and Investment Act of 2009.

''(2) APPLICATION PROCESS FOR NEW DEVELOPMENT COMPANIES.—

''(A) IN GENERAL.—For any development company that has not issued debentures prior to September 30, 2009, the Administrator shall develop no later than 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009, after an opportunity for notice and comment, an application form for certification that provides the Administrator with sufficient information to insure that the applicant meets the standards set forth in subsection (b). The Administrator shall certify such development company or reject the application within 60 calendar days from the date the initial submission was received by the Administrator. If the Administrator rejects the application, the Administrator shall provide in writing within 7 business days after the decision, the reason for rejecting the application.

''(B) APPEALS.—A development company shall be able to appeal the disapproval of an application under the procedures set forth in paragraph (1)(D).''.

SEC. 212. CERTIFIED DEVELOPMENT COMPANY; OPERATIONAL REQUIREMENTS.

(a) OPERATIONAL REQUIREMENTS.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended to read as follows:

''SEC. 502. OPERATIONAL REQUIREMENTS FOR CERTIFIED DEVELOPMENT COMPANIES.

''(a) MAINTENANCE OF STANDARDS FOR CERTIFICATION.—Any company certified pursuant to section 501 shall continue to comply with the requirements of that section to remain certified. The Administrator shall develop a reporting form, which to the extent possible, incorporates other documents and reports already kept by certified development companies, demonstrating their continued compliance. The form shall be developed in a manner that the estimated time for completion shall take no more than 2 hours.

''(b) ETHICS AND CONFLICT OF INTERESTS.—

''(1) IN GENERAL.—A certified development company, its officers, employees, and contractors shall act ethically and avoid activities which constitute a conflict of interest or appear to constitute a conflict of interest. For purposes of this subsection, conduct that is unethical includes, but is not limited to, the actions specified in section 120.140 of

title 13, Code of Federal Regulations, as in effect on January 1, 2009.

''(2) BY ASSOCIATES.—An associate may not be an officer, director, or manager of more than 1 certified development company. The term 'associate' shall have the same meaning given the term 'Associate of a CDC' in section 120.10 of title 13, Code of Federal Regulations, as in effect on January 1, 2009. For the purposes of this subsection, 10 percent shall be substituted wherever section 120.10 of title 13, Code of Federal Regulation uses 20 percent.

''(3) BY ENTITIES.—Except as provided in sections 501(b)(5) and 501(b)(6), no person, sole proprietorship, partnership, or corporation shall control or have managerial control of more than one certified development company. Control means any of the following:

''(A) The ability to appoint or remove a member of the company or member of its board of directors.

''(B) The ability to modify or approve rate or fee changes affecting revenues of the certified development company.

''(C) The ability to veto, overrule, or modify decisions of the certified development company's body.

''(D) The ability, either directly or contractually, to appoint, hire, reassign, or dismiss those managers and employees responsible for the daily operations of the certified development company.

''(E) The ability to access the certified development company's resources or amend its budget.

''(F) The ability to control another certified development company pursuant to provisions in a contract.

''(c) MEETINGS.—The board of directors of the certified development company shall meet on a regular basis to make policy decisions for the company.

''(d) LOAN COMMITTEES.—The board of directors of a certified development company may use a loan committee to process loans in the State in which it operates as well as adjacent local economic areas. Members of the loan committee shall be residents of the certified development company's State of operation or the adjacent local economic area. Such loan committees shall meet on a periodic basis as set forth by the board of directors.

''(e) PROHIBITED CONFLICT IN PROJECT LOANS.—

''(1) IN GENERAL.—Certified development companies shall not recommend or approve a guarantee of a debenture that will be collateralized by property being constructed or acquired on which an institution, as provided in section 508(c)(1)(A), will have a first lien position.

''(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply to any certified development company that was affiliated with or part of any entity that took a first lien position between October 1, 2003, and September 30, 2005.

''(f) AFFILIATION WITH LENDERS OPERATING UNDER SECTION 7 OF THE SMALL BUSINESS ACT.—

''(1) PROHIBITION.—No certified development company may invest in, or be an affiliate of, a lender who participates in the loan programs authorized in sections 7(a) and 7(c) of the Small Business Act (15 U.S.C. 636(a) and (c)).

''(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply to any certified development company that is affiliated with an entity authorized by the Administrator to operate under section 7(a) of the Small Business Act if such affiliation occurred on or before November 6, 2003.

''(3) CREDIT UNION AFFILIATION.—A certified development company shall not lose its status due to an affiliation with an institution regulated by the National Credit Union Administration if the development company was affiliated with such an institution prior to January 1, 2007.

''(g) SERVICING AND PACKAGING GUARANTEED LOANS.—A certified development company is authorized to prepare applications for loans under sections 7(a) or 7(c) of the Small Business Act (15 U.S.C. 636(a) or (c)), to service such loans, and to charge a reasonable fee for servicing such loans.

''(h) USE OF EXCESS FUNDS.—Any funds generated by a certified development company from the issuance of debentures under this title, the sale of debentures in the private secondary market, or fees described in subsection (g) that remain unexpended after payment of staff, operating, and overhead expenses shall be used by the certified development company for—

''(1) operating reserves;

''(2) expanding the area in which the certified development company operates through the methods authorized in section 505 (relating to multi-State operation);

''(3) investment in other community and local economic development activity or community development primarily in the State from which such funds were generated; or

''(4) investment in small business investment companies subject to the limitations in subsection (i).

''(i) LIMITATIONS WITH RESPECT TO SMALL BUSINESS INVESTMENT COMPANIES.—A certified development company shall not—

''(1) invest excess funds in a small business investment company that the Administrator determines to be capitally impaired as set forth in section 107.1830 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, or any successor regulation to that regulation, but may maintain its investment in such company if such investment was made prior to the determination of capital impairment; and

''(2) provide a debenture under this title to a small business concern that has financing with a small business investment company in which the certified development company has invested excess funds.

''(j) ECONOMIC DEVELOPMENT ACTIVITIES.—A company certified pursuant to this section shall carry out each of the following economic development activities that create or preserve jobs in urban and rural areas:

''(1) The company shall provide long-term financing to small business concerns through debentures described in section 506.

''(2) The company shall operate any other program to assist small business concerns or communities that promote local economic development and job creation or preservation.

''(k) RESTRICTIONS ON ASSISTANCE.—

''(1) IN GENERAL.—After the date of enactment of the Small Business Financing and Investment Act of 2009, no certified development company may accept funding from any source, including any Federal agency (as that term is defined in section 551 of title 5, United States Code) if the source imposes—

''(A) conditions on the types of small business concerns that a certified development company may provide assistance to under this title; or

''(B) conditions or requirements, directly or indirectly, upon any small business concern receiving assistance under this title.

''(2) EXCEPTION.—The conditions of subparagraphs (A) and (B) of paragraph (1) shall not apply if the source provides all of the financing that will be provided by the certified development company to the small business concern, provided further that any conditions or restrictions are limited solely to the financing provided by the source of funding.

''(l) REVOCATION AND SUSPENSION.—The Administrator may suspend or revoke a certified development company's status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the certified development company no longer—

''(1) meets the eligibility criteria established under section 501 of this title;

''(2) satisfies the operational standards in this section; or

''(3) complies with the Administrator's rules, regulations, or provisions of law.

''(m) EFFECT OF SUSPENSION OR REVOCATION.—A suspension or revocation under subsection (l) shall not affect any outstanding debenture guarantee.''.

SEC. 213. ACCREDITED LENDERS PROGRAM.

Section 503 of the Small Business Investment of 1958 (15 U.S.C. 697) is amended to read as follows:

''SEC. 503. ACCREDITED LENDERS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—A certified development company may apply for status to become an accredited certified development company if it meets the operational standards of section 502 and the criteria in subsection (b).

''(2) APPLICATION.—The Administrator shall, after opportunity for notice and comment, develop an application for certified development companies seeking to become accredited certified development companies.

''(3) PROCESSING OF APPLICATION.—The Administrator shall make a determination within 30 days after a complete application has been filed by the certified development company.

''(4) REAPPLICATION.—If the Administrator rejects the application, the Administrator shall provide in writing the reasons for the rejection. Any certified development company may reapply which will recommence the processing time limits set forth in paragraph (3), and such reapplication shall be limited to addressing the reasons for rejection. If the Administrator rejects a second application, that shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.

''(b) STANDARDS FOR ACCREDITED CERTIFIED DEVELOPMENT COMPANY PROGRAM.—The Administrator shall designate a certified development company as accredited if it meets the following standards:

''(1) Has been a certified development company for not less than the preceding 12 months and has issued debentures as authorized under this title during that time period.

''(2) Has well-trained, qualified personnel who are knowledgeable in the lending policies and procedures for certified development companies.

''(3) Has the ability to process, close, and service the loan issued under this title.

''(4) Has a loss rate on the company's debentures that is reasonable and acceptable to the Administrator.

''(5) Has a history of submitting to the Administrator complete and accurate debenture guaranty application packages.

''(6) Has the ability to serve small business credit needs for financing plant and equipment as a certified development company.

''(c) EXPEDITED PROCESSING OF GUARANTEE APPLICATIONS.—The Administrator shall develop an expedited procedure for processing a guarantee application or servicing action submitted by an accredited certified development company. For purposes of this subsection, an expedited procedure is one that takes at least two business days less than the processing performed for certified development companies that have not been accredited.

''(d) SUSPENSION OR REVOCATION OF ACCREDITED STATUS.—The Administrator may suspend or revoke a certified development company's accredited status if the Administrator

determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the certified development company no longer meets the eligibility criteria established under this section (which shall not include a time limit on the term of the certified development company's accredited status) or failed to adhere to the Administrator's rules, regulations, or is violating some other provision of law. Such suspension or revocation shall have no effect on the development company's status as certified.

''(e) EFFECT OF SUSPENSION OR REVOCATION ON EXISTING GUARANTEES.—A suspension or revocation of accredited status shall not affect any outstanding debenture guarantee.

''(f) GRANDFATHER PROVISION.—Any certified development company that was accredited by the date of enactment of the Small Business Financing and Investment Act of 2009 shall remain accredited for 24 months after that date. If the certified development company does not have an application for accreditation approved by the Administrator within the 24 months, its accreditation standard shall lapse.

''(g) AUTOMATIC QUALIFICATION.—

''(1) IN GENERAL.—Until the Administrator develops procedures for granting accredited status, any certified development company that was accredited as of the date of enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be accredited.

''(2) APPLICATIONS.—Any certified development company that satisfies the provision of paragraph (1) shall have 24 months in which to submit the application established by this section for accredited status.

''(3) EFFECT WHILE APPLICATION PENDING.—The denial or rejection of an application for accredited status as set forth in this section shall have no effect on the ability of a development company that meets the standard set forth in paragraph (1) from maintaining its status during the 24 months specified in this subsection.

''(h) PROMULGATION OF ACCREDITING STANDARDS.—The Administrator shall develop standards for accrediting, suspension, and revocation under the program established by this section only after notice and an opportunity for comment as set forth in section 553(b) of title 5, United States Code. After the development of such standards, the Administrator shall publish such standards in the Code of Federal Regulations.

''(i) RULE OF CONSTRUCTION.—Any reference to the term 'accredited lender' in any provision of law enacted, or any regulation adopted, prior to the enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be a reference to the term 'accredited certified development company'.''.

SEC. 214. PREMIER CERTIFIED LENDER PROGRAM.

Section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 697a) is amended to read as follows:

''SEC. 504. PREMIER CERTIFIED LENDER PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—A certified development company accredited under section 503 may apply for status to become a premier certified development company.

''(2) APPLICATION.—The Administrator shall, after opportunity for notice and comment, develop an application for accredited certified development companies seeking to become premier certified development companies.

''(3) PROCESSING OF APPLICATION.—The Administrator shall make a determination within 60 days after a complete application has been filed by an accredited certified development company.

''(4) REAPPLICATION.—If the Administrator rejects the application, the Administrator shall provide in writing the reasons for the rejection. Any accredited certified development company may reapply which will recommence the processing time limits set forth in paragraph (3), and such reapplication shall be limited to addressing the reasons for rejection. If the Administrator rejects a second application, that shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.

''(b) STANDARDS FOR OBTAINING PREMIER CERTIFIED DEVELOPMENT COMPANY STATUS.—The Administrator shall designate an accredited certified development company as a premier certified development company if the application submitted pursuant to subsection (a) demonstrates that the accredited certified development company meets the following standards:

''(1) Has been an accredited certified development company for at least 12 months.

''(2) Has submitted to the Administrator adequately analyzed debenture guarantee applications.

''(3) Has closed, in a proper manner following the Administrator regulations, loans under this title.

''(4) Has serviced its loan portfolio in accordance with the standards set by the Administrator.

''(5) Has established a loan loss reserve established in accordance with this section that the Administrator determines is sufficient to meet its obligations to protect the Federal Government from the risk of loss on each debenture guaranteed under this section.

''(6) Has agreed, as part of the application and in order to protect the Federal Government against the risk of loss, to the following—

''(A) on account of a debenture, the proceeds of which were used to fund a loan approved prior to the date of enactment of the Small Business Financing and Investment Act of 2009, agrees to reimburse the Administrator for 10 percent of any loss sustained by the Administrator as a result of a default by the company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administrator;

''(B) on account of a debenture, the proceeds of which were used to fund a loan approved prior to the date of enactment of the Small Business Financing and Investment Act of 2009 and which were issued during the period in which the company had made a selection pursuant to section 508(c)(7) of the Small Business Investment Act of 1958, as in effect on the day before such date of enactment, agrees to reimburse the Administrator for 15 percent of any loss sustained by the Administrator as a result of a default by the company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administrator; or

''(C) on account of a debenture, the proceeds of which are used to fund a loan approved on or after the date of enactment of the Small Business Financing and Investment Act of 2009, upon closing, pay to the Administrator a one-time participation fee in the amount equal to the higher of the following:

''(i) 0.25 percent of the amount of the debenture.

''(ii) A percent of the amount of the debenture equal to 10 percent of the amount of the company's historic loss rate on debentures guaranteed under this section as determined by the Administrator. The rate specified by this clause shall be determined annually based upon the company's loan losses as of close of business on June 30 and notice of the determination shall be provided to each company not later than August 31. Such rate shall be applicable to loans approved during the fiscal year commencing after the determination is made and shall expire and have no further application after the end of such fiscal year. If no timely determination has been made prior to the commencement of a fiscal year, including the year of enactment of the Small Business Financing and Investment Act of 2009, one may be made after the commencement and it shall be applicable to loans approved during the balance of such fiscal year commencing 30 days after notification to the development company involved.

''(c) SUSPENSION OR REVOCATION OF PREMIER STATUS.—The Administrator may suspend or revoke an accredited certified development company's premier status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the accredited certified development company no longer meets the eligibility criteria for premier status as established under this section or failed to adhere to the Administrator's rules, regulations, or is violating some other provision of law. Such revocation or suspension shall have no effect on its status as an accredited certified development company.

''(d) LOAN LOSS RESERVE.—

''(1) ASSETS.—Each loan loss reserve maintained by the premier certified development company for loans made pursuant to the authority in subsection (g)(1) shall be comprised of—

''(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administrator that shall amount to 10 percent of the company's exposure as determined pursuant to subsection (b)(6);

''(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administrator; or

''(C) any combination of the assets described in subparagraphs (A) and (B).

''(2) CONTRIBUTIONS.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

''(A) 50 percent when a debenture is closed.

''(B) 25 percent additional not later than 1 year after a debenture is closed.

''(C) 25 percent additional not later than 2 years after a debenture is closed.

''(3) REPLENISHMENT.—If a loss has been sustained by the Administrator, any portion of the loss reserve, and other funds provided by the premier certified development company as necessary, may be used to reimburse the Administrator for the premier certified development company's share of the loss as provided for in subsection (b)(6). If the premier certified development company utilizes the reserve, it shall, within 30 calendar days, replace an equivalent amount of funds.

''(4) DISBURSEMENTS.—

''(A) IN GENERAL.—The Administrator shall allow the premier certified development company to withdraw from the loss reserve amounts attributable to any debenture that has been repaid.

''(B) REDUCTION.—The Administrator shall allow the premier certified development company to withdraw from the loss reserve such amounts as are in excess of 1 percent of the aggregate outstanding balances of debentures to which such loss reserve relates. The reduction authorized by this subparagraph

shall not apply with respect to any debenture before 100 percent of the contribution described in paragraph (2) with respect to such debenture has been made.

(5) APPLICABILITY.—This subsection shall apply only to a premier certified development company designated as a premier certified development company by the Administrator under this section on or after the date of the enactment of the Small Business Financing and Investment Act of 2009. The loan loss reserve requirements relating to any premier certified development company certified prior to the date of the enactment of such Act shall continue to be governed by regulations in effect on the date of the enactment of such Act.

''(e) BUREAU OF PREMIER CERTIFIED DEVELOPMENT COMPANY LENDER OVERSIGHT.—

''(1) IN GENERAL.—There is hereby established a Bureau of Premier Certified Development Company Lender Oversight in the Office of Lender Oversight at the Administration which shall have responsibility and capability for carrying out oversight of premier certified development companies and such other responsibilities as the Administrator designates.

''(2) ANNUAL REVIEW.—The Bureau established in paragraph (1) annually shall review the financing made by each premier certified development company. Such review shall include the premier certified development company's credit decisions and general compliance with the eligibility requirements for each financing approved as a result of its status as a premier certified development company.

''(3) RANDOM AUDITS.—The Bureau shall develop and implement a method for sampling the debentures issued by premier certified development companies. Such sampling shall be similar to the random file audits of development companies that utilize the Abridged Submission Method described in chapter 4 of subpart C of Standard Operating Procedure 50 10 (5)(A) as was in effect on March 2, 2009.

''(4) REVIEW OF LENDERS PROVIDING SENIOR FINANCING.—

''(A) CALCULATION OF LOAN LOSS RATE.—The Bureau shall periodically calculate the loss rate of all debentures approved under this section and shall calculate a loss rate on the basis of the total debentures attributable to projects approved by premier certified development companies in which each lender is a participating lender.

''(B) NOTIFICATION.—If the Bureau determines that the loss rate on debentures involving an individual lender exceeds the average for all debentures approved under this section, it shall advise the Administrator.

''(5) USE OF REVIEWS AND AUDITS.—The Administrator shall consider the findings under paragraphs (2), (3), and (4) in carrying out the responsibilities under subsection (h).

''(f) SALE OF CERTAIN DEFAULTED LOANS.—

''(1) NOTICE.—If, upon default in repayment, the Administrator acquires a debenture issued by a premier certified development company and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financing, the Administrator shall give prior notice thereof to any premier certified development company which has a contingent liability under this section. The notice shall be given to the premier certified development company as soon as possible after the financing is identified, but not less than 90 days before the date the Administrator first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

''(2) LIMITATIONS.—The Administrator shall not offer any loan described in paragraph (1) as part of a bulk sale unless the Administrator—

''(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

''(B) provides the notice required by paragraph (1).

''(g) LOAN APPROVAL AUTHORITY.—

''(1) IN GENERAL.—A premier certified development company may, under conditions determined by the Administrator in regulations published in the Code of Federal Regulations, issue guarantees on debentures, approve, authorize, close, service, foreclose, litigate (except that the Administrator may monitor conduct of any such litigation), and liquidate loans that are funded with proceeds of a debenture issued by a premier certified development company unless the Administrator advises the company that loans involving a specific institutional lender are to be submitted to the Administrator for further consideration, and approval by the Administrator.

''(2) PROGRAM GOALS.—Each premier certified development company shall establish a goal of processing no less than 50 percent of the applications for assistance under this title that the premier certified development company receives. Failure to meet this goal shall have no affect on the company's status as a premier certified development company under this section.

''(3) SCOPE OF REVIEW.—The approval of a loan and guarantee of a debenture by a premier certified development company shall be subject to final approval as to the eligibility of any guarantee by the Administrator as set forth in section 506, but such final approval shall not include review of decisions by the premier certified development company involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

''(h) SUSPENSION OR REVOCATION.—The Administrator may suspend or revoke an accredited certified development company's premier status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the accredited certified development company no longer meets the eligibility criteria established under this section, fails to maintain adequate loan loss reserves mandated in this section even if it meets the other eligibility requirements for premier status, or violates the Administrator's rules, regulations, or some other provision of law. The Administrator shall consider the review of the premier certified development company conducted pursuant to subsection (e) in determining whether to suspend or revoke an accredited development company's premier status. Such suspension or revocation shall have no effect on the development company's status as an accredited certified development company.

''(i) EFFECT OF SUSPENSION OR REVOCATION.—A suspension or revocation of premier status shall not affect any outstanding debenture guarantee.

''(j) RULE OF CONSTRUCTION.—Any reference to the term 'premier certified lender' or 'PCL' in legislation enacted, or regulations adopted, prior to the enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be a reference to the term 'premier certified development company'.''.

SEC. 215. MULTI-STATE OPERATIONS.

Section 505 of the Small Business Investment Act of 1958 (15 U.S.C. 697b) is amended to read as follows:

''SEC. 505. MULTI-STATE OPERATIONS.

''(a) AUTHORIZATION.—The Administrator shall permit an accredited or premier certified development company to make loans or issue debentures in any State that is contiguous to the State of incorporation of that company only if the company—

''(1) has members, from each of the States in which it operates with not fewer than 25 members who reside in such States;

''(2) has a board of directors that contains not fewer than 2 members from each State in which the company makes loans and issues debentures and are residents of that State;

''(3) maintains a separate loan committee to process loans in each expansion State and the members of the loan committee are solely residents of the expansion State; and

''(4) files an application developed by the Administrator which provides—

''(A) notice of the intention to make loans in multiple States;

''(B) a specification of the States in which the company intends to make loans;

''(C) a list of members in each expansion State; and

''(D) a detailed statement on how the company will comply with the requirements of this subsection.

''(b) LOAN COMMITTEES.—The requirements of paragraph (3) of subsection (a) shall not require a development company to establish a loan committee in its State of incorporation or in a local economic area outside the State of incorporation unless such area is part of an expansion State.

''(c) REVIEW.—

''(1) IN GENERAL.—The Administrator shall review each application for expansion under subsection (a), but such review shall be limited to that information needed to determine whether the company will comply with the requirements of subsection (a).

''(2) DEADLINE FOR DECISION.—The Administrator shall make a decision on each application under subsection (a) within 15 calendar days after the receipt of the application. If no such decision is granted, the application is deemed to be approved and no further action is required by the applicant or the Administrator for the company to expand into the States specified in the application.

''(3) APPLICATION RESUBMITTAL.—If the Administrator rejects the application for expansion, the Administrator shall provide in writing the reasons for denial within 10 calendar days of the decision. The applicant then may resubmit the application but the review of such resubmitted applications will be limited only to the areas in which the Administrator found the original application deficient. The deadlines in paragraph (2) shall apply to resubmitted applications.

''(4) APPEAL.—If a resubmitted application is denied, the applicant may, within 10 calendar days after receipt of the disapproval, appeal such disapproval. The Administrator shall conduct a hearing to determine such appeal pursuant to sections 554, 556, and 557 of title 5, United States Code, and shall issue a decision not later than 45 days after the appeal is filed. The decision on appeal shall constitute final agency action for purposes of chapter 7 of title 5, United States Code.

''(d) FAILURE TO DEVELOP APPLICATION.—If the Administrator fails to develop an application as required in subsection (a)(4) within 60 days of the enactment of the Small Business Financing and Investment Act of 2009, an accredited or premier certified development company only need submit the information required in subsection (a) to the Administrator to be deemed eligible to commence operations authorized by this section. Such eligibility shall not be terminated if the Administrator develops an application after the 60-day period set forth in this subsection.

''(e) AGGREGATE ACCOUNTING.—An accredited or premier certified development company authorized to operate in multiple States pursuant to this section may maintain an aggregate accounting of all revenue and expenses of the company for purposes of this title.

''(f) LOCAL JOB CREATION REQUIREMENTS.—

''(1) IN GENERAL.—Any company making loans in multiple States as authorized in this section shall not count jobs created or retained in one State towards any applicable job creation or retention requirements mandated by this title in another State.

''(2) APPLICABILITY.—Any company operating under the authority of this section shall be required to meet any job creation or retention requirement of this title on the date that is 2 years after the certified development company closed its first loan in its new State of operation.

''(g) CONTIGUOUS STATES.—For the purposes of this section, the States of Alaska and Hawaii shall be deemed to be contiguous to any State abutting the Pacific Ocean. Territories of the United States located in the Pacific Ocean shall be deemed to be contiguous to any State abutting the Pacific Ocean, including Alaska and Hawaii, and territories of the United States located in the Caribbean Sea shall be deemed contiguous to any State abutting the Gulf of Mexico.

''(h) EXEMPTION FOR LOCAL ECONOMIC AREAS.—Except as provided in subsection (a)(3) with respect to loan committees, any certified, accredited, or premier development company or applicant operating in a local economic development area that crosses the border of another State shall not be considered to be operating under the provisions of this section and shall not be required to comply with the requirements of this section for multi-State operation.''.

SEC. 216. GUARANTY OF DEBENTURES.

Section 506 of the Small Business Investment Act of 1958 (15 U.S.C. 697c) is amended to read as follows:

''SEC. 506. GUARANTY OF DEBENTURES.

''(a) AUTHORITY TO GUARANTEE.—Except as provided in subsection (c), the Administrator may guarantee the timely payment of all principal and interest as scheduled on any debenture issued by a certified development company.

''(b) TERMS AND CONDITIONS OF THE GUARANTEE.—Such guarantees may be made on such terms and conditions as the Administrator may by regulation, published in the Code of Federal Regulations, determine to be appropriate, except that the Administrator shall not decline to issue such guarantee when the ownership interests of the small business concern and the ownership interests of the property to be financed with the proceeds of the loan made pursuant to subsection (e)(1) are not identical because one or more of the following classes of relatives have an ownership interest in either the small business concern or the property: father, mother, son, daughter, wife, husband, brother, or sister, if the Administrator or his designee has determined on a case-by-case basis that such ownership interest, such guarantee, and the proceeds of such loan, will substantially benefit the small business concern.

''(c) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts guaranteed under this section.

''(d) SUBORDINATION.—Any debenture issued by a certified development company with respect to which a guarantee is made under this section may be subordinated by the Administrator to any other debenture, promissory note, or other debt or obligation of such company.

''(e) STANDARDS FOR ADMINISTRATOR GUARANTEES.—No guarantee may be made with respect to any debenture under this section unless—

''(1) the debenture is issued for the purpose of making one or more loans to small business concerns the proceeds of which shall be used for the purposes set forth in section 507;

''(2) the interest rate on such debentures is not less than the rate of interest determined by the Secretary of the Treasury for purposes of section 303(b);

''(3) the aggregate amount of such debenture does not exceed the amount of the loans to be made from the proceeds of such debenture plus, at the election of the borrower, other amounts attributable to the administrative and closing costs of such loans, except for the attorney fees of the borrower;

''(4) the amount of any loan to be made from such proceeds does not exceed an amount equal to 50 percent of the cost of the project with respect to which such loan is made;

''(5) the Administrator, except to the extent provided in section 504 with respect to premier certified development companies, approves each loan to be made from such proceeds; and

''(6) with respect to each loan made from the proceeds of such debenture, the Administrator—

''(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed—

''(i) the lesser of—

''(I) 0.9375 percent per year of the outstanding balance of the loan; or

''(II) the minimum amount necessary to reduce the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of purchasing and guaranteeing debentures under this title to zero; and

''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and

''(B) uses the proceeds of such fee to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

''(f) INTEREST RATES ON COMMERCIAL LOANS.—Notwithstanding the provisions of the constitution or laws of any State limiting the rate or amount of interest which may be charged, taken, received, or reserved, the maximum legal rate of interest on any commercial loan which funds any portion of the cost of the project financed pursuant to this title which is not funded by a debenture guaranteed under this section shall be a rate which is established by the Administrator who shall publish such rate quarterly in, at a minimum, the Federal Register and on the Administration's website.

''(g) DEBENTURE REPAYMENT.—Any debenture that is issued under this section shall provide for the payment of principal and interest on a semiannual basis.

''(h) CHARGES FOR ADMINISTRATOR'S EXPENSES.—The Administrator may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under this section. Such administrative expenses may include—

''(1) development company fees for processing, closing, servicing, late payment, or loan assumption;

''(2) agent or trustee fees for central servicing, underwriters, or debenture funding; and

''(3) fees charged by the Administrator for the debenture guaranty and from the certified development company to reduce the subsidy cost.

''(i) PARTICIPATION FEE.—The Administrator shall collect a one-time fee in an amount equal to 50 basis points on the total participation in any project of any State or local government, bank, other financial institution, or foundation or not-for-profit institution. Such fee shall be imposed only when the participation of the entity described in the previous sentence will occupy a senior credit position to that of the development company. All proceeds of the fee shall be used to offset the cost (as that term is defined in section 502 of the Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

''(j) CERTIFIED DEVELOPMENT COMPANY FEE.—The Administrator shall collect annually from each development company a fee of 0.125 percent of the outstanding principal balance of any guaranteed debenture authorized by the Administrator after September 30, 1996. Such fee shall be derived from the servicing fees collected by the certified development company pursuant to regulation, and shall not be derived from any additional fees imposed on small business concerns. All proceeds of the fee shall be used to offset the cost (as that term is defined in section 502 of the Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

''(k) EFFECTIVE DATE.—The fees authorized by this section shall apply to any financing approved under this title on or after October 1, 1996.

''(l) CALCULATION OF SUBSIDY RATE.—All fees, interest, and profits received and retained by the Administrator under this section shall be included in the calculations made by the Director of the Office of Management and Budget to offset the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of purchasing and guaranteeing debentures under this title.

''(m) ACTIONS UPON DEFAULT.—

''(1) INITIAL ACTIONS.—Not later than the 45th day after the date on which a payment on a loan funded through a debenture guaranteed under this section is due and not received, the Administrator shall—

''(A) take all necessary steps to bring such loan current; or

''(B) implement a formal written deferral agreement.

''(2) PURCHASE OR ACCELERATION OF DEBENTURE.—Not later than the 65th day after the date on which a payment on a loan described in paragraph (1) is due and not received, and absent a formal written deferral agreement, the Administrator shall take all necessary steps to purchase or accelerate the debenture.

''(3) PREPAYMENT PENALTIES.—With respect to the portion of any project derived from funds not provided by a debenture issued by a certified development company or borrower, the Administrator—

''(A) shall negotiate the elimination of any prepayment penalties or late fees on defaulted loans made prior to September 30, 1996;

''(B) shall not pay any prepayment penalty or late fee on the default based purchase of loans issued after September 30, 1996; and

''(C) shall not pay a default interest rate higher than the interest rate on the note prior to the date of default for any project financed after September 30, 1996.

''(4) COLLECTION AND SERVICING.—

''(A) IN GENERAL.—In the event of the default of any loan and the repurchase of a debenture guaranteed by the Administrator under this title, the Administrator shall continue to delegate to the central servicing agent that was contracted for that service as of January 1, 2009, or successor contractor the authority to collect and disburse all funds or payments received on such defaulted loans, including payments from guarantors or on notes in compromise of the original note. The central servicing agent shall continue to provide an accounting of income and expenses for any such loan on the same basis it does for any other loan issued under this title. The central servicing

agent shall make the accounting of income and expenses and reports thereon available as requested by the certified development company that issued the debenture or the Administrator.

''(B) EFFECTIVE DATE.—The requirements of subparagraph (A) shall become effective 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009.''.

SEC. 217. ECONOMIC DEVELOPMENT THROUGH DEBENTURES.

Section 507 of the Small Business Investment Act of 1958 (15 U.S.C. 697d) is amended to read as follows:

''SEC. 507 ECONOMIC DEVELOPMENT AND DEBENTURES.

''(a) IN GENERAL.—A certified development company shall be prohibited from issuing a debenture under this title unless the project funded with the debenture meets one of the following economic development objectives:

''(1) The creation of job opportunities within two years of the completion of the project or the preservation or retention of jobs attributable to the project.

''(2) Improving the economy of the locality, such as stimulating other business development in the community, bringing new income into the area, or assisting the community in diversifying and stabilizing its economy.

''(3) The achievement of one or more of the following public policy goals:

''(A) Business district revitalization or expansion of businesses in low-income communities which would be eligible for a new markets tax credit under section 45D(a) of the Internal Revenue Code of 1986, or implementing regulations issued under that section.

''(B) Expansion of exports.

''(C) Expansion of minority business development or women-owned business development.

''(D) Rural development.

''(E) Expansion of small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), especially service-disabled veterans, as defined in such section.

''(F) Enhanced economic competition, including the advancement of technology, plan retooling, conversion to robotics, or competition with imports.

''(G) Changes necessitated by Federal budget cutbacks, including defense related industries.

''(H) Business restructuring arising from federally mandated standards or policies affecting the environment or the safety and health of employees.

''(I) Reduction of energy consumption by at least 10 percent.

''(J) Increased use of sustainable design, including designs that reduce the use of greenhouse gas emitting fossil fuels, or low-impact design to produce buildings that reduce the use of nonrenewable resources and minimize environmental impact.

''(K) Plant, equipment, and process upgrades of renewable energy sources such as the small-scale production of energy for individual buildings or communities consumption, commonly known as micropower, or renewable fuels producers including biodiesel and ethanol producers.

''(4) Debt refinancing to the extent permitted by subsection (d).

''(b) JOB CREATION AND RETENTION REQUIREMENTS.—

''(1) IN GENERAL.—A project meets the job creation or retention objective set forth in subsection (a)(1) if the project creates or retains one job for every $65,000 guaranteed by the Administrator, except that the amount shall be $100,000 in the case of a project of a small manufacturer.

''(2) EXCEPTIONS.—

''(A) Paragraph (1) shall not apply to a project for which eligibility is based on the objectives set forth in subsection (a)(2) or (a)(3) if the certified development company's portfolio of outstanding debentures creates or retains one job for every $65,000 guaranteed by the Administrator.

''(B) For projects in Alaska, Hawaii, State-designated enterprise zones, empowerment zones, enterprise communities, or labor surplus areas designated by the Administrator, the certified development company's portfolio may average not more than $75,000 per job created or retained.

''(C) Loans for projects of small manufacturers shall be excluded from the calculations in subparagraphs (A) and (B).

''(c) COMBINATION OF CERTAIN GOALS.—A small business concern that is unconditionally owned by more than 1 individual, or a corporation, the stock of which is owned by more than 1 individual, shall be deemed to have achieved a goal under subsection (a)(3) if a combined ownership share of not less than 51 percent is held by individuals who are in 1 of, or a combination of, the groups described in subparagraphs (C) or (E) of subsection (a)(1).

''(d) COMPOSITION OF THE PROJECT.—

''(1) IN GENERAL.—The projects described in this section shall include, but not be limited to, plant acquisition, construction, conversion, expansion (including the acquisition of land), equipment and related project costs, or to acquire the stock of a corporation (as long as the value of the loan for the acquisition of the stock does not exceed the fixed asset value attributable to such assets as would be eligible for financing under subsection (a)).

''(2) DEBT REFINANCING.—Any financing approved under this title may include a limited amount of debt refinancing if the project involves the expansion of a small business concern.

''(3) LIMITATION.—The amount of the existing indebtedness may be refinanced and added to the expansion cost if—

''(A) the existing indebtedness does not exceed 50 percent of the project cost of the expansion;

''(B) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon, or to purchase equipment;

''(C) the existing indebtedness is collateralized by fixed assets;

''(D) the existing indebtedness was incurred for the benefit of the small business concern;

''(E) the financing under this title will be used only for refinancing existing indebtedness or costs relating to the project financed under this title;

''(F) the financing under this title will provide a substantial benefit to the borrower when prepayment penalties, financing fees, and other financing costs are accounted for;

''(G) the borrower has been current on all payments due on the existing debt for not less than 1 year preceding the date of refinancing; and

''(H) the financing under this title will provide better terms or rate of interest than the existing indebtedness at the time of refinancing.

''(e) DEFINITION.—For purposes of subparagraphs (J) and (K) of subsection (a)(3), the terms included have the meanings given those terms under the Leadership in Energy and Environmental Design (more generally referred to as LEED) standard for green building certification, as determined by the Administrator through regulation to be published in the Code of Federal Regulations.''.

SEC. 218. PROJECT FUNDING REQUIREMENTS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended to read as follows:

''SEC. 508. PROJECT FUNDING REQUIREMENTS.

''(a) IN GENERAL.—Any project described in section 507 must meet the funding standards set forth in this section.

''(b) SIZE OF DEBENTURE.—The Administrator shall only be permitted to guarantee debenture issued by a certified development company up to the following amounts:

''(1) $3,000,000 for any project of a small business concern.

''(2) $4,000,000 for any project that meets the public policy goals set forth in section 507(a)(3).

''(3) $4,000,000 for any project to be located in a low-income community as that term is described in section 507(a)(3)(A).

''(4) $8,000,000 for each project of a small manufacturer.

''(5) $8,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent.

''(6) $8,000,000 for each project that generates renewable energy or renewable fuels, such as, but not limited to, biodiesel or ethanol production.

''(7) $10,000,000 for each project for a small business concern that constitutes a major source of employment as that term is used in section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)).

''(c) FUNDING FROM SOURCES OTHER THAN DEBENTURES ISSUED BY CERTIFIED DEVELOPMENT COMPANIES.—

''(1) IN GENERAL.—Any project financed pursuant to this title must have the following contributions from parties other than the debenture issued by the certified development company:

''(A) FUNDING FROM INSTITUTIONS.—

''(i) If a small business concern provides—

''(I) the minimum contribution required by subparagraph (B), not less than 50 percent of the total cost of any project financed shall come from State or local governments, banks or other financial institutions, or foundations or other not-for-profit institutions; and

''(II) more than the minimum contribution required under subparagraph (B), any excess contribution may be used to reduce the amount required from institutions described in subclause (I), except that the amount provided by such institution may not be reduced to an amount that is less than the amount of the loan made by the Administrator.

''(B) FUNDING FROM SMALL BUSINESS CONCERNS.—The small business concern (or its owners, stockholders, or affiliates) that will have a project financed pursuant to this title shall provide—

''(i) at least 15 percent of the total cost of the project financed if the small business concern has been in operation for a period of 2 years or less;

''(ii) at least 15 percent of the total cost of the project financed if the project involves construction of a limited or single purposed building or structure;

''(iii) at least 20 percent of the total cost of the project financed if the project involves both of the conditions in clauses (i) and (ii); or

''(iv) at least 10 percent of the total cost of the project financed and not covered by clauses (i), (ii), or (iii), at the discretion of the certified development company.

''(2) SELLER FINANCING.—Seller-provided financing may be used to meet the requirements of paragraph (1)(B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administrator.

''(3) COLLATERALIZATION.—

''(A) IN GENERAL.—The collateral provided by the small business concern shall generally include a subordinate lien position on the property being financed under this title, and is only one of the factors to be evaluated in the credit determination. Additional collateral shall be required only if the Administrator determines, on a case-by-case basis, that additional security is necessary to protect the interest of the Government.

''(B) APPRAISALS.—With respect to commercial real property provided by the small business concern as collateral, an appraisal of the property by a State licensed or certified appraiser—

''(i) shall be required by the Administrator before disbursement of the loan if the estimated value of that property is more than $400,000; or

''(ii) may be required by the Administrator or the lender before disbursement of the loan if the estimated value of that property is $400,000 or less, and such appraisal is necessary for appropriate evaluation of creditworthiness.

''(C) ADJUSTMENT.—The Administrator shall periodically adjust the amount under subparagraph (B) to account for the effects of inflation, provided that no such adjustment shall be less than $50,000.

''(4) LIMITATION ON LEASING.—

''(A) If the project funded under this section includes the acquisition of a facility or the construction of a new facility, the small business concern—

''(i) shall permanently occupy and use not less than 50 percent of the project property; and

''(ii) may, on a temporary or permanent basis, lease to others not more than 50 percent of the project property.

''(B) For purposes of this paragraph, the term 'project property' means—

''(i) the building and any exterior areas used in connection with the building or a part thereof and includes all of the parcels of real property included in the project in the aggregate; and

''(ii) occupancy and use of the project property by the operating company shall be deemed to be occupancy and use by the small business concern that received funding under this section.

''(d) REGULATIONS.—(1) The Administrator shall promulgate regulations, after notice and comment, to implement the provisions of this section within 60 days after enactment of the Small Business Financing and Investment Act of 2009. The Administrator may limit the comment period to 15 days to meet this deadline.

''(2) If the Administrator fails to promulgate the regulations as provided in paragraph (1), all leases entered into, absent clear and convincing evidence of fraud, shall be deemed to be in compliance with the limitations on leasing in this subparagraph for purposes of honoring the guarantee on the debenture issued by the certified development company.

''(3) Any regulation of the Administrator or interpretation of any regulation by the Administrator or the Office of Hearings and Appeals that restricts the use of proceeds for leased projects that was in effect on the date of enactment of the Small Business Financing and Investment Act of 2009 shall hereby cease to apply.

''(4) Any interpretation of the leasing provisions issued by the Administrator prior to the issuance of regulations required by paragraph (1) shall be considered null and void and may be not be used in any court of competent jurisdiction, be it Federal or State court, to dishonor any guarantee of a debenture issued by a certified development company for a project funded pursuant to this section.

''(e) OWNERSHIP CALCULATION.—Ownership requirements to determine the eligibility of a small business concern that applies for funding under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.

''(f) COMBINATION FINANCING.—Financing under this title may be provided to a borrower in the maximum amount provided in this section, and a loan guarantee under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) may be provided to the same borrower in the maximum amount provided in section 7(a)(3)(A) of such Act, to the extent that the borrower otherwise qualifies for such assistance.

''(g) RULES FOR DEBENTURES FUNDING PROJECTS IN LOW-INCOME AREAS.—

''(1) SIZE STANDARDS.—For purposes of determining the size of a small business concern seeking funds for a project described in subsection (b)(3), the size standard promulgated by the Administrator in section 121.201 of title 13, Code of Federal Regulations, as in effect on January, 1, 2009, or any successor regulation, shall be increased by 25 percent.

''(2) PERSONAL LIQUIDITY.—

''(A) IN GENERAL.—The amount of personal resources of an owner for a project described in subsection (b)(3) that are excluded from the amount required to reduce the portion of the project funded by the Administrator shall be not less than 25 percent more than that required for funding of any other project described in subsection (b).

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'owner' means any person that owns not less than 20 percent of the equity or has not less than 20 percent of the voting rights (in the case of a small business organized as a partnership) of a small business concern seeking funds under this section.

''(h) APPLICABILITY OF CREDIT ELSEWHERE AND PERSONAL RESOURCES REGULATIONS.—Except as provided in subsection (c)(1)(B) with respect to project funding, the Administrator shall be prohibited from applying the regulations set forth in sections 120.101 and 120.102 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, or any successor regulation that applies a credit elsewhere or personal resources test to any application for a loan under this title pending or filed after the date of enactment of the Small Business Financing and Investment Act of 2009.''.

SEC. 219. PRIVATE DEBENTURE SALES AND POOLING OF DEBENTURES.

Section 509 of the Small Business Investment Act of 1958 (15 U.S.C. 697f) is amended to read as follows:

''SEC. 509. PRIVATE DEBENTURE SALES AND POOLING OF DEBENTURES.

''(a) PRIVATE DEBENTURE SALES.—Notwithstanding any other law, rule, or regulation, the Administrator shall sell to investors, either publicly or by private placement, debentures issued by certified development companies pursuant to this title for the full amount of the program levels authorized in each fiscal year and if there is not authorization of a level, the amount of debentures actually issued.

''(b) FEDERAL FINANCING BANK.—Nothing in any provision of law shall be construed to authorize the Federal Financing Bank to acquire—

''(1) any obligation the payment of principal or interest on which at any time has been guaranteed in whole or in part under this title and which is being sold pursuant to the provisions of this section;

''(2) any obligation which is an interest in any obligation which is an interest in any obligation described in paragraph (1); or

''(3) any obligation which is secured by, or substantially all of the value of which is attributable to, any obligation described in paragraph (1) or (2).

''(c) POOLING OF DEBENTURES.—

''(1) IN GENERAL.—The Administrator is authorized to issue trust certificates representing ownership of all or a fractional part of debentures issued by certified development companies and guaranteed under this title if such trust certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

''(2) GUARANTEE OF TRUST CERTIFICATES.—The Administrator is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agent for purposes of this section. Such guarantee shall be limited to the extent of principal and interest on the guaranteed debentures which compose the trust or pool. In the event that a debenture in such trust or pool is prepaid, either voluntarily or in the event of default, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption due to prepayment or default of all debentures constituting the pool.

''(3) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee of such trust certificates issued by the Administrator or its agent pursuant to this section.

''(4) PROHIBITION ON GUARANTEE FEE FOR POOLS.—The Administrator shall not collect any fee for any guarantee under this section, provided that nothing herein shall preclude any agent of the Administrator from collecting a fee approved by the Administrator for the functions performed in paragraph (6)(F).

''(5) SUBROGATION.—

''(A) IN GENERAL.—In the event the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

''(B) ADMINISTRATOR EXERCISE OF RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures constituting the trust or pool against which the trust certificates are issued.

''(6) CENTRAL REGISTRATION.—

''(A) IN GENERAL.—The Administrator shall provide for a central registration of all trust certificates sold pursuant to this section.

''(B) CONTRACT.—The Administrator shall contract with an agent to carry out on behalf of the Administrator the central registration functions of this section and the issuance of trust certificates to facilitate pooling.

''(C) BOND.—The Administrator shall require the contractor to provide a fidelity bond or insurance in such amounts as is deemed necessary to fully protect the interests of the Government.

''(D) DISCLOSURE REQUIREMENTS.—The Administrator shall, prior to any sale, require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on terms, conditions, and yield of such instruments.

''(E) AUTHORITY TO REGULATE.—The Administrator shall have the authority to regulate

brokers and dealers in trust certificates sold pursuant to this section.

''(F) BOOK ENTRY PERMITTED.—Nothing in this paragraph shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates.''.

SEC. 220. FORECLOSURE AND LIQUIDATION OF LOANS.

Section 510 of the Small Business Investment Act of 1958 (15 U.S.C. 697g) is amended to read as follows:

''SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

''(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administrator shall delegate to any certified development company that meets the eligibility requirements of subsection (b)(1), the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administrator pursuant to this title.

''(b) ELIGIBILITY FOR DELEGATION.—

''(1) REQUIREMENTS.—A certified development company shall be eligible for a delegation of authority under subsection (a) if—

''(A) the certified development company—

''(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), before the enactment of the Small Business Financing and Investment Act of 2009;

''(ii) is an accredited or premier certified development company; or

''(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under this title; and

''(B) the certified development company—

''(i) has one or more employees—

''(I) with not less than 2 years of substantive, decisionmaking experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under this title; and

''(II) who have completed a training program on loan liquidation developed by the Administrator in conjunction with a certified development company that meet the requirements of this paragraph; or

''(ii) submits to the Administrator documentation demonstrating that the company has contracted with a qualified third party to perform any liquidation activities and secures the approval of the contract by the Administrator with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) CONFIRMATION.—On the request, the Administrator shall examine the qualifications of any certified development company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administrator determines that a company is not eligible, the Administrator shall provide the company, in writing, with the reasons for such ineligibility. The certified development company shall be entitled to request delegated authority and the Administrator shall review the request only to address whether the certified development company has rectified the reasons for the Administrator's original determination of ineligibility.

''(c) SCOPE OF DELEGATED AUTHORITY.—

''(1) IN GENERAL.—Each certified development company to which the Administrator delegates authority under subsection (a) may with respect to any loan described in subsection (a)—

''(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administrator under paragraph (2)(A);

''(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administrator may—

''(i) defend or bring any claim if—

''(I) the outcome of the litigation may adversely affect the Administrator's management of the program established under this title; or

''(II) the Administrator is entitled to legal remedies not available to a certified development company and such remedies will benefit either the Administrator or the certified development company; and

''(ii) oversee the conduct of any such litigation; and

''(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administrator under paragraph (2).

''(2) ADMINISTRATOR APPROVAL OF PLANS.—

''(A) CERTIFIED DEVELOPMENT COMPANY SUBMISSION OF PLANS.—Before carrying out functions described in paragraph (1)(A) or (1)(C), the certified development company shall submit to the Administrator a proposed liquidation plan, any proposal for the Administrator to the purchase of any other indebtedness secured by the property securing a defaulted loan, or a workout plan or any combination thereof.

''(B) ADMINISTRATOR APPROVAL PROCEDURES.—

''(i) TIMING.—Not later than 15 business days after the plans described in subparagraph (A) are received by the Administrator, the Administrator shall approve or reject the plan.

''(ii) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by clause (i), the Administrator shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

''(C) ROUTINE ACTIONS.—In carrying out the functions described in paragraph (1)(A), a certified development company may undertake routine actions not addressed in a liquidation or workout plan without obtaining additional approval from the Administrator.

''(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a certified development company may—

''(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

''(ii) pursuant to such offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administrator.

''(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administrator pursuant to subparagraph (B)(ii) shall—

''(i) be in writing stating the specific reasons for which the Administrator was unable to act on the request submitted pursuant to subparagraph (A);

''(ii) provide an estimate of the additional time needed for the Administrator to reach a decision on the request; and

''(iii) specify any additional information or documentation that the Administrator needs to make a decision but was not provided in the plan submitted by the certified development company.

''(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a certified development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third-party lender, associate of a third-party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

''(d) SUSPENSION OR REVOCATION OF AUTHORITY.—

''(1) IN GENERAL.—The Administrator may revoke or suspend a delegation of authority under this section to a certified development company if the Administrator determines that the company—

''(A) does not meet the requirements of subsection (b)(1);

''(B) violated any applicable law or rule or regulation of the Administrator that in the estimation of the Administrator requires revocation; or

''(C) fails to comply with any reporting that may be established by the Administrator relating to the establishment of eligibility in subsection (b)(1) or carrying out the functions described in subsection (c)(1).

''(2) WRITTEN NOTICE.—The Administrator shall provide in writing detailed reason why the delegation of authority was suspended or revoked.

''(e) PARTICIPATION IN LIQUIDATION.—

''(1) IN GENERAL.—

''(A) CONTRACT WITH QUALIFIED THIRD PARTY.—A certified development company which elects not to apply for authority to foreclose and liquidate defaulted loans under this section, or which the Administrator determines to be ineligible for such authority, shall contract with a qualified third party to perform foreclosure and liquidation of defaulted loans in its portfolio.

''(B) CONTRACT APPROVAL.—The contract entered into by the certified development company specified in subparagraph (A) shall be contingent upon approval by the Administrator with respect to the qualifications of the contractor and the terms and conditions of liquidation activities. The Administrator shall not unreasonably withhold such approval.

''(C) NOTIFICATION OF REJECTION.—If the Administrator rejects the contract, the Administrator shall provide a notice to the certified development company, in writing, explaining the reasons for such rejection within ten business days after submission of the contract.

''(D) RESUBMITTAL.—The certified development company shall be permitted to resubmit the contract and the Administrator's review of any such resubmittal shall be limited to insufficiencies described in the notification of rejection.

''(E) REGULATIONS.—The Administrator shall promulgate regulations, after notice and opportunity for comment, adopting standards for the approval of qualified third-party contractors within 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009.

''(F) FAILURE TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate such regulations, any contract for liquidation entered into by a certified development company under this subsection shall be considered valid for the purposes of this subsection and subsection (f).

''(G) EFFECT OF ADMINISTRATOR'S PROMULGATION OF REGULATIONS.—If the Administrator promulgates regulations after the deadline specified in subparagraph (E), those regulations shall not have any retroactive application with respect to contracts that are described in subparagraph (F).

''(2) COMMENCEMENT.—This subsection shall not require any certified development company to liquidate defaulted loans until the Administrator implements a system to compensate and reimburse certified development companies for liquidation of any defaulted loans.

''(f) COMPENSATION AND REIMBURSEMENT.—

''(1) REIMBURSEMENT OF EXPENSES.—The Administrator shall reimburse each certified development company for all expenses paid by such company as part of the foreclosure and liquidation activities taken to carry out this section, if the expenses—

''(A) were—

''(i) approved in advance by the Administrator, either specifically in a plan submitted pursuant to subsection (c) or generally, such as, but not limited to, actions approved by the Administrator in regulations or other interpretative issuances; or

''(ii) incurred by the development company on an emergency basis without prior approval from the Administrator, if the Administrator determines that the expenses were reasonable and appropriate; and

''(B) are submitted by the certified development company to the Administrator not later than 3 years after the date the expense was incurred or the bill therefore is submitted to the certified development company, whichever is later.

''(2) ALTERNATIVE REIMBURSEMENT.—As an alternative to the procedure in paragraph (1), a certified development company may elect to obtain reimbursement for all such expenses from the proceeds of any collateral provided by the borrower that was liquidated by the certified development company if the expenses comply with the requirements of paragraph (1). Within 6 months of the reimbursement, the certified development company shall provide the Administrator with the same information and documentation it would be required to submit to obtain payment from the Administrator.

''(3) REGULATIONS.—The Administrator shall promulgate regulations, after notice and comment to carry out the provisions of paragraphs (1) and (2). If the Administrator does not promulgate such regulations within one year, certified development companies shall be authorized, notwithstanding the requirements of subsection (e)(2), to liquidate defaulted loans and such costs and expenses incurred, absent clear and convincing evidence of fraud, shall be deemed to be approved.

''(4) COMPENSATION FOR RESULTS.—

''(A) DEVELOPMENT.—In regulations promulgated pursuant to paragraph (3), the Administrator also shall develop a schedule of compensation that provides monetary incentives for certified development companies in order to increase recoveries on defaulted loans.

''(B) CRITERIA.—The schedule shall—

''(i) be based on a percentage of the net amount recovered, but shall not exceed a maximum amount; and

''(ii) not apply to any foreclosure which is conducted under a contract between a certified development company and a qualified third party to perform the foreclosure and liquidation.

''(C) PAYMENT.—The Administrator shall transmit the compensation provided herein to the development company from the proceeds of liquidated collateral, unless the Administrator utilizes another source for funds, within 30 days from the date when the liquidation case has been closed and documentation received.''.

SEC. 221. REPORTS AND REGULATIONS.

Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

''SEC. 511. REPORTS.

''(a) PREMIER CERTIFIED DEVELOPMENT COMPANIES.—The Administrator shall report annually to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on the implementation of section 504. Each report shall include—

''(1) the number of premier certified development companies;

''(2) the debenture volume of each premier certified development company;

''(3) a comparison of the loss rate for premier certified development companies to the loss rate for accredited or certified development companies; and

''(4) such other information as the Administrator deems appropriate.

''(b) REPORTS ON LIQUIDATION AND FORECLOSURES.—

''(1) IN GENERAL.—Based on information provided by certified development companies and the Administrator, the Administrator shall submit annually to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of delegation of authority under section 510.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

''(A) With respect to each loan foreclosed or liquidated by a certified development company, or for which losses were otherwise mitigated by pursuant to a workout plan—

''(i) the total cost of the project financed with the loan;

''(ii) the total original dollar amount guaranteed by the Administration;

''(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

''(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

''(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

''(B) With respect to each certified development company to which authority is delegated under section 510, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(C) With respect to each certified development company that contracts with a qualified third-party contractor pursuant to section 510(e), the total of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(D) With respect to all loans subject to foreclosure, liquidation, or mitigation under section 510, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(E) A comparison between—

''(i) the information provided under subparagraph (D) with respect to the 12-month period preceding the date on which the report is submitted; and

''(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administrator during the same period.

''(F) The number of times that the Administrator has failed to approve or reject a liquidation plan, workout plan, request to purchase indebtedness, or failed to approve a third-party contractor under section 510, including specific information regarding the reasons for the Administrator's failure and any delays that resulted.

''(c) REPORTS ON COMBINATION FINANCING.—

''(1) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, and annually thereafter, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that—

''(A) includes the number of small business concerns that have financing under both section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) during the year before the year of that report; and

''(B) describes the total amount and general performance of the financing described in subparagraph (A).

''(d) REPORT ON OTHER ECONOMIC DEVELOPMENT ACTIVITY.—The Administrator shall compile and submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on an annual basis, commencing in the year that the Small Business Financing and Investment Act of 2009 is enacted, a report that describes the economic and community development activities, other than loan making under this title, of each certified development company during the prior fiscal year. The Administrator may contract with another party, including non-governmental entities, to collect information or otherwise assist in the preparation of the report required by this subsection.

''SEC. 512. PROMULGATION OF REGULATIONS UNDER THIS TITLE.

''(a) DEADLINES FOR IMPLEMENTING REGULATIONS.—Except as expressly provided elsewhere in the Small Business Financing and Investment Act of 2009, the Administrator shall promulgate regulations under this title, after providing notice and the opportunity for comment, within 180 days after the date of enactment of that Act.

''(b) NOTICE AND COMMENT REQUIREMENTS IN GENERAL.—Except as otherwise provided elsewhere in this title, the Administrator shall provide, after the date of enactment of the Small Business Financing and Investment Act of 2009, notice of any proposed change to a regulation implementing this title (whether in existence on the date of enactment of the Small Business Financing and Investment Act of 2009 or subsequently adopted), publish such notification in the Federal Register, and provide a comment period of not less than 60 days.''.

SEC. 222. PROGRAM NAME.

Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this Act, is further amended by adding at the end the following:

''SEC. 513 PROGRAM NAME.

''(a) IN GENERAL.—The program created by this title shall be referred to as the CDC Economic Development Loan Program.

''(b) MODIFICATION OF MATERIALS USED.—Not later than 60 days after the date of enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall modify all documents and websites to conform to the name change made by this section.''.

Subtitle C—Miscellaneous

SEC. 231. REPORT ON STANDARD OPERATING PROCEDURES.

(a) REPORT.—The Administrator of the Small Business Administration shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report within 180 days after enactment of this Act identifying each Standard Operating Procedure issued after January 1, 1996, that relates to the operation of a development company (in any manner) under

title V of the Small Business Investment Act of 1958, that is still in effect on the date of enactment of this Act, and the regulation codified in title 13 of the Code of Federal Regulations that authorizes the issuance of the Standard Operating Procedure and separately identifies the regulation that the Standard Operating Procedure purports to interpret.

(b) INAPPLICABILITY.—If the Administrator fails to complete the report by the time specified in subsection (a), the Administrator shall, unless there is clear and convincing evidence of fraud, honor the terms and conditions of any debenture to the entity that issued the debenture pursuant to title V of the Small Business Investment Act of 1958 without regard to whether the entity complied with any of the Standard Operating Procedures described in subsection (a) until such time as the Administrator submits the report required under subsection (a).

(c) DEFINITION.—For purposes of this section, the term ''Standard Operating Procedure'' has the meaning given that term in section 120.10 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, and includes any reference to the acronym ''SOP''.

SEC. 232. ALTERNATIVE SIZE STANDARD.

(a) REVIEW AND STUDY.—

(1) IN GENERAL.—The Administrator of the Small Business Administration shall study and review the optional size standard set forth in section 121.301(b) of title 13, Code of Federal Regulations, as in effect on January 1, 2009, for eligibility of a small business concern for financing under title V of the Small Business Investment Act of 1958.

(2) CONTENTS.—The review shall analyze whether the alternative size standard includes the business concerns defined in section 3(a)(1) of the Small Business Act and what, if any, regulatory changes are needed in the alternative size standard.

(3) SUBMISSION TO CONGRESS.—The Administrator shall submit its study and conclusions within 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009 to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(b) ISSUANCE OF REGULATIONS.—Any changes in the optional size standard described in subsection (a)(1) shall be promulgated within 180 days of the submission of the report to committees referred to in paragraph (3) of subsection (a).

(c) INTERIM ALTERNATIVE SIZE STANDARD.—Until the Administrator promulgates regulations either readopting the size standard referred to in subsection (a)(1) or adopts a new alternative size standard, the alternative size standard shall be a maximum tangible net worth of not more than $15,000,000 and an average net income after the payment of Federal taxes (but excluding any carryover losses) for the preceding two fiscal years not more than $5,000,000.

TITLE III—MICROLENDING EXPANSION

SEC. 301. MICROLOAN CREDIT BUILDING INITIATIVE.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

''(14) CREDIT REPORTING INFORMATION.—The Administrator shall establish a process, for use by an intermediary making a loan to a borrower under this subsection, under which the intermediary shall provide to the major credit reporting agencies the information about the borrower, both positive and negative, that is relevant to credit reporting, such as the payment activity of the borrower on the loan. Such process shall allow an intermediary the option of providing information to the major credit reporting agencies through the Administration or independently.''.

SEC. 302. FLEXIBLE CREDIT TERMS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended—

(1) in paragraph (1)(B)(i) by striking ''short-term,'';

(2) in paragraph (6)(A) by striking ''short-term,''; and

(3) in paragraph (11)(B) by striking ''short-term,''.

SEC. 303. INCREASED PROGRAM PARTICIPATION.

Section 7(m)(2) of the Small Business Act (15 U.S.C. 636(m)(2)) is amended—

(1) in subparagraph (A) by striking ''paragraph (10)'' and inserting ''paragraph (11)''; and

(2) by amending subparagraph (B) to read as follows:

''(B) has—

''(i) at least—

''(I) 1 year of experience making microloans to startup, newly established, or growing small business concerns; or

''(II) 1 full-time employee who has not less than 3 years of experience making microloans to startup, newly established, or growing small business concerns; and

''(ii) at least—

''(I) 1 year of experience providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers; or

''(II) 1 full-time employee who has not less than 1 year of experience providing intensive marketing, management, and technical assistance to borrowers.''.

SEC. 304. INCREASED LIMIT ON INTERMEDIARY BORROWING.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended—

(1) by striking ''$750,000'' and inserting ''$1,000,000'';

(2) by striking ''$3,500,000'' and inserting ''$7,000,000''; and

(3) by adding at the end the following: ''The Administrator may treat the amount of $7,000,000 in this subparagraph as if such amount is $10,000,000 if the Administrator determines, with respect to an intermediary, that such treatment is appropriate.''.

SEC. 305. EXPANDED BORROWER EDUCATION ASSISTANCE.

Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

(1) in clause (i) by striking ''25 percent'' and inserting ''35 percent''; and

(2) in clause (ii) by striking ''25 percent'' and inserting ''35 percent''.

SEC. 306. INTEREST RATES AND LOAN SIZE.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended—

(1) in paragraph (3)(F)(iii) by striking ''$7,500'' and inserting ''$10,000'';

(2) in paragraph (6)(C)(i) by striking ''$7,500'' and inserting ''$10,000''; and

(3) in paragraph (6)(C)(ii) by striking ''$7,500'' and inserting ''$10,000''.

SEC. 307. REPORTING REQUIREMENT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended by adding at the end the following:

''(15) REPORTING REQUIREMENT.—Not later than 90 days after the end of each fiscal year, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that includes, with respect to such fiscal year of the microloan program, the following:

''(A) The names and locations of each intermediary that received funds to make microloans or provide marketing, management, and technical assistance.

''(B) The amounts of each loan and each grant provided to each such intermediary in such fiscal year and in prior fiscal years.

''(C) A description of the contributions from non-Federal sources of each such intermediary.

''(D) The number and amounts of microloans made by each such intermediary to all borrowers and to each of the following:

''(i) Women entrepreneurs and business owners.

''(ii) Low-income entrepreneurs and business owners.

''(iii) Veteran entrepreneurs and business owners.

''(iv) Disabled entrepreneurs and business owners.

''(v) Minority entrepreneurs and business owners.

''(E) A description of the marketing, management, and technical assistance provided by each such intermediary to all borrowers and to each of the following:

''(i) Women entrepreneurs and business owners.

''(ii) Low-income entrepreneurs and business owners.

''(iii) Veteran entrepreneurs and business owners.

''(iv) Disabled entrepreneurs and business owners.

''(v) Minority entrepreneurs and business owners.

''(F) The number of jobs created and retained as a result of microloans and marketing, management, and technical assistance provided by each such intermediary.

''(G) The repayment history of each such intermediary.

''(H) The number of businesses that achieved success after receipt of a microloan.''.

SEC. 308. SURPLUS INTEREST RATE SUBSIDY FOR BUSINESSES.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended by adding at the end the following:

''(16) INTEREST ASSISTANCE.—The Administrator is authorized to make grants to intermediaries for the purposes of reducing interest rates charged to borrowers that receive financing under this subsection.''.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (g) the following:

''(h) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(m).—

''(1) PROGRAM LEVELS.—For the programs authorized by this Act, the Administration is authorized to make during each of fiscal years 2010 and 2011—

''(A) $80,000,000 in technical assistance grants, as provided in section 7(m); and

''(B) $110,000,000 in direct loans, as provided in section 7(m).

''(C) $10,000,000 in interest assistance grants, as provided in section 7(m)(16).

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out paragraph (1).''.

TITLE IV—SMALL BUSINESS INVESTMENT COMPANY MODERNIZATION

SEC. 401. INCREASED INVESTMENT FROM STATES.

Section 103(13)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 662(13)(C)) is amended by striking ''33 percent'' and inserting ''45 percent''.

SEC. 402. EXPEDITED LICENSING FOR EXPERIENCED APPLICANTS.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by

inserting after subsection (c) the following new subsection:

''(d) LICENSES FOR EXPERIENCED APPLICANTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, not later than 60 days after the initial receipt by the Administrator of any request (which shall be deemed to be the application) for a license to operate as a small business investment company under this Act, the Administrator shall approve the request and issue such license if each of the following requirements is satisfied:

''(A) At least 50 percent of the principal managers of the applicant consist of at least two-thirds of the principal managers of a small business investment company that has been licensed under this Act.

''(B) The licensed small business investment company specified under subparagraph (A) has operated under such license for at least 3 years prior to the receipt of the request specified in this paragraph.

''(C) The licensed small business investment company specified under subparagraph (A)—

''(i) either has invested at least 70 percent of its private capital and drawn at least 50 percent of its projected leverage at the time of the receipt of the request specified in this paragraph or reserved for investment and expenses or some combination of both at least 70 percent of its private capital in the one-year period prior to the date on which the application referred to in this paragraph was received by the Administrator;

''(ii) has maintained 6 consecutive quarters of profitable net investment income; and

''(iii) has made at least 3 exits from investments in small businesses that have realized profits from those respective investments.

''(D) The applicant submits to the Administrator, in writing, an application consisting of all of the following:

''(i) A certification, in the form prescribed by the Administrator, that such applicant satisfies the requirements of this subsection and that all information contained in the application is true and complete.

''(ii) A copy of the organizational documents of the applicant.

''(iii) A copy of the operating plan of the applicant demonstrating that at least 50 percent of the amount of the planned investments of the applicant will be in the same or substantially similar investment stage and use the same or substantially similar type of investment instruments as the investments of the licensed small business investment company specified under subparagraph (A).

''(iv) A certification, in a form prescribed by the Administrator, that the applicant satisfies the requirements of subsections (a) and (c) of section 302 of this Act.

''(E) The applicant is in good standing as set forth in paragraph (2).

''(F) The applicant pays all fees prescribed by the Administrator under subsection (e).

''(2) GOOD STANDING.—For purposes of this subsection, an applicant is in good standing if—

''(A) a licensed leveraged debentured or non-leveraged small business investment company specified under paragraph (1)(A) is actively operating under this Act on the date of the initial receipt of the application by the Administrator to which this subsection applies;

''(B) no principal manager of the applicant has been found liable in a civil action for fraud if the Administrator makes a reasonable determination based on evidence in the agency record that such liability has a material adverse effect on the ability of the applicant to perform obligations required by a license issued pursuant to this Act; and

''(C) no principal manager is under investigation by a governmental agency or authority for, is under indictment for, or has been convicted of a felony for a violation of Federal or State securities laws, fraud, or another criminal violation if such investigation, indictment, or conviction has a material adverse effect on the ability of the applicant to perform obligations under a license issued under this Act.

''(3) LIMITATION.—

''(A) IN GENERAL.—The Administrator may remove an application from the approval process under this subsection if the Administrator determines based on evidence in the agency record that the approval of the license would present an unacceptable risk to the Federal Government.

''(B) IN WRITING.—Such determination shall be made in writing and provided to the applicant no later than 10 calendar days after such determination is made. Failure to provide this determination to the applicant shall be deemed to be a permanent waiver of the Administrator's authority to remove an application pursuant to this subsection.

''(C) NON-DELEGABILITY.—The Administrator may rely on agency personnel to collect data or other material relevant to establishing a record, but the decision to remove the application may not be delegated by the Administrator to any subordinate personnel in the agency.

''(4) NOTICE AND OPPORTUNITY TO CURE NONCONFORMANCE.—

''(A) NOTICE OF NON-CONFORMANCE.—Except for a determination made pursuant to paragraph (3), the Administrator shall provide an applicant described in paragraph (1) within 60 days after receipt of the application a written notice and description of any nonconformance with any requirement of this subsection based on evidence in the agency record.

''(B) OPPORTUNITY TO CURE.—The applicant shall have 30 days following the receipt of notice of nonconformance or the receipt of removal as set forth in paragraph (3) to cure such nonconformance.

''(C) FAILURE TO PROVIDE NOTICE.—Failure to provide the notice within the time limit set forth in subparagraph (A) shall be deemed to be acceptance by the Administrator of the applicant's conformance with the requirements of this subsection.

''(5) BACKGROUND REVIEWS.—The Administrator shall ensure that a timely background check of the principal managers of each applicant is completed with respect to paragraphs (2)(B) and (2)(C).

''(6) FEES.—The Administrator may charge an applicant additional fees for carrying out the background reviews mandated by paragraph (5). Such fees shall not exceed $10,000.

''(7) EFFECT OF NON-QUALIFICATION.—The failure of an applicant to qualify for expedited licensure under this subsection shall have no effect on an existing license or the ability for the applicant or any of its individual managers to apply for or receive a license to operate a small business investment company under the procedures established elsewhere in this Act or its implementing regulations.

''(8) REGULATIONS.—The Administrator shall develop forms and promulgate regulations to implement this subsection after providing an opportunity for notice and comment. Regulations promulgated pursuant to this paragraph shall be published in the Code of Federal Regulations.''.

SEC. 403. REVISED LEVERAGE LIMITATIONS FOR SUCCESSFUL SBICS.

(a) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended by striking so much of paragraph (2) as precedes subparagraph (C) and inserting the following:

''(2) MAXIMUM LEVERAGE.—

''(A) IN GENERAL.—(i) The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

''(I) 300 percent of such company's private capital; or

''(II) $150,000,000.

''(ii) In applying clause (i)(I) in the case of a debenture licensee which is in good standing without the imposition of additional regulatory standards and whose financings at cost are comprised of at least 50 percent of loans and debt securities, such licensee may be leveraged as follows:

''(I) The first one-third of private capital to 300 percent.

''(II) The second one-third of private capital to 200 percent.

''(III) The last third of private capital to 100 percent.

''(iii) Notwithstanding clause (i), in the case of any company operating as a business development company (as such term is defined under section 2(a)(48) of the Investment Company Act of 1940) or a majority-owned subsidiary of such a company that is in good standing without the imposition of additional regulatory requirements, the maximum amount of outstanding leverage made available to such company shall be $250,000,000.

''(B) MULTIPLE LICENSEES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more debenture companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $350,000,000.''.

(b) REGULATIONS.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)), as amended by this Act, is further amended by adding at the end the following:

''(E) REGULATIONS.—The Administrator shall promulgate regulations, after notice and opportunity for comment, establishing quantifiable objective criteria under which a licensee's private capital in its entirety may be leveraged up to 300 percent. Such regulations shall be published in the Code of Federal Regulations.''.

(c) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—Section 303(b)(2)(C)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(C)(ii)) is amended by striking ''$250,000,000'' in subclause (II) and inserting ''$400,000,000''.

SEC. 404. CONSISTENCY FOR COST CONTROL.

Section 305(c) of the Small Business Investment Act of 1958 (15 U.S.C. 685(c)) is amended by adding at the end the following:

''In addition to the foregoing, with respect to a loan made, or debt with equity features acquired, under this section, the minimum coupon rate of interest (cost of money ceiling) imposed by the Administrator shall not be less than 19 percent per annum for a loan or a debt security, except that nothing herein shall alter or affect provisions permitting higher coupon rates of interest (cost of money ceilings) and a company may charge up to an additional 7 percent more than the interest rate set forth in the loan or debt security in the event of a default. For purposes of this subsection a default means the occurrence of any of the following:

''(1) Failure to pay an amount when due.

''(2) Failure to provide in a timely manner material information required under the applicable financing documents.

''(3) Failure to observe any material term, covenant, or other agreement contained in the applicable financing documents.

''(4) A representation, warranty, certification, or statement of fact made by or on

behalf of a borrower in any applicable financing document or in any document delivered in connection therewith, that was materially incorrect or misleading when made.

''(5) Any material event of default specified in the applicable financing documents.''.

SEC. 405. INVESTMENT IN VETERAN-OWNED SMALL BUSINESSES.

Section 303(b)(2)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(C)) is amended as follows:

(1) In the heading, by inserting after ''AREAS'' the following: ''AND VETERANS''.

(2) In clause (i), by inserting after ''351)'' the following: ''or in a small business concern owned and controlled by veterans (as such term is defined in section 3(q)(3) of the Small Business Act)''.

(3) In clause (iii), by inserting after ''351)'' the following: ''or in small business concerns owned and controlled by veterans (as such term is defined in section 3(q)(3) of the Small Business Act)''.

SEC. 406. TANGIBLE NET WORTH.

Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), as amended by this Act, is further amended by striking ''and'' at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ''; and'', and by adding at the end the following:

''(25) for purposes of the terms 'small-business concern' in paragraph (5) and 'smaller enterprise' in paragraph (12), tangible net worth shall, to the extent used, mean the total net worth of the small business, in accordance with General Accepted Accounting Principles, minus all intangibles in accordance with General Accepted Accounting Principles.''.

SEC. 407. DEVELOPMENT OF AGENCY RECORD.

Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as amended by this Act, is further amended by adding at the end the following:

''SEC. 321. AGENCY RECORD FOR LICENSING OF SMALL BUSINESS INVESTMENT COMPANIES.

''(a) RECORD.—The Associate Administrator for Investment shall establish an agency record of evidence referring or relating to each application for a license to become a small business investment company.

''(b) WRITTEN NOTIFICATION.—The Administrator shall provide a written explanation of any denial of a license application based upon evidence in the agency record. Absent an order by a Federal or State court of general jurisdiction, access to applications and the agency record shall be limited to the applicant and to the Administrator and subordinate personnel of the Administrator.''.

SEC. 408. PROGRAM LEVELS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (h) the following:

''(i) PART A OF TITLE III OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.—

''(1) PROGRAM LEVELS 2010.—For fiscal year 2010, in carrying out the program authorized by part A of title III of the Small Business Investment Act of 1958, the Administrator is authorized to make $5,000,000,000 in guarantees of debentures.

''(2) PROGRAM LEVELS 2011.—For fiscal year 2011, in carrying out the program authorized by part A of title III of the Small Business Investment Act of 1958, the Administrator is authorized to make $5,5000,000,000 in guarantees of debentures.''.

TITLE V—INVESTMENT IN SMALL MANUFACTURERS AND RENEWABLE ENERGY SMALL BUSINESSES

Subtitle A—Enhanced New Markets Venture Capital Program

SEC. 501. EXPANSION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended by striking ''under which the Administrator may'' and inserting ''under which the Administrator shall''.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing any expansion of the New Markets Venture Capital Program as a result of this section.

SEC. 502. IMPROVED NATIONWIDE DISTRIBUTION.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

''(f) GEOGRAPHIC EXPANSION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria and promotion of nationwide distribution under subsection (c) and shall, to the extent practicable, approve at least one company from each geographic region of the Small Business Administration.''.

SEC. 503. INCREASED INVESTMENT IN SMALL BUSINESS CONCERNS ENGAGED PRIMARILY IN MANUFACTURING.

(a) DEVELOPMENTAL VENTURE CAPITAL AND PARTICIPATION AGREEMENTS.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) in paragraph (1) by inserting after ''geographic areas'' the following: ''or encouraging the growth or continuation of small business concerns located in low-income geographic areas and engaged primarily in manufacturing''; and

(2) in paragraph (6)(B) by inserting after ''geographic areas'' the following: ''or in small business concerns located in low-income geographic areas at least 80 percent of which are engaged primarily in manufacturing''.

(b) PURPOSES.—Section 352(2) of the Small Business Investment Act of 1958 (15 U.S.C. 689a(2)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after ''geographic areas'' the following: ''and small business concerns located in low-income geographic areas and engaged primarily in manufacturing'';

(2) in subparagraph (B) by inserting after ''geographic areas'' the following: ''or in small business concerns located in low-income geographic areas and engaged primarily in manufacturing''; and

(3) in subparagraph (C) by inserting after ''smaller enterprises'' the following: ''and small business concerns''.

(c) ELIGIBILITY, APPLICATIONS, AND REQUIREMENTS FOR FINAL APPROVAL.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c), as amended by this Act, is further amended—

(1) in subsection (a)(3) by inserting after ''geographic areas'' the following: ''or investing in small business concerns located in low-income geographic areas and engaged primarily in manufacturing'';

(2) in subsection (b)—

(A) in paragraph (1) by inserting after ''geographic areas'' the following: ''or in small business concerns located in low-income geographic areas and engaged primarily in manufacturing''; and

(B) in paragraph (4) by inserting after ''smaller enterprises'' the following: ''or small business concerns''; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Each'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), each''; and

(ii) by adding at the end the following:

''(B) SMALL BUSINESS CONCERNS ENGAGED PRIMARILY IN MANUFACTURING.—Each conditionally approved company engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing shall raise not less than $3,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who met criteria established by the Administrator.''; and

(B) in paragraph (2)(A) by inserting after ''smaller enterprises'' the following: ''or small business concerns''.

(d) OPERATIONAL ASSISTANCE GRANTS.—Section 358 of the Small Business Investment Act of 1958 (15 U.S.C. 689g) is amended—

(1) in subsection (a)(1) by inserting after ''smaller enterprises'' the following: ''and small business concerns''; and

(2) in subsection (b)(1) by inserting after ''smaller enterprises'' the following: ''and small business concerns''.

SEC. 504. EXPANDED USES FOR OPERATIONAL ASSISTANCE IN MANUFACTURING.

Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act, is further amended in paragraph (5) by inserting after ''business development'' the following: ''or assistance that assists a small business concern located in a low-income geographic area and engaged primarily in manufacturing with retooling, updating, or replacing machinery or equipment''.

SEC. 505. UPDATING DEFINITION OF LOW-INCOME GEOGRAPHIC AREA.

Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act, is further amended—

(1) by striking paragraphs (2) and (3);

(2) by inserting after paragraph (1) the following:

''(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' has the meaning given the term 'low-income community' in section 45D(e) of the Internal Revenue Code of 1986.''; and

(3) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

SEC. 506. EXPANDING OPERATIONAL ASSISTANCE TO CONDITIONALLY APPROVED COMPANIES.

Section 358(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)) is amended by adding at the end the following:

''(6) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

''(A) IN GENERAL.—Subject to the provisions of this paragraph, upon the request of a company conditionally approved under section 354(c), the Administrator shall make a grant to the company under this subsection.

''(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under this paragraph and does not receive final approval under section 354(e), the company shall repay the amount of the grant to the Administrator.

''(C) DEDUCTION FROM GRANT TO APPROVED COMPANY.—If a company receives a grant under this paragraph and receives final approval under section 354(e), the Administrator shall deduct the amount of such grant from the amount of any immediately succeeding grant the company receives for operational assistance.

''(D) AMOUNT OF GRANT.—No company may receive a grant of more than $50,000 under this paragraph.''.

SEC. 507. LIMITATION ON TIME FOR FINAL APPROVAL.

Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended in the matter preceding paragraph (1) by striking ''a period of time, not to exceed 2 years,'' and inserting ''2 years''.

SEC. 508. STREAMLINED APPLICATION FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall prescribe standard documents for a New Markets Venture Capital company final approval application under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that the standard documents are designed to substantially reduce the cost burden of the application process for companies.

SEC. 509. ELIMINATION OF MATCHING REQUIREMENT.

Section 354(d)(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(2)(A)(i)) is amended—

(1) in subclause (I) by adding ''and'' at the end;

(2) in subclause (II) by striking ''and'' at the end; and

(3) by striking subclause (III).

SEC. 510. SIMPLIFIED FORMULA FOR OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended—

(1) by striking ''shall be equal to'' and all that follows through the period at the end and inserting ''shall be equal to the lesser of—''; and

(2) by adding at the end the following:

''(i) 10 percent of the resources (in cash or in-kind) raised by the company under section 354(d)(2); or

''(ii) $1,000,000.''.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS AND ENHANCED ALLOCATION FOR SMALL MANUFACTURING.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1) by striking ''fiscal years 2001 through 2006'' and inserting ''fiscal years 2010 and 2011'';

(2) in paragraph (1)—

(A) by striking ''$150,000,000'' and inserting ''$100,000,000''; and

(B) by inserting before the period at the end the following: '', of which not less than 50 percent shall be used to guarantee debentures of companies engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing''; and

(3) in paragraph (2)—

(A) by striking ''$30,000,000'' and inserting ''$20,000,000''; and

(B) by inserting before the period at the end the following: '', of which not less than 50 percent shall be used to make grants to companies engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing''.

Subtitle B—Expanded Investment in Small Business Renewable Energy

SEC. 521. EXPANDED INVESTMENT IN RENEWABLE ENERGY.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.) is amended—

(1) in the heading by striking ''**RENEWABLE FUEL CAPITAL INVESTMENT**'' and inserting ''**RENEWABLE ENERGY CAPITAL INVESTMENT**'';

(2) in the heading of paragraph (4) of section 381 by striking ''RENEWABLE FUEL CAPITAL INVESTMENT'' and inserting ''RENEWABLE ENERGY CAPITAL INVESTMENT'';

(3) in the heading of section 384 by striking ''**RENEWABLE FUEL CAPITAL INVESTMENT**'' and inserting ''**RENEWABLE ENERGY CAPITAL INVESTMENT**''; and

(4) by striking ''Renewable Fuel Capital Investment'' each place it appears and inserting ''Renewable Energy Capital Investment''.

SEC. 522. RENEWABLE ENERGY CAPITAL INVESTMENT PROGRAM MADE PERMANENT.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.), as amended by this Act, is further amended—

(1) in the heading by striking ''**PILOT**''; and

(2) by striking section 398.

SEC. 523. EXPANDED ELIGIBILITY FOR SMALL BUSINESSES.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.), as amended by this Act, is further amended by striking ''smaller enterprises'' each place it appears and inserting ''small business concerns''.

SEC. 524. EXPANDED USES FOR OPERATIONAL ASSISTANCE IN MANUFACTURING AND SMALL BUSINESSES.

Section 381(1) of the Small Business Investment Act of 1958 (15 U.S.C. 690(1)) is amended by inserting after ''business development'' the following: '', assistance that assists a small business concern to reduce energy consumption, or assistance that assists a small business concern engaged primarily in manufacturing with retooling, updating, or replacing machinery or equipment''.

SEC. 525. EXPANSION OF RENEWABLE ENERGY CAPITAL INVESTMENT PROGRAM.

(a) ADMINISTRATION PARTICIPATION REQUIRED.—Section 383 of the Small Business Investment Act of 1958 (15 U.S.C. 690b) is amended by striking ''under which the Administrator may'' and inserting ''under which the Administrator shall''.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing any expansion of the Renewable Energy Capital Investment Program as a result of this section.

SEC. 526. SIMPLIFIED FEE STRUCTURE TO EXPEDITE IMPLEMENTATION.

Section 387(a) of the Small Business Investment Act of 1958 (15 U.S.C. 690f(a)) is amended by striking ''or grant''.

SEC. 527. INCREASED OPERATIONAL ASSISTANCE GRANTS.

Section 397(a) of the Small Business Investment Act of 1958 (15 U.S.C. 690p(a)) is amended by inserting after ''and 2009'' the following: ''and $30,000,000 in such grants for each of fiscal years 2010 and 2011''.

SEC. 528. AUTHORIZATIONS OF APPROPRIATIONS.

Section 397 of the Small Business Investment Act of 1958 (15 U.S.C. 690p) is amended—

(1) in the heading by inserting after ''**APPROPRIATIONS**'' the following: ''**AND PROGRAM LEVELS**''; and

(2) by adding at the end the following:

''(c) PROGRAM LEVELS.—For the programs authorized by this part, the Administration is authorized to make $1,000,000,000 in guarantees of debentures for each of fiscal years 2010 and 2011.''.

TITLE VI—SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM

SEC. 601. SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is further amended by redesignating section 45 as section 46 and by inserting the following new section after section 44:

''SEC. 45. LOAN GUARANTEES FOR HEALTH INFORMATION TECHNOLOGY.

''(a) DEFINITIONS.—As used in this section:

''(1) The term 'health information technology' means computer hardware, software, and related technology that supports the meaningful EHR use requirements set forth in section 1848(o)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(A)) and is purchased by an eligible professional to aid in the provision of health care in a health care setting, including, but not limited to, electronic medical records, and that provides for—

''(A) enhancement of continuity of care for patients through electronic storage, transmission, and exchange of relevant personal health data and information, such that this information is accessible at the times and places where clinical decisions will be or are likely to be made;

''(B) enhancement of communication between patients and health care providers;

''(C) improvement of quality measurement by eligible professionals enabling them to collect, store, measure, and report on the processes and outcomes of individual and population performance and quality of care;

''(D) improvement of evidence-based decision support; or

''(E) enhancement of consumer and patient empowerment.

Such term shall not include information technology whose sole use is financial management, maintenance of inventory of basic supplies, or appointment scheduling.

''(2) The term 'eligible professional' means any of the following:

''(A) A physician (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)).

''(B) A practitioner described in section 1842(b)(18)(C) of that Act.

''(C) A physical or occupational therapist or a qualified speech-language pathologist.

''(D) A qualified audiologist (as defined in section 1861(ll)(3)(B)) of that Act.

''(E) A qualified medical transcriptionist who is either certified by or registered with the Association for Healthcare Documentation Integrity, or a successor association thereto.

''(F) A State-licensed pharmacist.

''(G) A State-licensed supplier of durable medical equipment, prosthetics, orthotics, or supplies.

''(3) The term 'qualified eligible professional' means an eligible professional whose office can be classified as a small business concern by the Administrator for purposes of this Act under size standards established under section 3 of this Act.

''(4) The term 'qualified medical transcriptionist' means a specialist in medical language and the healthcare documentation process who interprets and transcribes dictation by physicians and other healthcare professionals to ensure accurate, complete, and consistent documentation of healthcare encounters.

''(b) LOAN GUARANTEES FOR QUALIFIED ELIGIBLE PROFESSIONALS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Administrator may guarantee up to 90 percent of the amount of a loan made to a qualified eligible professional to be used for the acquisition of health information technology for use in such eligible professional's medical practice and for the costs associated with the installation of such technology. Except as otherwise provided in this section, the terms and conditions that apply to loans made under section 7(a) of this Act shall apply to loan guarantees made under this section.

''(2) LIMITATIONS ON GUARANTEE AMOUNTS.—The maximum amount of loan principal guaranteed under this subsection may not exceed—

''(A) $350,000 with respect to any single qualified eligible professional; and

''(B) $2,000,000 with respect to a single group of affiliated qualified eligible professionals.

''(c) FEES.—(1) The Administrator may impose a guarantee fee on the borrower for the purpose of reducing the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the guarantee to zero in an amount not to exceed 2 percent of the total guaranteed portion of any loan guaranteed under this section. The Administrator may also impose annual servicing fees on lenders not to exceed 0.5 percent of the outstanding balance of the guarantees on lenders' books.

''(2) No service fees, processing fees, origination fees, application fees, points, brokerage fees, bonus points, or other fees may be charged to a loan applicant or recipient by a lender in the case of a loan guaranteed under this section.

''(d) DEFERRAL PERIOD.—Loans guaranteed under this section shall carry a deferral period of not less than 1 year and not more than 3 years. The Administrator shall have the authority to subsidize interest during the deferral period.

''(e) EFFECTIVE DATE.—No loan may be guaranteed under this section until the meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

''(f) SUNSET.—No loan may be guaranteed under this section after the date that is 5 years after meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of guaranteeing $10,000,000,000 in loans under this section. The Administrator shall determine such program cost separately and distinctly from other programs operated by the Administrator.''.

TITLE VII—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

SEC. 701. SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

''PART D—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

''SEC. 399A. ESTABLISHMENT OF PROGRAM.

''The Administrator shall establish and carry out an early-stage investment program (hereinafter referred to in this part as the 'program') to provide equity investment financing to support early-stage small businesses in targeted industries in accordance with this part.

''SEC. 399B. ADMINISTRATION OF PROGRAM.

''The program shall be administered by the Administrator acting through the Associate Administrator described under section 201.

''SEC. 399C. APPLICATIONS.

''(a) IN GENERAL.—Any incorporated body, limited liability company, or limited partnership organized and chartered or otherwise existing under Federal or State law for the purpose of performing the functions and conducting the activities contemplated under the program and any small business investment company may submit to the Administrator an application to participate in the program.

''(b) REQUIREMENTS FOR APPLICATION.—An application to participate in the program shall include the following:

''(1) A business plan describing how the applicant intends to make successful venture capital investments in early-stage small businesses in targeted industries.

''(2) Information regarding the relevant venture capital investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

''(3) A description of the extent to which the applicant meets the selection criteria under section 399D.

''(c) APPLICATIONS FROM SMALL BUSINESS INVESTMENT COMPANIES.—The Administrator shall establish an abbreviated application process for small business investment companies that have received a license under section 301 and that are applying to participate in the program. Such abbreviated process shall incorporate a presumption that such small business investment companies satisfactorily meet the selection criteria under paragraphs (3) and (5) of section 399D(b).

''SEC. 399D. SELECTION OF PARTICIPATING INVESTMENT COMPANIES.

''(a) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives an application from an applicant under section 399C, the Administrator shall make a final determination to approve or disapprove such applicant to participate in the program and shall transmit such determination to the applicant in writing.

''(b) SELECTION CRITERIA.—In making a determination under subsection (a), the Administrator shall consider each of the following:

''(1) The likelihood that the applicant will meet the goals specified in the business plan of the applicant.

''(2) The likelihood that the investments of the applicant will create or preserve jobs, both directly and indirectly.

''(3) The character and fitness of the management of the applicant.

''(4) The experience and background of the management of the applicant.

''(5) The extent to which the applicant will concentrate investment activities on early-stage small businesses in targeted industries.

''(6) The likelihood that the applicant will achieve profitability.

''(7) The experience of the management of the applicant with respect to establishing a profitable investment track record.

''SEC. 399E. GRANTS.

''(a) IN GENERAL.—The Administrator may make one or more grants to a participating investment company.

''(b) GRANT AMOUNTS.—

''(1) NON-FEDERAL CAPITAL.—A grant made to a participating investment company under the program may not be in an amount that exceeds the amount of the capital of such company that is not from a Federal source and that is available for investment on or before the date on which a grant is drawn upon. Such capital may include legally binding commitments with respect to capital for investment.

''(2) LIMITATION ON AGGREGATE AMOUNT.—The aggregate amount of all grants made to a participating investment company under the program may not exceed $100,000,000.

''(c) GRANT PROCESS.—In making a grant under the program, the Administrator shall commit a grant amount to a participating investment company and the amount of each such commitment shall remain available to be drawn upon by such company—

''(1) for new-named investments during the 5-year period beginning on the date on which each such commitment is first drawn upon; and

''(2) for follow-on investments and management fees during the 10-year period beginning on the date on which each such commitment is first drawn upon, with not more than 2 additional 1-year periods available at the discretion of the Administrator.

''SEC. 399F. INVESTMENTS IN EARLY-STAGE SMALL BUSINESSES IN TARGETED INDUSTRIES.

''(a) IN GENERAL.—As a condition of receiving a grant under the program, a participating investment company shall make all of the investments of such company in small business concerns, of which at least 50 percent shall be early-stage small businesses in targeted industries.

''(b) EVALUATION OF COMPLIANCE.—With respect to a grant amount committed to a participating investment company under section 399E, the Administrator shall evaluate the compliance of such company with the requirements under this section if such company has drawn upon 50 percent of such commitment.

''SEC. 399G. PRO RATA INVESTMENT SHARES.

''Each investment made by a participating investment company under the program shall be treated as comprised of capital from grants under the program according to the ratio that capital from grants under the program bears to all capital available to such company for investment.

''SEC. 399H. GRANT INTEREST.

''(a) GRANT INTEREST.—

''(1) IN GENERAL.—As a condition of receiving a grant under the program, a participating investment company shall convey a grant interest to the Administrator in accordance with paragraph (2).

''(2) EFFECT OF CONVEYANCE.—The grant interest conveyed under paragraph (1) shall have all the rights and attributes of other investors attributable to their interests in the participating investment company, but shall not denote control or voting rights to the Administrator. The grant interest shall entitle the Administrator to a pro rata portion of any distributions made by the participating investment company equal to the percentage of capital in the participating investment company that the grant comprises. The Administrator shall receive distributions from the participating investment company at the same times and in the same amounts as any other investor in the company with a similar interest. The investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to the grant interest as if the Administrator were an investor.

''(b) MANAGER PROFITS.—As a condition of receiving a grant under the program, the manager profits interest payable to the managers of a participating investment company under the program shall not exceed 20 percent of profits, exclusive of any profits that may accrue as a result of the capital contributions of any such managers with respect to such company. Any excess of this amount, less taxes payable thereon, shall be returned by the managers and paid to the investors and the Administrator in proportion to the capital contributions and grants paid in. No manager profits interest (other than a tax distribution) shall be paid prior to the repayment to the investors and the Administrator of all contributed capital and grants made.

''(c) DISTRIBUTION REQUIREMENTS.—As a condition of receiving a grant under the program, a participating investment company shall make all distributions to all investors in cash and shall make distributions within a reasonable time after exiting investments, including following a public offering or market sale of underlying investments.

''SEC. 399I. FUND.

''There is hereby created within the Treasury a separate fund for grants which shall be available to the Administrator subject to annual appropriations as a revolving fund to be

used for the purposes of the program. All amounts received by the Administrator, including any moneys, property, or assets derived by the Administrator from operations in connection with the program, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to the operations of the Administrator under the program shall be paid from the fund.

"SEC. 399J. APPLICATION OF OTHER SECTIONS.

''To the extent not inconsistent with requirements under this part, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this part and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

"SEC. 399K. DEFINITIONS.

''In this part, the following definitions apply:

''(1) EARLY-STAGE SMALL BUSINESS IN A TARGETED INDUSTRY.—The term 'early-stage small business in a targeted industry' means a small business concern that—

''(A) is domiciled in a State;

''(B) has not generated gross annual sales revenues exceeding $15,000,000 in any of the previous 3 years; and

''(C) is engaged primarily in researching, developing, manufacturing, producing, or bringing to market goods, products, or services with respect to any of the following business sectors:

''(i) Agricultural technology.

''(ii) Energy technology.

''(iii) Environmental technology.

''(iv) Life science.

''(v) Information technology.

''(vi) Digital media.

''(vii) Clean technology.

''(viii) Defense technology.

''(2) PARTICIPATING INVESTMENT COMPANY.—The term 'participating investment company' means an applicant approved under section 399D to participate in the program.

''(3) SMALL BUSINESS CONCERN.—The term 'small business concern' has the same meaning given such term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out the program $200,000,000 for the first full fiscal year beginning after the date of the enactment of this part.''.

TITLE VIII—SBA DISASTER PROGRAM REFORM

SEC. 801. REVISED COLLATERAL REQUIREMENTS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by striking ''(e) [RESERVED].'' and ''(f) [RESERVED].''; and

(2) in subsection (f), as added by section 12068(a)(2) of the Small Business Disaster Response and Loan Improvements Act of 2008 (subtitle B of title XII of the Food, Conservation, and Energy Act of 2008; Public Law 110–246), by adding at the end the following:

''(2) REVISED COLLATERAL REQUIREMENTS.—In making a loan with respect to a business under subsection (b), if the total approved amount of such loan is less than or equal to $250,000, the Administrator may not require the borrower to use the borrower's home as collateral.''.

SEC. 802. INCREASED LIMITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in paragraph (3)(E) by striking ''$1,500,000'' each place it appears and inserting ''$3,000,000''; and

(2) in paragraph (8)(A) by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 803. REVISED REPAYMENT TERMS.

Section 7(f) of the Small Business Act (15 U.S.C. 636(f)) is amended by adding at the end the following:

''(3) REVISED REPAYMENT TERMS.—In making loans under subsection (b), the Administrator—

''(A) may not require repayment to begin until the date that is 12 months after the date on which the final disbursement of approved amounts is made; and

''(B) shall calculate the amount of repayment based solely on the amounts disbursed.''.

SEC. 804. REVISED DISBURSEMENT PROCESS.

Section 7(f) of the Small Business Act (15 U.S.C. 636(f)), as amended by this Act, is further amended by adding at the end the following:

''(4) REVISED DISBURSEMENT PROCESS.—In making a loan under subsection (b), the Administrator shall disburse loan amounts in accordance with the following:

''(A) If the total amount approved with respect to such loan is less than or equal to $150,000—

''(i) the first disbursement with respect to such loan shall consist of 40 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

''(ii) the second disbursement shall consist of 50 percent of the loan amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of 50 percent of the first disbursement; and

''(iii) the third disbursement shall consist of the loan amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and 50 percent of the second disbursement.

''(B) If the total amount approved with respect to such loan is more than $150,000 but less than or equal to $500,000—

''(i) the first disbursement with respect to such loan shall consist of 20 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

''(ii) the second disbursement shall consist of 30 percent of the loan amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of 50 percent of the first disbursement;

''(iii) the third disbursement shall consist of 25 percent of the loan amounts that remain after the first and second disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and 50 percent of the second disbursement; and

''(iv) the fourth disbursement shall consist of the loan amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first and second disbursements and 50 percent of the third disbursement.

''(C) If the total amount approved with respect to such loan is more than $500,000—

''(i) the first disbursement with respect to such loan shall consist of at least $100,000, or a lesser amount if the Administrator and the borrower agree on such a lesser amount; and

''(ii) the number of disbursements after the first, and the amount of each such disbursement, shall be in the discretion of the Administrator, but the amount of each such disbursement shall be at least $100,000.''.

SEC. 805. GRANT PROGRAM.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (9) the following:

''(10) GRANTS TO DISASTER-AFFECTED SMALL BUSINESSES.—

''(A) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under paragraph (9), the Administrator may make a grant, in an amount not exceeding $100,000, to a small business concern that—

''(i) is located in an area affected by the applicable major disaster;

''(ii) submits to the Administrator a certification by the owner of the concern that such owner intends to reestablish the concern in the same county in which the concern was originally located;

''(iii) has applied for, and was rejected for, a conventional disaster assistance loan under this subsection; and

''(iv) was in existence for at least 2 years before the date on which the applicable disaster declaration was made.

''(B) PRIORITY.—In making grants under this paragraph, the Administrator shall give priority to a small business concern that the Administrator determines is economically viable but unable to meet short-term financial obligations.

''(C) PROGRAM LEVEL AND AUTHORIZATION OF APPROPRIATIONS.—

''(i) PROGRAM LEVEL.—The Administrator is authorized to make $100,000,000 in grants under this paragraph for each of fiscal years 2010 and 2011.

''(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this paragraph.''.

SEC. 806. REGIONAL DISASTER WORKING GROUPS.

Section 40 of the Small Business Act (15 U.S.C. 657l) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''or'' and inserting ''and'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) REGIONAL DISASTER WORKING GROUPS.—In carrying out subsection (a), the Administrator, acting through the regional administrators of the regional offices of the Administration, shall develop a disaster preparedness and response plan for each region of the Administration. Each such plan shall be developed in cooperation with Federal, State, and local emergency response authorities and representatives of businesses located in the region to which such plan applies. Each such plan shall identify and include a plan relating to the 3 disasters, natural or manmade, most likely to occur in the region to which such plan applies.''.

SEC. 807. OUTREACH GRANTS FOR LOAN APPLICANT ASSISTANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (10) the following:

''(11) OUTREACH GRANTS FOR LOAN APPLICANT ASSISTANCE.—

''(A) IN GENERAL.—From amounts made available for administrative expenses relating to activities under this subsection, the Administrator is authorized to make grants to the following:

''(i) A women's business center in an area affected by a disaster.

''(ii) A small business development center in an area affected by a disaster.

''(iii) A Veteran Business Outreach Center in an area affected by a disaster.

''(iv) A chamber of commerce in an area affected by a disaster.

''(B) USE OF GRANT.—An entity specified under subparagraph (A) shall use a grant received under this paragraph to provide application preparation assistance to applicants for a loan under this subsection.

''(C) PROGRAM LEVEL.—The Administrator is authorized to make $50,000,000 in grants under this paragraph for each of fiscal years 2010 and 2011.''.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

''(j) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(b).—There is authorized to be appropriated such sums as may be necessary for administrative expenses and loans under section 7(b).''.

TITLE IX—REGULATIONS

SEC. 901. REGULATIONS.

Except as otherwise provided in this Act or in amendments made by this Act, after an opportunity for notice and comment, but not later than 180 days after the date of the enactment of this Act, the Administrator shall issue regulations to carry out this Act and the amendments made by this Act.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Ms. VELÁZQUEZ:

Page 11, line 10, insert after ''that is'' the following: ''established or''.

Page 11, line 13, insert after ''satisfies'' the following: ''at least one of''.

Page 11, strike lines 17 through 22 and insert the following:

(2) The entity is primarily engaged in the business of banking, investing, or entrepreneurial development and does not engage in activities which are not incidental to the business of banking, investing, or entrepreneurial development.

Page 18, beginning line 17, strike ''meets basic'' and all that follows through ''subsection.'' and insert ''meets the eligibility and credit standards that a lender would be required to apply to approve a loan under this subsection.''.

Page 28, line 10, strike ''by striking'' and insert ''by repealing''.

Page 28, line 22, strike ''In carrying out'' and insert the following: ''The Administrator shall give priority under such program to small business concerns in a city with an unemployment rate that is at least 125 percent of the unemployment rate of the State that includes such city. In carrying out''.

Page 29, after line 19, insert the following (and redesignate succeeding sections accordingly):

SEC. 119. STUDY AND REPORT ON BUSINESS STABILIZATION LOANS.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study on the business stabilization program established under section 506 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), including—

(1) how the program has been implemented;

(2) the amount of time involved in processing applications;

(3) the volume of applications received and the effect on application processing;

(4) impediments to participation in the program by small business concerns and lenders;

(5) courses of action that might expedite action by the Administrator on applications;

(6) courses of action that might expand participation by such concerns and lenders; and

(7) a cost benefit analysis with regard to changes to the program, including—

(A) increases in loan limits;

(B) expanding eligibility requirements;

(C) changes to interest rates to lenders; and

(D) any other change the Administrator determines appropriate.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report that includes—

(1) the results of the study under subsection (a); and

(2) recommendations on how to change the program—

(A) to expand participation by small business concerns and lenders; and

(B) to decrease the amount of time involved in processing applications.

(c) OUTREACH.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Administrator of the Small Business Administration shall meet with and solicit the views of relevant stakeholders, including lenders.

Page 30, line 15, strike ''20 of'' and insert ''120 of''.

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. LOANS USED TO PURCHASE UNOCCUPIED MANUFACTURING CENTERS OR EQUIPMENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(42) LOANS USED TO PURCHASE UNOCCUPIED MANUFACTURING CENTERS OR EQUIPMENT.—The Administration may provide loans under this subsection for the purchase of what the Administrator determines to be unoccupied manufacturing centers or equipment.''.

Page 48, strike lines 14 through 18 and insert the following:

SEC. 212. CERTIFIED DEVELOPMENT COMPANY; OPERATIONAL REQUIREMENTS.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended to read as follows:

Page 94, strike line 10 and all that follows through line 5 on page 95 and insert the following:

''(A) FUNDING FROM INSTITUTIONS.—If a small business concern provides—

''(i) the minimum contribution required by subparagraph (B), not less than 50 percent of the total cost of any project financed shall come from State or local governments, banks or other financial institutions, or foundations or other not-for-profit institutions; and

''(ii) more than the minimum contribution required under subparagraph (B), any excess contribution may be used to reduce the amount required from institutions described in clause (i), except that the amount provided by such institution may not be reduced to an amount that is less than the amount of the loan made by the Administrator.

Page 122, strike line 15 and all that follows through line 8 on page 123 and insert the following:

''(c) REPORTS ON COMBINATION FINANCING.—Not later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, and annually thereafter, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that—

''(1) includes the number of small business concerns that have financing under both section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) during the year before the year of that report; and

''(2) describes the total amount and general performance of the financing described in paragraph (1).

Page 135, line 19, strike ''new subsection''.

Page 138, line 17, strike ''debentured''.

Page 159, after line 8, insert the following (and redesignate succeeding sections accordingly):

SEC. 511. FINANCING WITH RESPECT TO VETERANS.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c), as amended by this Act, is further amended by adding at the end the following:

''(g) FINANCING WITH RESPECT TO VETERANS.—A New Markets Venture Capital company shall, to the extent practicable, provide financing to small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), located in low-income geographic areas.''.

Page 165, line 24, strike ''1395x(r))'' and insert ''1395x(r)))''.

Page 166, after line 14, insert the following:

''(H) A State-licensed, a State-certified, or a nationally accredited home health care provider.

Page 185, line 11, insert after ''carrying out'' the following: ''the responsibilities pertaining to loan making activities under''.

Add at the end of the bill the following:

TITLE X—TEMPORARY EMPLOYEE SERVICES FRANCHISES

SEC. 1001. TEMPORARY EMPLOYEE SERVICES FRANCHISES.

In determining whether a franchisee is affiliated with a franchiser in the temporary employee services industry for the purposes of Small Business Administration lending programs, the Administrator of the Small Business Administration shall—

(1) continue to apply its historically-considered affiliation factors in determining whether a business is affiliated with another business or the franchiser in the temporary staffing industry;

(2) promulgate such other rules and regulations as necessary to determine affiliation within the temporary employee services industry as the Administrator determines consistent with the Small Business Act; and

(3) consider the processing of payroll and billing by a franchiser as customary and common practice in the temporary employee services industry that does not provide probative weight on affiliation, to the extent

that the temporary staffing personnel are interviewed, hired, trained, assigned, and subject to discharge by the franchisee.

TITLE XI—STUDY ON PRIVATE SECTOR LENDING

SEC. 1101. STUDY ON PRIVATE SECTOR LENDING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that describes lending to small business concerns by the private sector, including the following:

(1) The total amount of lending to small business concerns by private sector financial institutions during each of fiscal years 2006 through 2009.

(2) The total amount of lending to small business concerns by the 10 largest private sector financial institutions (as determined by the Administrator in terms of amounts lent during fiscal year 2006) during each of fiscal years 2006 through 2009.

(b) COORDINATION.—The Administrator of the Small Business Administration shall, if necessary, coordinate with the heads of other Federal departments and agencies to complete the report under subsection (a).

(c) SMALL BUSINESS CONCERNS DEFINED.—In this section, the term ''small business concern'' has the meaning given such term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

TITLE XII—STUDY ON INCREASES IN CERTAIN CAPS

SEC. 1201. STUDY ON INCREASES IN CERTAIN CAPS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report that describes the anticipated effects of the following potential changes to programs, including whether such changes adequately meet the financing needs of small businesses:

(1) Increasing—

(A) the maximum amount of a loan that may be guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) to $3,000,000; and

(B) participation by the Administrator with regard to such a loan.

(2) Increasing—

(A) the maximum amount of a debenture that may be guaranteed under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.); and

(B) the maximum amount of a loan that may be made with the proceeds of such debenture.

(3) Increasing the maximum amount of a microloan that may be made under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

The CHAIR. Pursuant to House Resolution 875, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, the manager's amendment to H.R. 3854 makes technical changes to the bill and clarifies the legislative intent for several provisions contained in the legislation. More importantly, the manager's amendment incorporates additional changes that were suggested by Members of the House that will greatly improve the working of the bill.

The amendment will improve the delivery of investment capital for veteran-owned businesses through the New Markets Venture Capital program. This language was suggested by Mr. Jason Altmire, a member of the Small Business Committee, and I was happy to include it in the amendment.

Another member of the committee, Representative BEAN, also contributed language to the amendment which will improve access to the SBA's lending programs for franchise small businesses. This, too, greatly improves the bill.

Representative CONNOLLY contributed language to study the role that the private sector has played in providing small business access to capital over the past 4 years, and provisions that will study the effect of the increased loan size limits contained in the underlying legislation was suggested by Representative PINGREE.

Additionally, Representative BAIRD has suggested the SBA conduct a study to examine the efficacy of the ARC loan program that was established under ARRA.

Together, these provisions will significantly improve our understanding of the state of small business access to capital, and I am grateful for their contributions.

I would also extend my thanks to Representative BOSWELL for his suggestion to include language that will enhance the ability of small firms to use 7(a) loans to purchase unoccupied manufacturing centers and equipment. This will surely help revitalize communities that have suffered from the loss of their manufacturing industries, as will language contributed by Representative COSTA which will make more loans available for communities with unemployment that exceeds prevailing State levels by 25 percent.

Together, these changes made by the manager's amendment will significantly improve the ability of H.R. 3854 to deliver capital and credit to small businesses. I thank the Members that contributed to it, and I urge its adoption.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I rise to claim time in opposition to the gentlelady's amendment, though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Missouri is recognized for 10 minutes.

There was no objection.

Mr. GRAVES. Mr. Chairman, the gentlelady's amendment makes some needed technical changes to the bill. In addition, the amendment incorporates some suggestions from other House Members that will improve the utilization of the SBA's capital access programs. Finally, I would note that the amendment incorporates an important study that hopefully will resolve the question of whether the current loan limits for the 7(a) program are appropriate or whether or not they need to be raised.

I want to thank the chairwoman for her thoughtful consideration in developing this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Thank you, Madam Chairwoman. I rise in strong support of the Small Business Financing and Investment Act and the manager's amendment, and I thank Chairwoman VELÁZQUEZ and the committee for their excellent work.

Small businesses represent 97 percent of Iowa employers and over half of our private sector employment. They are vital to our economic recovery. This bill makes critical changes to increase their ability to expand and create new jobs by extending lending provisions included in the Recovery Act and ensuring applications are simpler.

Many Iowa businesses face another burden. In 2008, we experienced the worst natural disaster in our State's history, leaving 85 of 99 total counties disaster areas. Given our experience with this disaster, I am especially pleased with the improvements included to SBA's Disaster Loan program, such as raising disaster loan limits and the ceiling for collateral requirements, and improving repayment terms.

Further, the bill creates a grant program to help the most severely affected small businesses and will provide assistance to women and veteran outreach centers, small business development centers, and local chambers of commerce in reaching disaster victims for case management.

While these changes will be beneficial for future disaster victims, probes are ongoing with the over $270 million in SBA disaster loans already approved in Iowa. Many are facing a reduction in supplemental assistance grants due to what is considered a duplication of benefits with their SBA loans, even though these are loans that must be repaid, not grants. Additionally, after a reduction in loan principal due to a duplication of benefits, small loans' monthly payment structures are not changed to reflect the decreased balance. These issues have delayed and impeded the recovery efforts taking place in Iowa.

I look forward to working further to improve the SBA Disaster Loan program, and I thank the committee for their work to help small businesses.

I urge support for the manager's amendment.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. SCHOCK:

Page 12, line 18, strike the closing quotation marks and period.

Page 12, after line 18, insert:

''(C) If the lender demonstrates, with respect to a claim for payment described in subparagraph (A), that it followed the applicable requirements of the National Lender Training Program as established under paragraph (37) of this section, the Administrator shall pay the claim unless the Administrator has clear and convincing evidence demonstrating that the lender failed to comply with regulatory requirements established by the Administrator.''.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Thank you, Mr. Chairman.

First, I would like to thank Chairwoman VELÁZQUEZ for her work on this very important bill and the bipartisan way in which she has carried the work of this committee out. I am truly grateful for her efforts, as well as Ranking Member GRAVES for his leadership on our side of the aisle to incorporate Members' ideas into this bill.

This legislation here today is intended to increase credit options for small business owners in America. I rise today to offer a simple amendment to this important legislation which will help small businesses across the country have greater access to necessary capital. Such support is needed, not only to sustain their operations but also for these small businesses to be able to expand their production capabilities and profits, and ultimately to lead to more jobs and opportunities for our citizens.

It is no secret that small businesses are the engine that drive the American economy. Currently creating seven out of the 10 new jobs in America, increasing lending options and capital for small business is vital to leading our country out of this current economic downturn.

I am glad today that this body is taking the necessary steps to help our small businesses grow, finally recognizing the significant role that small businesses will play in any economic recovery. It is no secret that one of the greatest disappointments my colleagues on this side of the aisle had in the so-called ''stimulus'' legislation was that it did not do enough for small businesses. Here today we are trying to rectify that.

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That said, I am offering this simple amendment, which is backed by both the American Banking Association as well as those small independent community bankers, which I believe will help incentivize increased SBA-backed lending to small businesses from more and more banks across this country.

The legislation before us sets up important guidelines to the National Lender Training Program for banks to follow if they would like to be considered preferred lenders, thus obtaining easier access to carry SBA-guaranteed loans.

While the significance of establishing such a unified training program for lenders to follow cannot be understated, it is equally important that we reward those who complete such training with the true guarantee from the SBA on the loans that they offer to businesses. As is, the SBA currently fails to pay on claims of somewhere between 5 and 10 percent of the loans they guarantee, therefore causing fear in the minds of lenders who would otherwise offer a loan.

This amendment will ensure that the SBA will pay out on a guarantee to any lender who can demonstrate that they followed the prescribed training under the National Lender Training Program. If the SBA refuses to pay on such a claim, they must present clear and convincing evidence as to how the lender failed to meet any requirements of the training program. With this type of assurance of lender compensation for SBA-guaranteed loans in default, banks across this country will be more likely to lend to small businesses, ultimately helping to loosen credit markets, get capital flowing again, and put people back to work.

While I appreciate this legislation's efforts to extend loan guarantees from the SBA, it is equally important that we ensure the SBA pays out on those guarantees should such loans go into default. Removing the ambiguity of the SBA to decide which lenders get paid on guarantees and which do not will result in more banks being willing to participate in these programs and, ultimately, more loans being made to our Nation's small businesses.

I urge adoption of this amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, one of the greatest challenges small firms are facing is banks' reluctance to lend. Liquidity issues are one reason for this. But equally important are the regulatory burden and capital reserves lenders are now expected to carry. As critical as it is to get capital back into the markets, we also need to be sure banks are properly regulated. At the same time, we need to increase lender confidence in SBA.

Mr. SCHOCK's amendment gets to the heart of both issues. Increasingly, we have seen incidents in which lenders believe they are following all the agency rules only to discover that SBA won't honor its guarantees. When this happens, it compounds the chilling effect already plaguing the markets.

This amendment will make it clear to lenders that if they make a good-faith effort to perform due diligence on loans and complete SBA training programs, their guarantees will be honored. In doing so, we can increase lender confidence and open the door to improved small business lending. And we can do so in a way that mitigates risk to the taxpayers.

This is a valuable amendment, and I urge Members to support it.

I now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. I thank the chairwoman for yielding.

Mr. Chairman, I rise in support of the amendment from the gentleman from Illinois.

The gentleman's amendment makes it more difficult for the SBA to use technical errors to disregard 7(a) loans because the lenders are going to be able to document that they followed all the instructions of the SBA. This is going to bring greater certainty to the payment of guarantees. It will encourage more banks to participate in this program. And I thank the gentleman for his thoughtful addition to the bill.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we're prepared to accept the amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

PART B AMENDMENT NO. 3 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. SCHOCK:

Page 162, line 18, strike ''Report'' and insert ''Reports'' and strike ''Not later than one year'' and insert ''At quarterly intervals''.

Page 162, line 21, strike ''any expansion of'' and insert ''the Administrator's progress towards the expansion of''.

Page 162, line 23, strike ''of this section'' and insert ''of amendments made by this title''.

Page 162, after line 23, insert:

(c) REGULATIONS.—The Administrator of the Small Business Administration shall promulgate such regulations as are necessary to carry out the Renewable Energy Capital Investment Program established pursuant to this title within 180 days after the enactment of this Act.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I rise today to offer one more additional change to this important legislation which I believe will help obtain some of its intended goals.

While H.R. 3854 has several initiatives aimed at increasing capital access for small businesses, it additionally makes several SBA programmatic changes. One such change is intended to increase small business and small manufacturer participation in renewable fuels and green industries through an overhaul of the already established Renewable Energy Capital Investment Program.

Less than 1 month ago, the Small Business Subcommittee on Contracting and Technology held a hearing where one of my constituents from Peoria, Illinois, Dr. Peter Johnsen, testified. Dr. Johnsen shared with that committee the difficulty he was having in finding capital investments or loans for the further development of the crop known as pennycress, a winter cover crop which yields potentially as much as 115 gallons of biodiesel per acre as compared to the current 59 gallons from traditional soy-based diesel, nearly twice as much output. I'm optimistic that operating at full potential, the Renewable Energy Capital Investment Program with its matching grant contributions would be of great assistance to agricultural entrepreneurs across our country like Mr. Johnsen.

Established in 2007, the Renewable Energy Capital Investment Program, formerly known as the Renewable Fuel Capital Investment Program, has been a shadow of its promised self. In fact, to date, the SBA Administrator has failed to even issue any rules or regulations for small business participation in the program despite its establishment nearly 2 years ago. This amendment would first place specific emphasis on requiring the SBA to release regulations for program participation within 180 days of enactment of this legislation.

Additionally, the underlying legislation allows for a yearly progress report from the SBA concerning this important program. Unfortunately, this program is too important and its potential too great for Congress to simply sit by for a year and wait for the SBA to act. This amendment will require quarterly progress reports concerning the status of the Renewable Energy Capital Investment Program, what steps the SBA is taking to encourage and promote participation, and, finally, how this program is being utilized by the small business community.

No longer is the renewable fuels market dominated by those with deep research and development pockets backed by larger corporations. This important program will help ensure small businesses get equal opportunity to participate in the effort to make our country more energy efficient while also establishing new renewable fuel sources.

For these reasons, I urge adoption of this amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, green energy presents a world of opportunity for our economy. In terms of job creation, it has already generated millions of high-wage positions for workers in fields ranging from engineering and IT to agriculture and construction. Small firms make up the lion's share of this growing sector, and they will play a key role in our Nation's efforts to reduce carbon emissions and break free from foreign oil. But they cannot do it without the capital to continue research and production.

H.R. 3854 delivers critical capital to the small businesses driving the clean energy sector. Mr. SCHOCK's amendment enhances those efforts by adding an important element of transparency. By requiring SBA to release quarterly reports on the Renewable Energy Capital Investment Program, we can gauge the agency's progress in expanding the initiative. We can also pinpoint areas that are working and identify places in need of improvement. Meanwhile, this amendment mandates the timely establishment of program regulations. That measure should expedite the program's expansion and increase overall efficiency.

These are critical improvements, and I urge support of Mr. SCHOCK's amendment.

I will now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise in support of the amendment from the gentleman from Illinois.

The amendment would require regular reports to Congress on progress in establishing renewable energy investment companies so that this body can take appropriate action if the agency continues to delay implementing the will of Congress.

I thank the gentleman for his amendment.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is prepared to yield back, we're prepared to accept the amendment.

Mr. SCHOCK. Once again, I thank Chairman VELÁZQUEZ for her bipartisan work on this and her leadership, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

PART B AMENDMENT NO. 4 OFFERED BY MR. BRIGHT

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. BRIGHT:

Add at the end of the bill the following:

TITLE X—RURAL OUTREACH

SEC. 1001. RURAL OUTREACH.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 46 as section 47; and

(2) by inserting after section 45 the following:

"SEC. 46. RURAL OUTREACH.

''The Administrator shall ensure that each district office of the Administration that includes a rural area—

''(1) establishes a plan to provide small business concerns in rural areas with information on the financing and investment programs of the Administration of use to such concerns;

''(2) designates an employee of the office as a rural business financing outreach specialist, who is responsible for providing advice concerning the lending and investment programs of the Administration to small business concerns; and

''(3) hosts at least one outreach seminar in a rural area each year to provide information described under paragraph (1) to small business concerns in rural areas.''.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Alabama (Mr. BRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

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

Mr. Chairman, I rise today in support of my amendment to H.R. 3854, the Small Business Financing and Investment Act.

This amendment requires SBA district offices servicing rural areas to establish a plan for marketing, financing, and investment opportunities for rural businesses. It also requires the offices to designate a rural business financing outreach specialist and host at least one annual outreach seminar in the rural areas of each of SBA's 70 district offices.

When I speak to small businesses throughout my district—that's southeast Alabama—I often hear about their problems accessing capital through SBA programs. In fact, my office recently received a call from a constituent in Equality, Alabama, who owns a garden and plant nursery. This gentleman, like many other small businesses across the country, they're struggling to make payroll. He needs access to capital in order to prevent layoffs but was given the runaround at his local SBA district office. He turned to my office because he didn't get the help he needed from the local SBA office.

Our constituents and other constituents tell me they simply don't know what opportunities are available to them, be it through the SBA or other Federal agencies. By passing this amendment that I have proposed today, I believe these situations could be avoided in the future. A designated rural business outreach specialist could have helped the small business owner which I just talked about to process his application to access the capital he needed to stay in business. An aggressive marketing campaign would have informed his business and other business owners in my district and throughout the country of the opportunities the SBA has to offer for them. I'm sure there are hundreds of similar businesses throughout our country that have the same story that my constituent posed to me.

This is why I have introduced this commonsense amendment which will require the SBA to do a better job of reaching out to rural small businesses that haven't previously participated in any of SBA's important programs.

□ 1530

My amendment will help small business owners throughout rural areas and strengthen the underlying bill. SBA district offices should always have business models, marketing plans and outreach specialists designed to specifically help rural areas of our country. This amendment will make the SBA user friendly for small business owners in rural parts of our great Nation. I urge passage of this amendment and this bill.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, traditionally, the SBA has been vitally important to rural businesses. For many years, rural lenders served as the backbone of the Small Business Administration's lending programs, delivering capital to areas of the country that don't have the same options as other parts of our Nation.

For a range of reasons, over the last 8 years, we have seen many of the SBA rural lenders disappear. This is a troubling trend. It means that businesses on Main Street cannot find the credit they need to expand a store, build a new plant, or simply upgrade their facilities. Without a strong selection of rural lenders, we are beginning to see the emergence of a credit gap. Rural areas have the same need for jobs that the rest of America does, and it is important that they have a chance to create them.

H.R. 3854 includes a provision targeted specifically at encouraging lenders to provide credit to entrepreneurs in rural America. The Rural Lender Outreach Program helps line up lenders in this part of America to expand capital access options for businesses.

Mr. BRIGHT's amendment addresses the other side of that coin, ensuring that businesses know these rural lenders are out there. By challenging the SBA to connect with rural businesses and requiring the SBA's district offices to engage in outreach, we can put these entrepreneurs in touch with local lenders.

Small firms' potential for job creation should not be limited to certain parts of the country. This amendment will ensure that we prevent this ''credit gap'' from growing, so that small businesses, no matter where they are located, find financing options that work for them. This is an important change to today's legislation, and I ask my colleagues to support it.

I yield to the gentleman from Missouri (Mr. GRAVES) for any comments he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Alabama. It is important that small businesses in rural areas can reach an employee at the SBA dedicated to understanding the operation of capital access programs. In addition, by having an outreach effort, businesses in rural areas will learn directly from the SBA and lenders about options for obtaining necessary capital to expand their businesses.

I would like to thank the gentleman for his very useful amendment on this legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I now yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Chairman, I appreciate the gentlewoman yielding me this time, and I appreciate that you took into account the factories and the equipment that has become available because of closings and so on, like Maytag, for example, in my district. A lot of good things have happened with the small businesses going in there, and you have really taken measures that will benefit that and will help our country and certainly help those communities that have been hit very hard.

So we compliment you for your work, and see that is happening other places around the country as well. The need is there, and this will be a big asset. Well done. Thank you very much.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman from Alabama is prepared to yield back, we are prepared to accept the amendment.

Mr. BRIGHT. Mr. Chairman, in closing, I would like to thank our chairwoman today for the service and the leadership she has given us on the committee, and also the staff on the Small Business Committee for their attention to this issue and for working with my staff to draft this amendment.

I would also like to thank my colleagues for their continuing support and commitment to this issue. I urge all of my colleagues to support my amendment and this bill.

I yield back the balance of my time.

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

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BRIGHT).

The amendment was agreed to.

PART B AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–317.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated No. 5.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. FLAKE:

Page 178, after line 18, insert the following:

SEC. 702. PROHIBITIONS ON EARMARKS.

None of the funds appropriated for the program established under part D of title III of the Small Business Investment Act of 1958, as added by this title, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would simply prohibit the grant program established in the Small Business Early Investment Program from ever being used as a vehicle for earmarking.

As my colleagues are aware, I have offered this noncontroversial amendment many times to legislation in both the 110th and 111th Congresses. I would expect that this would be accepted by the majority. This is noncontroversial.

There is language in the bill that says this is a competitive grant program. Having said that, unfortunately, we have many programs that are slated to be competitive, or there is language saying these grants will be awarded on a competitive basis. And still, unless we have language like this amendment provides for, they become a vehicle for earmarking.

If we look at some of the FEMA grants in the Homeland Security bill, some of those are competitive grant programs, and 100 percent of the money in some of those accounts has been earmarked. So it behooves us to opt for language like this that prevents that from happening.

Under the Small Business Early Investment Program, this is a little different than others. Private investment companies can apply to receive a grant from the SBA. These grants are to be used by approved applicants for the purpose of making investments in new small businesses, presumably with a goal of creating or preserving jobs.

Language contained in the committee report says applicants ''should be judged by the merits of their application and should compete on equal footing with other applicants for selection to participate in the program.'' That is all we are trying to preserve, just with language to make sure that happens.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, in the 111th Congress, this body has made transparency a top priority. That is why we have adopted rule XI, which requires quarterly hearings on fraud, waste, abuse and mismanagement of Federal programs. But our commitment to good government extends beyond the committee room, which is why I am glad to accept Mr. FLAKE's amendment. That said, I want to point out that small business programs are not vehicles for waste. They are important avenues for economic growth, not earmarks.

I don't think there is a single person in this room who doesn't want to see small businesses succeed. After all, they create the lion's share of new American jobs, and we are counting on them to strengthen our economy.

It would not be in the best interest of this body or of our great Nation to compromise the integrity of SBA's programs. These initiatives deliver the best bang for the taxpayer's buck, and ultimately return more money to the economy than they take out. Mr. FLAKE's amendment is a simple affirmation of that fact, and I am willing to accept.

I now yield to the gentleman from Missouri (Mr. GRAVES) for any remarks he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Arizona. If the purpose of the early-stage seed capital program is to allow venture funds to identify the best possible small business investments, it would be counterproductive to allow Congress to override those decisions through earmarks. I thank the gentleman for his very important additional protection to the early-stage seed capital program.

Ms. VELÁZQUEZ. Mr. Chairman, I urge everyone to support the amendment. I reserve the balance of my time.

Mr. FLAKE. I thank the chairwoman and the ranking minority member on the committee for accepting the amendment.

I yield back the balance of my time.

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

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

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

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

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

PART B AMENDMENT NO. 6 OFFERED BY MS. KOSMAS

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 111–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Ms. KOSMAS:

Page 178, after line 6, insert the following: ''(ix) Photonics technology.

The CHAIR. Pursuant to House Resolution 875, the gentlewoman from Florida (Ms. KOSMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

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

I would like to thank the chairwoman of the committee and the committee for their hard work and leadership in introducing this important bill that will give small businesses greater access to capital.

H.R. 3854, the Small Business Financing and Investment Act of 2009, establishes an early-stage investment program that will provide financing to support small businesses in targeted business sectors. By investing in fledgling companies, America's small businesses will be able to grow and create jobs.

I rise today in support of my amendment to H.R. 3854, which would add photonics technology to the list of targeted industries qualified to receive grants under the new early-stage investment program.

Photonics technology, which includes fiber optic communications and laser technology, is a key industry in central Florida and is a supporting technology for almost every industry, including energy, telecommunications, health care, robotics, astronomy, aerospace, and defense.

According to the Opto-electronics Industry Development Association, the fast-growing, global photonics market is estimated to be worth half a trillion dollars today. In Florida alone, photonics provides over 27,000 jobs and brings billions of dollars to our State each year. We must ensure that America remains competitive in this industry and that, as the market expands, American small businesses and workers benefit.

Numerous small businesses in the photonics industry are at the very early stages of development, and therefore, they need this support and access to capital in order to grow and become profitable. By including photonics in the list of targeted business sectors, we will ensure that the photonics industry will continue to play a vital role in developing new technologies for use in every area of our economy. And this bill and my amendment will give small businesses in this industry the opportunity to succeed.

Again, I commend the chairwoman and the committee for the bill. I ask my colleagues for their support of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, growth in our economy has long depended on the progress of new industries. When our country bounced back from the recession of the 1990s, it wasn't because we simply rebuilt jobs where they once had been; it was because we created new ones entirely. And we did so in emerging industries like information technology. Today, we have a similar opportunity with growing fields like photonics, the science that uses light energy to power and improve everything from telecommunications to electrical systems.

Photonics technology touches virtually every industry. Through the leverage of public-private partnerships like SBIR, it is already sparking breakthroughs that impact our everyday lives, for example, better bar codes for scanning groceries, or less invasive forms of laser eye surgery. With new investments in this promising field, we can build the kind of innovation America needs. That is why we will be adding photonics to the roster of business sectors that can receive early-stage investment grants.

□ 1545

Ms. KOSMAS' amendment is a valuable one, and I urge my colleagues to support it.

I now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentlelady from Florida. This is an area that I am very familiar with. Without photonics, we would not be able to enjoy the advancements in avionics, in aircraft that we have today or high-definition television. Seeking the next great advancement in this field is important, and I thank the gentlelady for her significant improvement to the early-stage seed capital program.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentlelady is prepared to yield back, we are prepared to accept the amendment.

Ms. KOSMAS. Thank you. I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GINGREY OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111–317.

Mr. GINGREY of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. GINGREY of Georgia:

Page 168, line 23, strike ''5 years'' and insert ''7 years''.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Thank you, Mr. Chairman.

What I have offered is an important, yet straightforward, amendment. It would simply extend the period in which a physician or a medical group could participate in the Small Business Health Information Technology Financing program from 5 years to 7 years.

Mr. Chairman, the promotion and advancement of health information technology should be one aspect of the health care debate upon which most Democrats, Republicans and Independents would agree. While a large portion of the health care debate has been focused on how to extend existing coverage and figuring out who pays for it, health information technology will actually improve the underlying quality of health care, and it also will lower the overall cost by reducing overhead and medical errors. Mr. Chairman, health information technology will not only save dollars but, more importantly, save lives.

For this reason, I have long been a proponent of health information technology. Since the 109th Congress, I have introduced the Assisting Doctors to Obtain Proficient and Transmissible Health Information Technology Act, or ADOPT HIT Act, so that we can encourage medical care providers to purchase and implement health information technology with the assistance of an up to $250,000 tax deduction under section 179 of the code.

Now the underlying bill provides for Small Business Administration loan guarantees of up to 90 percent, with overall caps of $350,000 for individual physicians or $2 million for physician groups. Even more importantly, a physician or a group of physicians could defer repayment of the loan for up to 3 years. Currently, there is a 5-year window in which a physician could participate in this program.

Very simply, as I stated at the outset, my amendment will extend this window from 5 years to 7 years in order to allow physicians more time to see the benefits of HIT and make arrangements to invest in the technology and to participate in this good program.

Mr. Chairman, I strongly encourage my colleagues to support my amendment and show their support for health information technology and the promise that it offers.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the wide-scale adoption of medical records is one of the most sweeping and most important elements of health care reform. It will improve efficiency, reduce costs and streamline communication. But like any other ground-breaking technology, it isn't cheap. For your average small medical practice, initial costs are roughly $100,000. When coupled with today's larger legislation, Mr. GINGREY's amendment will help blunt those expenses. By some estimates, the nationwide adoption of health IT will spur annual savings of $77 billion. Already many major hospitals and medical practices are enjoying these cost-cutting benefits. Small firms, however, have been reluctant to adopt it. In fact, only 13 percent of solo practitioners use the technology. The gentleman's amendment recognizes the benefits of health IT and improves the bill, and that is the reason why we are supporting this amendment.

I would now like to yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Georgia. The gentleman's amendment would extend the time in which physicians and other health care providers could access the new health information technology loan program. This would give all providers sufficient time to obtain loans so that we can increase efficiencies in health care and delivery.

I thank the gentleman for his very excellent contribution to this bill.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is prepared to yield back, I am prepared to accept the amendment.

Mr. GINGREY of Georgia. Mr. Chairman, let me just say that I am deeply appreciative to Chairwoman VELÁZQUEZ and also to Ranking Member GRAVES for their support of this amendment, and I thank them for that support.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. KRATOVIL

The CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. KRATOVIL:

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. 100 PERCENT GUARANTEE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) in paragraph (3)(A) by striking the semicolon at the end and inserting the following: ''or in paragraph (42);''; and

(2) by adding at the end the following:

''(42) 100 PERCENT GUARANTEE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.—Notwithstanding paragraph (2), in an agreement to participate in a loan on a deferred basis under this subsection with respect to a small business concern owned and controlled by veterans, participation by the Administrator may be equal to 100 percent. The total amount outstanding and committed (by participation or otherwise) with respect to a loan to such a small business concern from the business loan and investment fund established by this Act may not exceed $3,000,000.''.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Maryland (Mr. KRATOVIL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

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

Mr. Chairman, I rise in support of my amendment to the Small Business Financing and Investment Act of 2009 that would raise the maximum SBA 7(a) loan guarantee from 90 percent to 100 percent on qualifying loans for veteran-owned small businesses. As we approach Veterans Day, I feel we should be supporting our vets not only in words but also with our actions. This amendment is a very simple and appropriate way to do so. Raising the maximum loan guarantee will not only be a way of fulfilling our commitment to veterans, but it will also serve to stimulate lending and financing for the small businesses that are the backbone of local economies and the number one source of new job creation.

Mr. Chairman, this bill frees up the often elusive credit that serves as the lifeline of any established or startup small business; it honors the service of our Nation's veterans; and it will stimulate the small businesses at the heart of the U.S. economy. I urge my colleagues to support it.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, entrepreneurship has long been a popular option for America's veterans. After all, it requires many of the same traits

that military service does—hard work, ingenuity and dedication to something larger than yourself. So it is not surprising that veterans own roughly 15 percent of our Nation's small businesses. What is surprising, however, is the rate at which lending to these companies is declining. Between fiscal year 2007 and fiscal year 2008, the number of 7(a) loans to veteran-owned businesses dropped more than 22 percent. In other words, entrepreneurship is being pushed further and further out of reach for our veterans.

Earlier this year, the House passed legislation establishing new veteran entrepreneurial development programs at SBA. This legislation will mean a range of new services for veterans. One of the most important goals was helping meet veteran-owned businesses' capital needs. The amendment offered by Mr. KRATOVIL builds on that earlier work. His amendment will ensure that veterans not only access the capital they need but lets them do so at affordable rates. By providing higher guarantees on loans and lower costs, we can offer new opportunities for veterans who own businesses as well as those who wish to start one.

For our servicemen and -women, entrepreneurship is the tried and true path to economic empowerment. This amendment will put more veterans on that path. This is a positive change to the legislation, and I urge my colleagues to support the amendment.

I yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from my football teammate, the gentleman from Maryland (Mr. KRATOVIL).

Mr. Chairman, no one can deny the valuable role that veterans have played in maintaining the economic freedoms we have in this country. They certainly deserve our thanks and support. The gentleman's amendment would provide that support though a 100 percent guarantee on loans to veteran-owned small businesses. I thank the gentleman for his vital addition to this bill.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is ready to yield back, we are prepared to accept the amendment.

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

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 111–317.

Mr. PAULSEN. I rise to offer an amendment, Mr. Chair.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. PAULSEN:

Add at the end of the bill the following:

TITLE X—STUDY RELATING TO MEDICAL TECHNOLOGY

SEC. 1001. STUDY RELATING TO MEDICAL TECHNOLOGY.

Not later than one year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing recommendations for and the feasibility of a program—

(1) to increase investment in the research, development, and commercialization of medical technology by small business concerns; and

(2) that is administered in a manner similar to the program under part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.).

The CHAIR. Pursuant to House Resolution 875, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. Thank you, Mr. Chair. I yield myself as much time as I may consume.

I rise today to offer an amendment that I am hopeful will help to strengthen and accelerate advancements in medical technology. My amendment would require the SBA to conduct a study that would determine the feasibility of a program that would help bring funding to startup medical technology firms. The amendment would also require the SBA to report its suggestions on how to best structure such a program. It is my hope with this information, Congress will be able to strategically implement a program to help fund medical technology. Programs of this nature are already in place and exist for renewable energy and for rural manufacturing. This amendment would simply look at also expanding this to medical technology. Medical device companies face startup costs that are very steep, and a program under the SBA would help bring funding to these companies and allow them to get their products to market quicker.

Mr. Chair, we know very well that the development of these new cost-saving technologies allow patients to lead longer, healthier and more productive lives. These technologies also improve the quality of health care in America while helping to fight rising health care costs. Furthermore, the medical technology industry is a proven job-creator. According to one study, the medical technology industry nationwide employs more than 350,000 people. These are good, high-paying jobs. The average salary of a med tech employee is higher than the State salary average in 49 of the 50 states; and in some States, medical technology jobs pay nearly 25 percent higher than the State average salary. Many of these jobs are also often in the area of research and development, which keeps America in the forefront of innovation. It should also be noted that these companies are truly America's small businesses and success stories. Of these companies, 71 percent have fewer than 10 employees. It fits right in with this bill, Mr. Chair.

A week ago, I held a field hearing in my district on the issue of medical technology, and we heard firsthand from small businesses in my district about the work that they are doing and the jobs they are creating. As cochair of the Medical Technology Caucus, I would ask support for this amendment so we can have Congress spur additional advancement in medical technology.

I urge adoption of my amendment and reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, small businesses are our Nation's most prolific innovators. Time and time again, they have pioneered new fields, developed new products and achieved important technological breakthroughs.

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Today, small businesses are breaking new ground in the energy sector. As our Nation undergoes a green revolution, small businesses are leading the way in developing solar power. They are blazing the trail in the development of wind power and biodiesel, and renewable fuel industries are dominated by small businesses. Just as small firms are on the leading edge of developments in the energy sector, they also play an active role in the development of new medicines and medical devices.

The gentleman from Minnesota is suggesting that the SBA look into the feasibility of an initiative to help raise capital for entrepreneurs in the medical field. Given the important role that small firms play in this arena, at least exploring the possibility of an SBA program to assist them in capital formation seems prudent.

I urge adoption of the amendment.

I yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Minnesota.

My district has a significant biotechnology industry, so I certainly understand the gentleman's interest in investigating the viability of having small business investment companies focus on medical technologies. It certainly is a laudable goal, and I understand the utility of a program before expanding it.

Mr. Chairman, I would urge the support of this.

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

Mr. PAULSEN. Mr. Chairman, I yield 2 minutes to a gentleman who has a

great understanding of the importance of medical technology and who is emerging as one of the more thoughtful members of the Financial Services Committee, the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I rise today in support of the amendment offered by the gentleman from Minnesota.

I thank the distinguished chairwoman of the committee and the ranking member.

Mr. Chairman, throughout the United States, the medical technology sector employs more than 350,000 workers, many of them in firms with fewer than 100 employees. This includes more than 3,000 jobs in the congressional district I have the honor of representing, the Seventh Congressional District in New Jersey, which many believe to be the medicine chest of the entire Nation and of, indeed, the world.

These jobs are tied heavily to research and development, helping to keep the United States at the forefront of medical innovation. We must consider the importance of these lifesaving technologies, especially as we move forward with health care. It is vital that we do not forget the valuable impact medical technology has on lowering the costs of health care, on expanding access to lifesaving cures, and on creating jobs. That is why I believe we should be making investments in this field.

I urge my colleagues to support the amendment sponsored by my friend, the gentleman from Minnesota.

Ms. VELÁZQUEZ. Madam Chair, if the gentleman is prepared to yield back, we are prepared to accept the amendment.

Mr. PAULSEN. If I could just close by saying I appreciate the leadership of the Chair and of the gentlewoman, and I extend my appreciation for the support of this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR (Ms. EDWARDS of Maryland). The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

PART B AMENDMENT NO. 10 OFFERED BY MR. MASSA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 111–317.

Mr. MASSA. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. MASSA:

Page 131, after line 4, insert the following (and redesignate succeeding sections accordingly):

SEC. 306. YOUNG ENTREPRENEURS PROGRAM.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended by adding at the end the following:

''(G) YOUNG ENTREPRENEURS PROGRAM.—

''(i) IN GENERAL.—An intermediary that receives a grant under paragraph (1)(B)(ii) may establish a program for the geographic area served by such intermediary that provides to young entrepreneurs technical assistance regarding the following:

''(I) Establishing or operating a small business concern in the geographic area served by the intermediary.

''(II) Acquiring or securing financing to carry out the activities described in subclause (I).

''(ii) YOUNG ENTREPRENEUR DEFINED.—For purposes of this subparagraph, a young entrepreneur is an individual who—

''(I) is 25 years of age or younger; and

''(II) has resided in the geographic area served by the intermediary for not less than 2 years.

''(iii) GOOD FAITH EFFORT REQUIREMENT.—If a young entrepreneur who receives technical assistance under this subparagraph from an intermediary establishes or operates a small business concern, the young entrepreneur shall make a good faith effort to establish or operate such concern in the geographic area served by the intermediary.

''(iv) DEFERRED REPAYMENT.—If a small business concern established or operated by a young entrepreneur receives a loan under this subsection, such concern may defer repayment on such loan for a period of not more than 6 months beginning on the date that such concern receives the final disbursement of such loan.''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from New York (Mr. MASSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MASSA. Madam Chair, let me take this opportunity to thank Ms. VELÁZQUEZ and to commend Mr. SCHRADER and his colleagues on the Small Business Committee for their efforts in crafting this landmark legislation to expand opportunities for many new entrepreneurs and for expanding business opportunities across the country.

Offering these business ventures this needed help in getting off the ground is essential, especially right now, for the creation of jobs and so as to boost economic activity in local communities, especially in local rural communities, which are so important to my district.

With my amendment, we can focus on a very pressing concern from many places across this country and on one of exceptional concern back home. This is the brain drain, the loss of talent, caused by the outmigration of so many young businesspeople.

As is a common trend for many regions in America, we have seen a great loss of young people in my district, in western rural New York. This is due to a longstanding scarcity of jobs and of many shrinking opportunities for bright, young entrepreneurs. By creating programs in the Small Business Administration which focus specifically on providing business advice, technical assistance, and lowering eligibility to younger entrepreneurs, we can give these young people who would like to stay in our districts better opportunities to do so.

Year to year, we continue to see our children leave their communities because they have limited opportunities to find good-paying jobs or to find any attractive means to make livings and to raise families. Our communities are shrinking in rural America, and the efforts of this outmigration to many places around the country and throughout the Nation are clear. With more and more young people forced to leave to find careers elsewhere, local economies are facing even higher degrees of challenges, and fewer jobs, therefore, are available. Many people back home question how long this can continue.

For those young folks who want to start businesses, who may want to earn steady paychecks, who may want to create jobs and hire others in their communities, where will they go to grow up and raise their families?

I believe we have an opportunity to help pave the way. Offering programs that will help reinvigorate communities through new business opportunities for younger entrepreneurs will both provide these jobseekers with local opportunities and will hugely benefit the local economies in the area. My amendment will do just this.

Madam Chair, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, young people have been acutely affected by this recession.

Americans graduating from high school or college face one of the most challenging job markets in decades. In some communities, this problem is driving recent graduates to other parts of the country as they seek economic opportunity. This means that communities which are hard hit by the downturn will have even more difficulty as they are deprived of their next generation of workers. This drain of young talent presents additional challenges for local economies that are struggling to recover.

Entrepreneurship can provide another option for young people who are living in economically hard-hit areas. However, younger individuals also face unique challenges in starting or launching their own businesses. Finding affordable loans without an established credit history can be an obstacle. Many young people may not have the large reserves of capital that older, more established entrepreneurs have. In addition, younger entrepreneurs may not have as much experience in the job market. All of these factors present difficulties to young Americans who want to go into business for themselves.

By creating an initiative through the SBA's Microloan Program, this amendment will help overcome these problems. With appropriate guidance and assistance, many young Americans can go into business for themselves. This amendment also recognizes the capital constraints that many young entrepreneurs face. It gives a younger entrepreneur who qualifies for the Microloan more time for repayment.

Madam Chair, our Nation's greatest resource has always been our young people. They will certainly play a vital role in lifting our Nation out of the current downturn. This amendment will give more young Americans the opportunity to launch their own ventures. This is a good amendment, and I support its adoption.

I now yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Madam Chair, I rise today in support of the amendment from the gentleman from New York.

Providing America's youth with entrepreneurial education will show them that working for a large corporate entity is not the only way to achieve success. In addition, it will give them sufficient ability to stay in their local, often rural areas so they can use their ingenuity to create new jobs.

I thank the gentleman for his important amendment in supporting the future of America's entrepreneurs.

Mr. MASSA. I thank the gentleman from Missouri.

Madam Chairman, I ask that my colleagues support this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, we are prepared to accept this amendment, and I urge its adoption and support.

I yield back the balance of my time.

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

The amendment was agreed to.

PART B AMENDMENT NO. 11 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 111–317.

Ms. FOXX. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Ms. FOXX:

Add at the end of the bill the following:

TITLE X—TERMINATION

SEC. 1001. TERMINATION OF PROGRAMS.

(a) IN GENERAL.—Subject to subsection (b), each fiscal year the Administrator of the Small Business Administration may not carry out any program for which an authorization is established or extended under this Act.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a program referred to in such subsection on the earlier of the following:

(1) The date that is 5 years after the date of enactment of this Act.

(2) The date on which the authorization under this Act for such program expires.

(c) EXISTING OBLIGATIONS.—Subsection (a) does not affect the ability of the Administrator to carry out responsibilities with regard to loans, grants, or other obligations made or in existence before an applicable effective date under subsection (b).

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Madam Chair, my intentions were to offer an amendment today that would provide an opportunity to do what I think all of us on both sides of the aisle want to do, which is to have effective programs which help our citizens in this country. However, we've discovered that there are problems with the amendment as it has been drafted, and so it is my intention to withdraw the amendment at the end of my comments.

Multiple reports from the Government Accountability Office found duplicative programs across the Federal Government. These programs included 342 economic development programs; 130 programs serving the disabled; 130 programs serving at-risk youth; 90 early childhood development programs; 75 programs funding international education, cultural, and training exchange activities; and 72 safe water programs.

These are noble goals with good intentions, but they are no excuse for Congress to abrogate its responsibility to reexamine programs that may have become wasteful or duplicative since their inception.

Just yesterday, there was an article in CongressDaily about a situation that should not exist:

''Influential Senators raised fresh concerns about the $7.2 billion broadband stimulus program during an oversight hearing Tuesday, complaining that it is divided between two Federal agencies when only one is necessary.''

'' 'There shouldn't be two of you here. Only in the Federal Government would we have two people doing the same thing,' said Senator CLAIRE MCCASKILL, Democrat of Missouri, in a blunt assessment of the situation, which she described as 'nonsense.' ''

[From Congress Daily, Oct. 28, 2009]

RED TAPE COULD HURT BROADBAND PROGRAM, SENATORS WARN

(By David Hatch)

Referring to Rural Utilities Service Administrator Jonathan Adelstein and NTIA Chief Larry Strickling, Senator Claire McCaskill said, ''If I could, wave a magic wand I would morph you into one person and combine your two agencies with the snap of fingers.''

''I don't know why it was divided up the way it was, but that's what happens with political power around here,'' echoed Senate Commerce Chairman John (Jay) Rockefeller. He further complained that some applicants well-positioned to aid their communities might be dissuaded by the cumbersome process for obtaining the stimulus funds.

Their comments reflect concerns raised by companies and other parties about the complexities of having requests for loans and grants reviewed by two bureaucracies—and the risks of ending up with loans even when grants are sought.

After being inundated, with close to 2,200 requests seeking nearly $28 billion, both agencies have fallen behind schedule and plan to begin issuing awards in mid-December—a month later than intended.

Rockefeller and McCaskill were among the senators who criticized criteria that could prevent some rural areas within 50 miles of urban centers from being eligible for the most generous grants.

They urged the regulators to address the matter, prompting Adelstein to assure them that ''everything is on the table'' when it comes to making adjustments. He described Rural Utilities Service as between a rock and a hard place because it has been criticized for diverting too much assistance to nonrural areas.

Senate Commerce ranking member Kay Bailey Hutchison reiterated her view that the bulk of the funding should help regions that are unserved or ''substantially'' underserved.

During his testimony, Mark Goldstein, director of physical infrastructure issues at GAO, warned that both agencies lack funding for oversight of the program beyond FY10.

Adelstein and Strickling said they're doing everything they can to maximize the impact of the grants and loans. ''I want to ensure you today that these funds will be well-spent,'' Strickling said, noting that there have been no turf battles.

That is why I am offering this amendment which would explicitly sunset all programs contained in the bill at the end of their authorizations or within 5 years, whichever is first, while granting the administrator the authority to carry out responsibilities regarding all outstanding loans, grants, and other outstanding commitments before the authorization expiration.

As a member of the Sunset Caucus and as a cosponsor of H.R. 393, I recognize the need for regular congressional review and oversight needed to restore accountability to the multitude of Federal programs that exist and that are created every day. The amendment I had planned to offer is part of a broader effort to reaffirm the continued relevance of Federal programs and to ensure they continue to operate as intended.

With the current budget challenges facing the Federal Government and a $1.4 trillion deficit, the need for provisions that would sunset program authorizations is more pronounced now than ever. Congress constantly creates new programs with little to no thought of the amount of money that will be needed to finance what usually becomes their eternal life. This is a commonsense, prudent, and simple step that can be taken regularly to help

keep us honest and to sunset authorizations which will necessitate evaluation.

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If a program is worth continuing, its purpose and effectiveness should be dependable in the future. This gives committees an opportunity to reevaluate and retool their functioning to help restore accountability. I believe committee chairmen will wholeheartedly support sunsetting provisions, as their inclusion would more regularly work toward shaping policy under their purview.

Madam Chairman, again, I have learned just prior to coming here that there is a problem with the language, but I also understand that there is a belief on the part of the chairwoman and the ranking member that this is something that should be done, and we will be able to work on that in the future.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

PART B AMENDMENT NO. 12 OFFERED BY MR. KISSELL

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 111–317.

Mr. KISSELL. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 12 offered by Mr. KISSELL:

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. DEFERRED REPAYMENT FOR CERTAIN SMALL BUSINESS CONCERNS.

Section 7(a)(7) of the Small Business Act (15 U.S.C. 636(a)(7)) is amended by adding at the end the following: ''If a small business concern classified in sector 23 of the North American Industry Classification System receives a loan under this subsection after the date of the enactment of the Small Business Financing and Investment Act of 2009, such concern may defer repayment on such loan for a period of not more than 12 months beginning on the date that such concern receives the final disbursement of such loan.''.

The SPEAKER pro tempore. Pursuant to House Resolution 875, the gentleman from North Carolina (Mr. KISSELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. KISSELL. Madam Chair, I yield myself such time as I may consume.

Madam Chair, this amendment is very simple and is directed directly at the construction segment of our small business economy.

Madam Chair, the Bureau of Labor Statistics tells us that since our economy has entered this downturn, we have lost nationwide almost 1.5 million jobs. In my State of North Carolina, almost 20 percent of the jobs in construction have been lost during this time period. Clearly, the construction segment of our economy has suffered.

Madam Chair, the SBA's 7(a) loans are the loans that are most commonly used by those small businesses engaged in construction. They are being used for many things. They can be used for day-to-day capital, for purchasing new equipment that is needed to do the job, construction itself, renovation or refinancing. Many things, many aspects of maintaining a business are used in these SBA 7(a) loans.

The amendment that we offer is quite simple. Currently if a business takes out a loan, then payments are due back immediately. The amendment would offer that these payments be deferred for 1 year, that the small businesses engaged in construction have 1 year to start their payments back. This would help these businesses have just a little bit more help towards being successful.

We oftentimes, Madam Chair, have relied upon construction to lead us out of recessions. This opportunity will help small businesses that are engaged in construction help lead us out of this recession.

Madam Chair, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, virtually every sector of the economy has suffered at the hands of the downturn. The construction industry, however, has seen some of the most significant declines. According to a study by the Associated Equipment Distributors, two out of every 25 jobs lost in the recession were construction jobs. Nationwide, the industry has shed 37 percent of its workforce. Those losses are larger than either the automobile or financial sectors. Clearly, we need to be addressing this issue.

By providing better terms for 7(a) loans, this amendment will give small construction firms the flexibility to hire new workers. Allowing these businesses to defer repayment for up to 12 months also means they have greater capital for new investments. After all, equipment purchased, items such as cement mixers and bulldozers, are expensive. Most small firms rely on loans in order to buy these items.

With the housing market recovering and the new transportation bill working its way through Congress, we should see new opportunities for small construction firms. Mr. KISSELL's amendment gives the resources they need to take advantage of those opportunities, and I urge my colleagues to support it.

I yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. I thank the chairwoman for yielding.

Madam Chair, I rise in support of the amendment of the gentleman from North Carolina. Everyone is aware that the construction industry is facing some significant economic difficulty. The amendment takes a sensible approach to authorizing new 7(a) loans for construction and to defer repayment for up to 1 year, enabling them to better survive the current economic conditions.

I thank the gentleman for his unique solution to a very real problem.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

I yield back the balance of my time.

Mr. KISSELL. Madam Chair, I would like to thank the chairman and her committee for their fine work here in helping us on this amendment, and I urge all my colleagues to support this.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. KISSELL).

The amendment was agreed to.

PART B AMENDMENT NO. 13 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 111–317.

Mr. PETERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 13 offered by Mr. PETERS:

Page 29, line 14, strike ''$50,000'' and insert the following ''$50,000 (except as provided under subsection (1))''.

Page 29, after line 19, insert the following (and redesignate succeeding sections accordingly):

SEC. 119. DELAYED REPAYMENT FOR SMALL BUSINESS CONCERNS IN AREAS WITH HIGH UNEMPLOYMENT.

Section 506 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end the following:

''(1) SMALL BUSINESS CONCERNS IN AREAS WITH HIGH UNEMPLOYMENT.—

''(1) INCREASE LOAN LIMITS.—Notwithstanding subsection (d), a loan made under this section to a small business concern in what the Administrator determines to be an area with high unemployment may not exceed $75,000.

''(2) DELAYED REPAYMENT.—Notwithstanding subsection (g), repayment for a loan made under this section after the date of the enactment of the Small Business Financing and Investment Act of 2009 to a small business concern described in paragraph (1) shall not begin until 18 months after the final disbursement of funds is made.''.

Page 156, line 12, insert after ''of 1986'' the following: '', except that, without regard to such meaning, such term includes an area that the Administrator determines to be an area with high unemployment''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

Today we are considering important legislation that will provide borrowers, lenders and the government with a number of important tools to assist the survival and growth of small businesses. Small businesses are the prime engine of innovation, economic expansion and job creation, and supporting our small businesses should be the cornerstone of any plan for economic recovery. For areas of high unemployment, small businesses are particularly important, and the jobs they provide are particularly valuable.

While the economy is beginning to show signs of improvement, there is no doubt that in some areas unemployment remains at an extreme high level. For example, the State of Michigan has the Nation's highest unemployment rate at 15.3 percent, and in the city of Pontiac, which I represent, the unemployment rate is a staggering 35.2 percent.

My amendment would ensure that businesses that want to invest in high unemployment areas and create jobs can do so competitively at a time when innovation and investment is needed most by making high unemployment areas eligible for more expansive American Recovery Capital, ARC, loans and the New Market Venture Capital program.

In order to assist these high unemployment areas, my amendment will increase the maximum ARC loan amount from $50,000 to $75,000 and defer repayment until 18 months after final disbursement of the loan is made. This would give struggling firms room to breathe and help avoid further layoffs and closures.

My amendment would also give entrepreneurs better access to private capital by making eligibility for the New Market Venture Capital program include high unemployment areas. This would target investment and opportunity directly where it is needed most and encourage business growth in hard-hit areas like the city of Pontiac. These simple changes would ensure that hard-hit areas have the tools necessary to stop hemorrhaging jobs and to invest in new operations that will create jobs, bring new technologies to markets, and build a new foundation for Michigan's economy and the country as a whole.

I urge my colleagues to support my amendment, and I would like to thank Representative SCHRADER for bringing forth this important legislation, as well as Chairwoman VELÁZQUEZ and her staff for their help on the amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Certainly times are tough and many Americans are hurting because of the economic downturn. But, as they have done before, American entrepreneurs will lead us out of this downturn and begin rebuilding our economy. This amendment is about harnessing the job-creating potential that exists in communities that are suffering the worst of the downturn. It is about using the American entrepreneurial spirit to deliver hope to places that need it most.

As part of the Recovery Act, we aimed to help small businesses with short-term, interest-free loans. So far, this program has funneled $115 million to 3,500 businesses. With this amendment, we will make more of these loans available to businesses in economically distressed areas. By giving these businesses more time to start repayment, we will provide them a better chance to stay afloat and ultimately grow and create jobs.

This is a good amendment. I thank the gentleman from Michigan for offering it. I urge its adoption.

I now yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Madam Chair, I rise today in support of the amendment offered by the gentleman from Michigan. Certainly some areas in the country are suffering more significantly in the current economic climate than others. Allowing larger-size stabilization loans may help retain an economic base in areas hard-hit by the loss of manufacturing and real estate development jobs.

I thank the gentleman for his contribution to the bill.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Madam Chair, I rise in strong support of the Peters amendment.

The Small Business Administration has played a key role in the current economic crisis by helping businesses and manufacturers maintain access to credit, but we must do more.

Michigan's unemployment numbers are unacceptably high. Hillsdale County in my district has an unemployment rate in excess of 17 percent. Local companies tell me every day that they are ready to invest and hire more employees, but they are having trouble getting the credit they need to help put Michigan and America back to work.

Earlier this year, we passed the American Recovery and Reinvestment Act that created new programs for small businesses and manufacturers. These programs have helped. With just a $12,500 government-backed loan, Diane Brabon was able to create 10 new jobs at the Trusting Heart Home Health Services in Delta Township. Yet successful businesses are still starved for credit. With this amendment, the SBA will be able to guarantee loans that recognize the challenges small businesses are facing in high unemployment areas.

I proudly support Mr. PETERS' amendment and look forward to working to find new ways to encourage more lenders to participate in these important programs.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Chair, I rise today in strong support of the Peters amendment to H.R. 3854, the Small Business Financing and Investment Act. Capital is what allows small firms to grow their businesses, hire new employees and generate the economic activity that drives recovery. But ever since the near collapse of the financial industry, small business capital markets have been nearly frozen, making it more difficult for businesses to expand and hire workers. These problems are particularly pronounced in areas of high unemployment, which face greater barriers to economic recovery.

The Peters amendment will make important changes to existing small business programs in high unemployment areas. Firms in those areas would qualify for an additional $25,000 in loans and an extra 6-month loan deferment. For areas like my hometown of Flint, Michigan, which is struggling with a nearly 30 percent unemployment rate, these changes are crucial. Small firms have long been the engine that drives economic recovery in our Nation, accounting for nearly two-thirds of all new jobs.

I urge adoption of the amendment.

□ 1630

Ms. VELÁZQUEZ. Madam Chair, if the gentleman from Michigan is prepared to yield back, we are prepared to accept the amendment.

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

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 111–317.

Mrs. MILLER of Michigan. Madam Chair, I rise as the designee of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 14 offered by Mrs. MILLER of Michigan:

Page 22, line 5, add at the end the following: ''The Administrator shall ensure that each individual in such group with loan application evaluation and underwriting responsibilities has at least 2 years experience with respect to such responsibilities.''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman

from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Madam Chair, let me start off with a simple premise: The American economy cannot recover without small business. As such, Congress has rightly taken steps to increase the guarantee amount at the Small Business Administration. But as many business owners can tell you, this has only had a modest effect. In fact, despite these thoughtful measures, the volume of SBA loan guarantees is still only a fraction of what it was last year.

As my colleagues know, the SBA only makes loan guarantees—it does not make loans directly to small businesses. Therefore, if banks decide that even with 90 percent guaranteed, it is still not in their best interest to make a loan, then the small business is simply out of luck.

One credit union president recently pointed out that, in many cases, banks won't seriously consider a small business loan if it is less than $500,000. The interest income simply isn't worth the trouble—even with the guarantee. In these cases, the viability of the business and the value of the guarantee doesn't mean anything.

H.R. 3854 rightly introduces a new program—the Capital Backstop Program—that will authorize the SBA to make loans directly to small businesses as a last resort.

While we are deeply concerned about the Federal Government acting as a bank, the fact of the matter is that Congress has spent $700 billion to resuscitate the lending system, $800 billion trying to stimulate the economy, and yet homeowners—and small businesses especially—still can't get the loans that they need. It is very important that Congress put standards in place to ensure that SBA direct loans are only made to viable businesses.

This amendment establishes this same standard for individuals at the SBA who are directly engaged in loan application evaluation and underwriting. We can only imagine the bureaucratic nightmare that would ensue if Congress actually tried to come up with a laundry list of criteria for viable businesses. As any local banker can tell you, no two businesses are exactly the same—the people matter, the models matter, the market matters.

This amendment ensures that individuals who are evaluating businesses have both the authority and the expertise to make the best decisions for the taxpayer.

We want to thank the chairwoman and ranking member and all of their colleagues on the Small Business Committee for their efforts on this legislation. It is very important work.

Madam Chair, I urge the adoption of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, we are prepared to accept the amendment if the gentlelady from Michigan is prepared to yield back.

Mrs. MILLER of Michigan. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 111–317.

Mrs. MILLER of Michigan. Madam Chair, I rise as the designee of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 15 offered by Mrs. MILLER of Michigan:

Page 20, line 25, strike ''on a date if'' and insert the following: ''on each date during the period beginning on the date of enactment of this paragraph and ending on September 30, 2011, and on any other date after such period if''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Madam Chair, this amendment makes a simple technical correction to the Capital Backstop Program, which we were just talking about.

In short, this underlying bill wisely puts restrictions on when this program can and cannot operate. The bill states two things: First of all, that the National Bureau of Economic Research, the NBER, must have declared the United States to be officially in recession. Second, the SBA loan guarantee volume must be down 30 percent from the previous year. And if these two criteria are not met, then the program is shut down.

As you know, the Federal Reserve recently stated that the recession is already likely over. The NBER is sure to follow suit soon. As well, because SBA loan volume is already down so substantially, the likelihood of another full 30 percent drop next year is very low.

This amendment simply says that the program being created in this bill is authorized to begin operation immediately upon enactment and is authorized to continue through September 2011, even if the recession has been declared technically over.

I would note personally, being from Michigan, whatever they are saying in the Nation, the recession is definitely not over in the State of Michigan.

However, our concern, Madam Chair, is that if Congress is going to take the extraordinary step of authorizing the SBA to make loans directly to small businesses, then it ought to be making these loans now, when they are needed the most.

After 2011, the restrictions that are in the underlying bill will resume. Frankly, Madam Chair, at that time we certainly hope that even stronger restrictions are in place.

Many of our colleagues are skeptical of having the SBA make loans directly to small businesses. Nevertheless, taxpayers have spent nearly $2 trillion trying to fix this situation. It hasn't worked.

If we are going to take the step of creating this program, let us at least make sure that it is helping our constituents and the taxpayers and small businesses now, when they truly need it most.

Madam Chair, I urge the adoption of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, if the gentlelady from Michigan is prepared to yield back, we are prepared to accept the amendment.

Mrs. MILLER of Michigan. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. NYE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 111–317.

Mr. NYE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 16 offered by Mr. NYE:

Page 186, after line 24, insert the following (and redesignate succeeding sections accordingly):

SEC. 808. HOMEOWNERS IMPACTED BY TOXIC DRYWALL.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (11) the following:

''(12) HOMEOWNERS IMPACTED BY TOXIC DRYWALL.—The Administrator may make a loan under this subsection to any homeowner if the primary residence of such homeowner has been adversely impacted by the installation of toxic drywall manufactured in China. A loan under this paragraph may be used only for the repair or replacement of such toxic drywall.''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Madam Chairman, I'd like to thank Chairwoman VELÁZQUEZ, Ranking Member GRAVES, Mr. SCHRADER and all my other esteemed colleagues on the Small Business Committee for their work to bring about the Small Business Financing and Investment Act and bring it to the floor, and for including my bill, the Small Business Early Stage Investment Act, in this omnibus bill.

Small businesses are the engine of our economy and they are key to our recovery. Any effort to create jobs must start with an investment in small businesses. But the financial crisis and the economic downturn have been hard on small businesses as the credit markets have dried up.

When I meet with my Small Business Advisory Board back in Virginia's Second District, they tell me their number one concern is accessing the capital they need to support their business. It is now more important than ever to improve the flow of capital to our small businesses, particularly for the early stage research that will lead to new technologies—and the SBA programs outlined in this bill will do just that.

I am also proud to bring to the floor an amendment—a very important amendment to the underlying bill—together with my friend from Florida (Mr. BUCHANAN) which addresses a serious problem facing homeowners across the United States—imported toxic drywall.

In 30 States and the District of Columbia, thousands of homes have been reported to have been built with toxic foreign drywall, mainly from China. The drywall releases poisonous gases that can cause serious health problems and can make a home uninhabitable. The fumes even corrode metals—damaging electrical wiring, appliances, and piping systems.

In my district, I have visited these homes and spoken with the families. Many of them have been forced to move in with friends or relatives; many others are now living in rental housing—paying for both the cost of a mortgage and the cost of rent—or, even worse, living in the home, unable to afford repairs.

The CPSC and the EPA have recognized toxic drywall as a serious problem and they are conducting a detailed investigation. But many families simply cannot afford to wait for the test results and there is no guarantee anything will come of these efforts. We owe it to them to try every means possible to provide them relief.

These homeowners are the victims of a calamity beyond their control—just like any family whose home is damaged by a major disaster such as a hurricane or tornado—and they deserve the same assistance.

This amendment allows these families to access low-interest disaster loans from the Small Business Administration to repair or replace toxic drywall in their homes. While it may take more time and legislation to ultimately eradicate this problem, we can take immediate action today for these struggling families.

I urge my colleagues to join me and my colleague in passing this amendment to help these American families rebuild their homes and begin rebuilding their lives.

With that, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, I strongly support this amendment and now would like to yield 2 minutes to one of the cosponsors of this amendment, the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. Thank you, Madam Chair. Thanks for your leadership. I'd also like to thank my colleague, Mr. NYE, for working with me in a bipartisan manner to address this issue that I believe is long overdue.

Our amendment will extend SBA loans to homeowners who have residences that are suffering from toxic Chinese drywall. An estimated 36,000 residents in my home State of Florida are believed to have this hazardous material.

For most families, their house is their biggest investment. I have met with homeowners across my district who have seen their property values plummet and their health care concerns grow. The American Dream of home ownership has become a nightmare for these families.

The real life story of one of my constituents, Jim Silverblatt, comes to mind. Jim bought a house in beautiful Venice, Florida, for $680,000 in 2006. He retired from UPS as a supervisor and invested another $125,000 in his residence. He has over $800,000 in that house. However, due to the damage caused by the toxic drywall, Jim's home is now appraised at just $155,000, and is uninhabitable in the warm weather.

Jim's story is all too common in Florida in general. Many of my constituents in our area that I have talked to, they have had to move out of their homes and they're renting another place. They're paying two mortgages at the same time. While this amendment doesn't fix everything, it represents much-needed progress for all these families. I urge passage.

Mr. NYE. At this time I yield 1½ minutes to my colleague from Virginia (Mr. WITTMAN).

Mr. WITTMAN. I rise in support of this amendment and I would like to thank my colleagues from Virginia and Florida for offering it. This amendment will offer homeowners impacted by toxic drywall an option to apply for Small Business Administration loans to be used for the repair or replacement of toxic drywall manufactured in China.

Last week, I toured the homes of several constituents affected by the toxic drywall in the Hollymeade subdivision of Newport News and saw firsthand how toxic drywall has put the health and financial well-being of numerous families at risk.

I extended an invitation to President Obama to tour these impacted homes during his visit to Hampton Roads this week and I urged him to put this issue at the top of the agenda for his meetings in China next month.

Of particular concern is the significant military presence in Hampton Roads and the impact on the military families who own homes where toxic drywall is present. Many of these families are juggling the burdens of having a deployed spouse or a spouse preparing for deployment, and an additional financial burden such as a move out of an impacted home, foreclosures, or loss of insurance coverage would be devastating.

I recently sent a letter to the chairman of the U.S. Consumer Product Safety Commission to urge the expeditious resolution of the commission's investigation into the scope and impact of toxic Chinese drywall.

Homeowners across the Nation are waiting for the findings of the commission's investigation, which may determine their eligibility for State and Federal assistance, loan modification, insurance policy changes, tax deductions, and other programs.

I urge my colleagues to support this amendment, which will provide impacted homeowners with an opportunity to pursue some relief through the SBA.

Ms. VELÁZQUEZ. Madam Chair, I yield 1½ minutes to the gentleman from Louisiana (Mr. CAO).

□ 1645

Mr. CAO. Thank you very much, Madam Chair, for yielding me time.

I rise today in strong support of this amendment. Fifteen percent of all drywall contamination cases are in Louisiana. Just imagine, Madam Chair, that after Hurricane Katrina, many of these families had to spend all of their savings in order to repair their home, just to find out now that they replaced their drywall with Chinese contaminated drywall.

I myself have repaired my home twice in the last 4 years, so I know of the inconvenience and the suffering that the people of Louisiana have to undergo in order to get this job done.

With respect to myself, I was fortunate in that my damages were caused by the flooding of Katrina and Gustav. Therefore, my insurance company paid for the repairs in my home.

But for many of these homeowners in Louisiana, their policy does not cover the problems with Chinese drywall. After spending all of their money repairing their homes because of Katrina,

now they have no money whatsoever to spend in order to repair their homes due to the Chinese drywall.

Therefore, I believe that this amendment is extremely important, and I urge that all of my colleagues vote for the passage of this amendment.

Mr. NYE. Madam Chair, might I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Virginia has 30 seconds remaining.

Mr. NYE. I would like to ask unanimous consent to have an additional minute added to my time.

The Acting CHAIR. Without objection, the gentleman from Virginia and the gentlewoman from New York each will control 1 additional minute.

There was no objection.

Mr. NYE. Madam Chair, I yield 1 minute to my colleague from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman. I also thank Chairwoman VELÁZQUEZ, Mr. NYE, and Mr. BUCHANAN.

Madam Chair, I rise in support of this amendment.

This is a very important issue for obviously Florida, Louisiana and other States—Virginia—that have been impacted. Chinese drywall has affected many homeowners.

The defective material that has been described contains a sulfur compound that causes corrosion in the walls, faults to plumbing and electrical systems and has led to severe health problems, forcing residents to spend thousands and sometimes even hundreds of thousands of dollars to move or make repairs.

These homeowners had no reason to suspect that their homes were built with defective drywall, and they need our help. Most of these problems are not covered under standard homeowners' insurance. In some cases the builders that built the buildings are insolvent or gone. Families are now struggling to fix these problems or they risk losing insurance coverage and potentially their homes.

A few days ago a number of us had a chance to meet with HUD Secretary Shaun Donovan in south Florida so that we could all tour some of these devastated homes. While it is imperative that we develop a comprehensive solution, it is also vital that homeowners have access to small business loans.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. I thank the distinguished gentlewoman and I want to thank Congressman BUCHANAN for bringing this up.

Madam Chair, as you have heard before, this is a nightmare. This Chinese drywall is a nightmare. These people can't live in their homes; they can't sell their homes; they can't rent their homes. There are potential health hazards while they are there. This amendment would really provide immediate assistance to a number of homeowners to allow them to repair their homes.

Again, Congress has to do everything we can to help these individuals who are stuck in this horrible nightmare situation. This is a very, very good, commonsense amendment. I encourage this Congress to adopt this amendment.

Ms. VELÁZQUEZ. Madam Chair, if the gentleman from Virginia is prepared to yield back, we are prepared to accept the amendment.

Mr. NYE. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, I urge adoption of this very important amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in part B of House Report 111–317 on which further proceedings were postponed.

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 370, noes 55, not voting 13, as follows:

[Roll No. 828]

AYES—370

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
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
Kennedy
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Myrick
Napolitano
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOES—55

Baldwin
Berkley
Brady (PA)
Brown, Corrine
Butterfield
Christensen
Clyburn
Conyers
Costello
Delahunt
Doyle
Edwards (MD)

Ellison
Filner
Frank (MA)
Fudge
Grayson
Grijalva
Hastings (FL)
Hinchey
Holden
Kildee
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Matsui
McDermott
Meek (FL)
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler (NY)
Neal (MA)
Pascrell
Paul
Rahall
Rangel
Reyes
Sanchez, Loretta
Schakowsky
Serrano
Shea-Porter
Sherman
Sires
Stark
Thompson (MS)
Tonko
Wasserman Schultz
Wexler
Woolsey
Young (AK)

NOT VOTING—13

Barrett (SC)
Berman
Bishop (UT)
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Linder
Murphy, Patrick
Murphy, Tim
Nunes
Payne

□ 1718

Ms. BERKLEY, Messrs. BUTTERFIELD, REYES, RANGEL, LARSON of Connecticut, NADLER of New York, SHERMAN, MORAN of Virginia, MEEKS of New York, and Ms. WASSERMAN SCHULTZ changed their vote from ''aye'' to ''no.''

Messrs. INSLEE, SCHAUER, GONZALEZ, KLEIN of Florida, WAXMAN, RODRIGUEZ, BOREN, Ms. LINDA T. SÁNCHEZ of California, Mr. COHEN, Mrs. MALONEY, Mr. CARNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Messrs. TURNER, HALL of New York, BACA, MCDERMOTT, Mrs. EMERSON, Ms. DEGETTE, Messrs. STUPAK, BURGESS, HARE, HINOJOSA, MCINTYRE, Ms. MCCOLLUM, and Ms. CLARKE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1715

The Acting CHAIR. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Ms. EDWARDS of Maryland, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes, pursuant to House Resolution 875, she reported the bill, as amended pursuant to that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

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

Pursuant to House Resolution 875, the question on adoption of the further amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT

Mr. CANTOR. Madam Speaker, I have a motion to recommit at the desk.

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

Mr. CANTOR. In its current form, I am.

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

The Clerk read as follows:

Mr. Cantor moves to recommit the bill H.R. 3854 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following:

TITLE X—STUDY ON ADDITIONAL CREDIT RISK FACTORS

SEC. 1001. STUDY ON ADDITIONAL CREDIT RISK FACTORS.

(a) IN GENERAL.—With respect to loans made under programs established or amended under this Act, the Administrator of the Small Business Administration shall conduct a study on whether the failure of such loans to achieve one or more of the public policy goals specified in subsection (b) negatively impacts the ability of businesses receiving such loans to make timely repayment of such loans.

(b) PUBLIC POLICY GOALS.—The public policy goals referred to in subsection (a) are the provision of adequate access to capital to assist small business concerns with one or more of the following:

(1) Offsetting the costs to such concerns resulting from the imposition of a surtax on the income of small business owners.

(2) Offsetting the costs to such concerns resulting from the enactment of a requirement that such concerns offer health care of a minimum acceptable coverage level.

(3) Offsetting the costs to such concerns resulting from an increase in the marginal tax rates of small business owners.

(4) Offsetting the reduction in capital available for such concerns resulting from an increase in the tax on capital gains.

(5) Offsetting the reduction in capital available for such concerns resulting from an increase in the taxes on carried interest.

(6) Offsetting the increased energy costs for such concerns resulting from the enactment of a cap on carbon dioxide emissions.

(7) Offsetting the increased costs to such concerns resulting from a change in Federal law that allows unions to be organized through a card check process.

(8) Offsetting the reduction in capital available for such concerns resulting from new regulations on financial products.

(9) Offsetting the increased costs to such concerns resulting from the imposition of net neutrality rules on the Internet.

(c) USE OF STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report on the results of the study conducted under subsection (a) and shall use such results to evaluate and adjust, as appropriate, the potential credit risk to the Government through the provision of loans under programs established or amended under this Act.

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

Mr. CANTOR. Madam Speaker, providing about 70 percent of U.S. jobs, small businesses are the lifeblood of our economy. When they struggle, when they contract, when they fail to obtain credit and put capital to work, America struggles. And right now our small businesses are struggling like never before.

With such an ominous backdrop, it is only logical that we do everything in our power to strengthen our small businesses and make it easier for them to create jobs and put people back to work. But as small business owners across this country have told us for months now, Washington is doing the opposite. The wave of newly proposed tax increases, health care mandates, and financial and energy regulations are adding fresh gasoline to the fire. They have created a pervasive state of fear about the future cost of doing business that is enveloping reluctant job creators.

Madam Speaker, if the economy is going to be resurgent, small business owners will have to provide the spark. I know many of us have met with our small business owners over the last several months. I have. I have conducted several small business forums in my district. One of those, in Richmond, I heard the message loud and clear. Small businesses want to expand. They want to hire more workers. They want to invest. But they can barely afford to keep the lights on right now.

The message to me, Madam Speaker, was very clear. Of all times, now is the wrong one for Washington to go and slap more taxes and regulations on us. These small businesses asked me: Why is there such a huge disconnect between what we in the small business community need and what our government thinks we need? Why does Washington spend so extravagantly and fund this spree by squeezing the very people who can create and provide jobs?

The point was this: It was that the misguided policies being brought forward either siphon capital away from small businesses or cause them to hoard capital out of a grave concern. Talk of card check, surtaxes, marginal tax hikes, minimum health coverage mandates, cap-and-trade, et cetera, all of this adds new and unnecessary layers of concern. This concern will harm small business employment, and has, and the number of business establishments and the types of such establishments, such as sole proprietorships, corporations, and partnerships.

Madam Speaker, we will see repercussions in the amount of capital investment small businesses attract; in the number of business formations and failures; and the amount of sales and new orders and investment in plant and equipment because of the very actions being proposed in this House and throughout Washington.

The bill before us today proposes to modify and expand a variety of SBA loan programs. The SBA plays an important part in helping America's small businesses. But let us be clear, Madam Speaker, the vast majority of small businesses do not participate in SBA programs. They rely on community banks, investment capital, and

other forms of credit to start and expand their business. In fact, the Discovery Financial Services small business survey recently found that 90 percent of small businesses report that they have never even applied for an SBA loan. Reports from banks confirm that most small business credit is supplied outside of the SBA. In 2007—the most recent data—banks reported through the CRA that they originated or purchased $329 billion in loans for small businesses. By comparison, Madam Speaker, the SBA averages between $20 billion and $30 billion in lending a year.

Small businesses, whether they use SBA or other sources of financing, will all be impacted by massive tax hikes, regulations, and mandates being proposed currently by the Democratic majority.

Madam Speaker, the bottom line is this. The resulting loans being called for under this bill by the Small Business Administration will not even come close to offsetting the cost to small businesses caused by the concerns businesses have over the majority's agenda in this House. So, Madam Speaker, I suggest this. Abandon your proposals to impose record-high taxes. Abandon the proposals for underfunded mandates on our businesses and costly regulations.

□ 1730

Provide our small business job creators with the certainty that Washington isn't going to be saddling them with new penalties, with new taxes and with new high costs. We take a first step towards that goal today, Madam Speaker, by adopting this motion, and I urge the House to do so.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, while not opposed to the motion, I ask unanimous consent to claim the time in opposition.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. While I am not opposed to the motion, I do want to make some observations. While the gentleman is interested in studying the problems, we are interested in real solutions, and the bill under consideration does that. This bill provides $44 billion in capital for our small businesses, helping address the number one issue facing small firms right now. This bill will create 1.3 million jobs. Initiatives in this legislation will be specifically targeted to veterans and businesses located in rural communities. This legislation is supported by over 50 business organizations, representing small businesses in the health care, financial services, agriculture and technology industries.

What I would like to see the gentleman add to the study is how small businesses have benefited from increased expensing limits for purchasing equipment, extended bonus depreciation, reduced capital gains rates on small business stock, and allowing businesses to carry back 5 years of losses. Let's add that to the study.

It is interesting to see how the gentleman would like to study things that haven't happened, like offsetting the reduction in capital available for such concerns resulting from an increase in tax on capital gains. Are we going to study things that haven't happened? Does the gentleman have a crystal ball? Because if he does, I would like for him to tell me who is going to win the World Series. This is a motion that does nothing to provide loans to small businesses or create jobs. But if the gentleman wants to do a study, so be it.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CANTOR. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3854, if ordered, and the motion to suspend the rules and agree to House Resolution 729.

The vote was taken by electronic device, and there were—ayes 272, noes 149, not voting 11, as follows:

[Roll No. 829]

AYES—272

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Cleaver
Coble
Coffman (CO)
Cole
Cooper
Costa
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hoekstra
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Velázquez
Walden
Wamp
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOES—149

Abercrombie
Andrews
Baca
Baldwin
Bean
Becerra
Berry
Bishop (NY)
Blumenauer
Boccieri
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Sherman
Slaughter
Smith (WA)
Speier

Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Woolsey
Yarmuth

NOT VOTING—11

Barrett (SC)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Murphy, Patrick
Murphy, Tim
Nunes
Payne

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1756

Messrs. DELAHUNT, NEAL of Massachusetts, COSTELLO, Ms. HARMAN, Messrs. FARR, MOLLOHAN, BOCCIERI, REYES, SESTAK, SHERMAN, VISCLOSKY, BACA, ORTIZ, SALAZAR, Mrs. HALVORSON, Messrs. GENE GREEN of Texas, SCHAUER, Mrs. DAVIS of California, Messrs. SCOTT of Georgia, GONZALEZ, Mrs. McCARTHY of New York, Messrs. ENGEL, EDWARDS of Texas, DICKS, MEEKS of New York, BISHOP of New York, KRATOVIL, and DRIEHAUS changed their vote from ''aye'' to ''no.''

Mr. GORDON of Tennessee changed his vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Ms. VELÁZQUEZ. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 3854, back to the House with an amendment.

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

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

Add at the end of the bill the following:

TITLE X—STUDY ON ADDITIONAL CREDIT RISK FACTORS

SEC. 1001. STUDY ON ADDITIONAL CREDIT RISK FACTORS.

(a) IN GENERAL.—With respect to loans made under programs established or amended under this Act, the Administrator of the Small Business Administration shall conduct a study on whether the failure of such loans to achieve one or more of the public policy goals specified in subsection (b) negatively impacts the ability of businesses receiving such loans to make timely repayment of such loans.

(b) PUBLIC POLICY GOALS.—The public policy goals referred to in subsection (a) are the provision of adequate access to capital to assist small business concerns with one or more of the following:

(1) Offsetting the costs to such concerns resulting from the imposition of a surtax on the income of small business owners.

(2) Offsetting the costs to such concerns resulting from the enactment of a requirement that such concerns offer health care of a minimum acceptable coverage level.

(3) Offsetting the costs to such concerns resulting from an increase in the marginal tax rates of small business owners.

(4) Offsetting the reduction in capital available for such concerns resulting from an increase in the tax on capital gains.

(5) Offsetting the reduction in capital available for such concerns resulting from an increase in the taxes on carried interest.

(6) Offsetting the increased energy costs for such concerns resulting from the enactment of a cap on carbon dioxide emissions.

(7) Offsetting the increased costs to such concerns resulting from a change in Federal law that allows unions to be organized through a card check process.

(8) Offsetting the reduction in capital available for such concerns resulting from new regulations on financial products.

(9) Offsetting the increased costs to such concerns resulting from the imposition of net neutrality rules on the Internet.

(c) USE OF STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report on the results of the study conducted under subsection (a) and shall use such results to evaluate and adjust, as appropriate, the potential credit risk to the Government through the provision of loans under programs established or amended under this Act.

Ms. VELÁZQUEZ (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Ms. VELÁZQUEZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 389, nays 32, not voting 11, as follows:

[Roll No. 830]

YEAS—389

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

Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—32

Akin
Bishop (UT)
Broun (GA)
Burgess
Burton (IN)
Campbell
Carter
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Granger
Hensarling
Issa
Jordan (OH)
Kingston
Lamborn
Lewis (CA)
Lummis
McClintock
McHenry
Miller (FL)
Neugebauer
Paul
Price (GA)
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Thornberry

NOT VOTING—11

Barrett (SC)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Murphy, Patrick
Murphy, Tim
Nunes
Payne

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1804

Messrs. KINGSTON, BURGESS and CULBERSON and Ms. FOXX changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE CHAIRWOMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute.)

Ms. ZOE LOFGREN of California. Madam Speaker, as you know, I chair the Committee on Standards of Official Conduct, and Mr. BONNER is the ranking member.

I regret to report that there was a cyberhacking incident of a confidential document of the committee. A number of Members have been contacted by The Washington Post, which is in possession of a document. We don't know with certainty whether it is an accurate document, but we thought it important to state the relevance of the material.

As the body knows, under rule XVIII, the Chair and ranking member are permitted, indeed, obliged, to explore extraneous matters that come to our attention, anything from a stray newspaper article to a comment involving Members or staff, to make sure that there is nothing serious. In the course of doing that, no inference should be made as to any Member. We might have a newspaper article that we look at, there is nothing to it, but we have to make sure that that is the case.

I would yield to the ranking member for his further comments.

Mr. BONNER. Thank you, Madam Chairman.

The purpose of this colloquy is to notify the Members that because The Washington Post has a document that they believe originated from our committee, and because some Members of the body are receiving questions from the newspaper, we wanted to assure the body, first of all, this was an isolated incident that to our knowledge has only occurred once; secondly, that our security system for the committee has not been breached; and, third, and I think most importantly, that any name of a Member or a staff member that might appear on a document, if it in fact were a document from our committee, it should not be inferred that a Member is under an investigation of the committee, other than the fact that the committee has responsibilities.

For instance, when a colleague calls and asks about whether they can take a trip, their name would appear on this weekly report that the Chair and ranking member receive. That doesn't mean that they are doing anything other than following the rules of the House to inquire whether they should take that trip or whether it is permissible.

Ms. ZOE LOFGREN of California. I would just like to note that we understand that the computer system of the committee is secure; that at any one time, as the ranking member has said, dozens of Members' names are on our weekly report, and no inference should be made as to incorrect behavior on the part of those Members.

We wanted to make sure that the body knew and that the public knew that any other inference would be a serious mistake.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

NATIONAL FIREFIGHTERS MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 729 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 Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 729.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 831]

YEAS—390

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
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
Holden
Holt
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
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
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)
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano

Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Barrett (SC)
Barton (TX)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Clarke
Conaway
Crowley
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Flake
Gallegly
Garrett (NJ)
Gonzalez
Grijalva
Hoekstra
Honda
Larson (CT)
Lee (CA)
Loebsack
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Nunes
Payne
Quigley
Rangel
Ros-Lehtinen
Roskam
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (GA)
Shadegg
Smith (TX)
Sullivan
Waxman
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1823

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall Nos. 826, 827, 829, 830, and 831, I was unavoidably detained.

Had I been present I would have voted "yea" on rollcall No. 826; "aye" on rollcall No. 827; "aye" on rollcall No. 829; "yea" on rollcall No. 830; and "yea" on rollcall No. 831.

LEGISLATIVE PROGRAM

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

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

Mr. HOYER. I thank the gentleman for yielding.

Madam Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 8 a.m. for morning-hour debate. The House will then meet at 9 a.m. for legislative business and recess immediately. The House will reconvene at approximately 10 a.m. in a joint meeting with the Senate to receive Her Excellency, Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.

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

On Friday, the House will meet at 9 a.m. for legislative business.

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

In addition, Madam Speaker, we will consider the Expedited Card Reform for Consumer Act of 2009; H.R. 2868, the Chemical Facility Antiterrorism Act of 2009; and H.R. 3962, Affordable Health Care for America Act.

Mr. CANTOR. Madam Speaker, I would like to ask the gentleman if he can give us any indication about the days on which we could expect these particular bills to be debated and voted upon on the House floor.

Mr. HOYER. I would expect the credit card bill to be considered as early as Wednesday; the Chemical Facility Antiterrorism Act to be considered as early as Wednesday or Thursday; and the Affordable Health Care Act as early as Thursday.

Mr. CANTOR. I thank the gentleman for that.

Madam Speaker, I would like to say to the gentleman that I noticed that this morning we Republicans, just like the public, were not allowed to attend the Speaker's unveiling of the public option bill.

I know that the gentleman here on this House floor and I have always talked about the need for transparency, certainly at this particular occasion, and at the press conference the public nor any Republican was allowed to attend.

I would note for the record, Madam Speaker—I know the gentleman knows this—that the steps of the Capitol are and should be open to the public. I would think, Madam Speaker, that in the spirit of trying to work together, when we have such a transformative piece of domestic legislation, that if there is a press conference for the public on public grounds to discuss public option, it should be open to all.

Madam Speaker, I just felt that the gentleman would agree with me on that. But I would like to at this point turn to what the events of next week will be.

Mr. HOYER. Will the gentleman yield before we get to next week?

Mr. CANTOR. I yield.

Mr. HOYER. I am informed that Fox News is talking a lot about this, but the fact of the matter is it was open to the public. There were public there, as a matter of fact. If the gentleman's contention is somehow this was walled off or there were people who were prohibiting people from being there in attendance at the rollout of America's health care bill, I was there. I saw nobody turned away. I saw nobody precluded from attending.

If the gentleman's contention is that every time he has a press conference he calls me up or somebody else up and says, By the way, I'm having a press conference, if you want to come by, come by, I will check my phone records and my e-mail and any other messages that I have, but the gentleman and I both know that doesn't happen.

We have been considering this bill for some period of time. I will go into that a little later. But I think the gentleman's contention that somehow he or any other Republican was precluded from being on the site at the foot of the Capitol steps is incorrect, and I reject it.

Mr. CANTOR. Madam Speaker—and I don't intend to belabor this point with the gentleman—but I do know for a fact that individuals were precluded from entering. And I'm told that invitations were issued with RSVPs, and if you were not on the list of RSVPs, you couldn't enter. And I do know for a fact that people were prohibited from doing so.

Again, Madam Speaker, I would say, this is not just some ordinary press conference. This was a press conference held on the front steps of the Capitol. This was a press conference, the subject of which was a piece of legislation that portends to transform one-sixth of this economy of this country and to deal with the most personal issues of health care universally applied to all people.

So I do thank the gentleman for his concern and his belief that it should have been open, because I believe as well.

Mr. HOYER. I believe, so we accurately express it, that it was open.

Mr. CANTOR. Again, I don't want to belabor the point any further. I just politely disagree with the gentleman, having known, and the fact is there were people stopped from entering.

With that, Madam Speaker, I would turn to some inquiries that I have about how we are going to proceed in discussing this massive 1,990 pages of legislation; how it is that if the gentleman believes that we are going to be taking it up as early as Thursday, then could he tell us if the bill itself, in general, does it resemble H.R. 3200?

Mr. HOYER. There are certainly, as I think I indicated in the press, three committees worked off that base. The three committees, as you know, reported somewhat different bills. Those bills have been put together and there are additions and subtractions from that bill.

But I would say to the gentleman that the overwhelming part of that bill, as I have indicated, has been online for over 3 months. There have been literally thousands of town meetings with reference to the substance of the bill—not the specific bill that was just put on the line at 10 a.m. this morning. And now there are 8 million hits on the Rules Committee Web site, downloads. So Americans are doing what we indicated we'd give them the opportunity to do—and we wanted them to do.

□ 1830

I'm sure you have, I don't know whether you personally have, but I'm sure your side has downloaded it as well. From that standpoint, the notice that we promised to give is being given. It is a massive bill. It is a very consequential bill. We believe it's a very important bill for every American, every American family, every American business, and for our country.

That bill is going to get and has been getting, over the last, frankly, 8 months, where we have had a large number of hearings, from 2007 to this date, somewhere in the neighborhood of 60 hearings. I'm not sure of that specific number. I had it, but I can't recall it right now. There were markups on the bills, over 100 amendments presented in each committee and considered and voted upon.

So that this bill, as I said before in the colloquy last week, has had more discussion, more town meetings, has been read more extensively than any bill in the 29 years that I have been here in the House of Representatives.

So again, I would reiterate to the gentleman that this bill has received extraordinary oversight, extraordinary review, and extraordinary input from the citizens of this country and, indeed, in the markups of three committees, input from the members of the three committees.

Mr. CANTOR. I thank the gentleman.

As the gentleman knows, Madam Speaker, not every one of the Members in this body serve on those three committees. From what I can gather of the gentleman's statement that if the discussion in the committees and the discussion in the town halls across this country over the summer were indicative of the discussions surrounding this new bill, then perhaps I am to conclude that this bill is H.R. 3200, because the point, Madam Speaker, is that this is a new bill.

It was unveiled today, and, again, I pointed out to the gentleman, Madam Speaker, very troubling that it was unveiled in a closed press conference. Somehow the majority felt and the Speaker felt it necessary to block Republicans and the public from that unveiling. Now we have a new bill, it is over 1,900, nearly 2,000 pages long. We do have a concern that we have adequate time to look at this bill, to understand this bill, to debate this bill.

I would ask the gentleman how much time for debate will be given on this House floor of this 1,990-page bill?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Let me again express the fact that I believe this bill has received the most extensive consideration of any bill since I have been in Congress, and that hasn't always happened.

The gentleman has been here for a number of years, and he was here, I believe, on June 25, 2003. He recalls that that was a bill which was the most massive change in Medicare in over a quarter of a century. The gentleman probably recalls that bill; the prescription drug bill, referred to affectionately. I know the gentleman must clearly remember how we considered that bill. But just on the off chance he doesn't, let me remind him.

On June 25, 2003, a new version was introduced and referred to committee. Hear me. New bill, introduced, referred to committee on June 25. On June 26, at 6:20 a.m. in the morning, a rule for martial law was considered by the Rules Committee, with 3 hours of debate and a Rangel substitute permitted with 1 hour of debate. On June 26 at 6:55 p.m., debate began pursuant to House Resolution 299. Then the House proceeded with 3 hours of general debate. On 6/27—6/27—at 2:32 a.m., there was a 50-minute vote, and the bill passed 216–215 after all of about 36 hours of exposure from introduction to passage.

Now, that bill, of course, went to conference, and it came back from conference. Let me remind my friend about the timing on the conference report.

On 11/21/2003 at 1:17 a.m., the conference report was filed. At 11/21/2003 at 3:41 a.m., 2 hours and approximately 20 minutes later, martial-law consideration of conference report by the Rules Committee. At 11/21, the same day, 2003, at 11:26 p.m.—now this started at 1:17 a.m. in the morning—at 11:26 p.m., it passed the House, the rule. Now, at 11:36 p.m., 10 minutes later—10 minutes later—Mr. Thomas brought up the conference report for consideration. At 11/22, at 2:39 a.m., we began to vote. I am sure you remember that vote. It took 3 hours.

Now, of course, we had had this under consideration from the day before at 1:17 a.m. when the conference report was reported back. This side of the aisle won for 2 hours and 45 minutes while you spent time changing votes on your side of the aisle. You were ultimately successful.

About 2 hours and 55 minutes into that particular vote, the longest vote which I have considered, and, frankly, the longest time this was considered as a piece of legislation, you changed the votes. And it won, 211–222, at 11/22 at 5:50 a.m.

In other words, consideration of the conference report was laid on the table at 11/21/2003 for the Rules Committee consideration, and by 11/22 at 5:50 a.m., about 30 hours later, it was passed.

I tell my friend in reviewing this, this was an 800-page bill, by the way, no extensive hearings on that bill. By the way, when you had press conferences regarding that bill, none of us were invited. You know that and I know that.

I would tell me friend with all due respect, this saying that the Democrats have rolled out a bill, we rolled out a bill 4 months ago. We rolled out a bill 6 months ago. We rolled out hearings 8, 9 and 10 months ago.

Your major piece of legislation, in 25 years the most significant amendment to the Medicare Act that had passed to that period of time, you passed with less than 48 hours' notice from the Rules Committee consideration to the passage. We have said we have had months of consideration, months of debate, months of transparency on the Web. Now on the Web we are going to give you, as I promised we would, at least 72 hours notice to read that bill and to have it considered on this floor.

Mr. CANTOR. I thank the gentleman for that history.

Mr. HOYER. I knew you would be interested. That's why I wanted to do it.

Mr. CANTOR. And the interpretation of that history.

I asked a simple question, Madam Speaker, of how long the debate will be on this House floor of a bill that has been just introduced, and, according to the gentleman, maybe it's not this bill that's just been introduced, maybe it is H.R. 3200, because that's what's been the discussion across this country up until now. But, Madam Speaker, this is a bill that is now being reported to be presented at a cost of $2 million a word, five times longer than the Torah, longer than the well-known work of War and Peace. That's how long this bill is.

It's a new bill. I am simply asking how much time can we expect to have for debate on the floor of this transformative piece of legislation that will alter one-sixth of the country's economy.

I yield to the gentleman.

Mr. HOYER. I would respond to him, more time than we had to consider the prescription drug bill, the major amendment to the Medicare bill, and by a factor of months and months and months, more time to consider the substance of this bill.

I tell my friend again, and he knows this well, we have had hearings on health care reform from 2007 to this day. We have had 81 hours of committee markup. We have had over 86 hours of hearings. We had over 203 hours of caucuses on our side. I presume you have had a similar time, I am sure, paying attention to this bill that has been available to you. It's been 80 days from the time the House bill was first introduced, of which this is obviously an offshoot.

The public has been able to view the bill and extensive information about it is online the entire time. It's been 126 days since, as I said, the House discussion draft was first made available online. I think every one of us has had ample opportunity to debate the bill and offer amendments.

During the markup, 129 amendments were offered by Republicans. You act as if all of a sudden this is a brand-new day. It may be a brand-new day tomorrow, but the legislation has been under consideration for a long time.

Have we made changes? We have. Are those changes so major that your side can't consider them and analyze them

over the next 72-plus hours? Because it would be longer than 72 hours. I think the answer to that is no. You certainly have that capability and have been focusing on this very carefully. We promised the 72 hours on the bill and on any manager's amendment that might be offered subsequently, and we are going to do that.

So I tell my friend, I just don't believe that it's a fair criticism to say that a bill that has been discussed, analyzed, more public hearings than any other bill, perhaps, certainly in my career in this House, has somehow all of a sudden come as a surprise to your side of the aisle.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I am just asking a simple question. There is no criticism here. There is plenty of that I know in this body. I am asking a simple question, Madam Speaker. How long are we going to be allowed for debate on this floor on this bill?

Mr. HOYER. And what I said was that the Rules Committee has not met yet. But I think clearly there will be more debate, as there has been an extraordinary amount of debate on this bill up to this time. There will be more debate than we had available to us with respect the massive amendment and legislation that you offered with reference to Medicare. I believe that there will be sufficient time made available over the consideration of this bill for both sides to make their case.

Mr. CANTOR. I thank the gentleman.

As I am not, Madam Speaker, being too successful in eliciting a response that is definitive, I would ask the gentleman, when we are considering this bill that is not affecting one program like Medicare, like he referred to in 2003 in part D, while we are considering a bill that is dealing with one-sixth of our economy, every aspect of health care in America comes under this bill.

What is it that the majority leader has in mind in terms of the ability for all Members of this body to represent their constituents, to offer amendments, to have their voices heard on this floor? If the gentleman could please enlighten me and our colleagues as to what the amendment process will be on this bill.

I yield to the gentleman.

Mr. HOYER. I know the gentleman wants to somehow diminish that little tiny bill of some 800 or 900 pages that amended Medicare and created prescription drug, and I don't know whether he recalls how many amendments our side was given. I would yield to him if he recalls, but if he doesn't recall, the answer is zero.

Why? Because you had considered that bill a long time; your proposition was that we had all had an opportunity to discuss it, albeit one-tenth of one one-hundredth of the time that this piece of legislation has been under consideration, but there were no amendments from this side allowed.

□ 1845

But what we did have allowed was a substitute. Now, I will tell my friend, and I have said before, that your side has told me you have a bill. Somebody waved it around, as a matter of fact, on national television. I presume that hopefully you're going to get that scored. Hopefully you will give us 72 hours' notice of that. And once we get the score and the 72 hours' notice of your substitute, we will be glad to consider it.

But I will tell the gentleman that we expect the same 72 hours' notice and we expect it to be scored. And I will help the gentleman facilitate the scoring of your substitute.

Mr. CANTOR. I thank the gentleman.

I would ask the gentleman if he could be a little bit more specific about the amendment deadline so our Members can be adequately put on notice for that.

I yield.

Mr. HOYER. Well, there is no amendment deadline. The committee has not requested amendments at this point in time.

Mr. CANTOR. Madam Speaker, I would ask the gentleman, then, does that mean there will be no amendments allowed?

I yield.

Mr. HOYER. I just indicated to you that you will recall that after you brought this massive bill, I suggest, you wanted to diminish 900 pages. Ours is longer because it deals with a broader subject, you're correct, in giving every American health care and including, by the way, expanding protections to senior citizens on the doughnut hole that was incorporated in that bill. There were no amendments offered, and my presumption is your theory was that it had been so carefully constructed that you didn't want to have amendments to that bill, but you did, in fact, allow us a substitute and we offered that substitute.

I would say to the gentleman, as I have said before, that certainly I believe you ought to have, and we are going to invite you to have, a substitute and introduce your alternative that you have been talking about now for some months. I hope that you have submitted it to CBO for scoring, and we would expect 72 hours' notice of that substitute before it's brought to the floor, as you expect us to give you 72 hours' notice of our bill and of our manager's amendment.

Mr. CANTOR. I thank the gentleman.

I would expect that he would inform us of exactly when that vote will take place in order for us to know when that 72-hour period will be triggered as far as our substitute, if the gentleman is offering us a substitute, would be submitted in order to meet what he imposes as a deadline on us.

Madam Speaker, I would ask, though, I still don't understand about the posture of amendments. I know that there are many Members in this House, in fact, there may very well be close to a majority if not more than a majority of Members in this House, who are interested in amendments having to do with the protection of life in this bill on health care and the question of prohibiting government funding of abortion. And I would ask the gentleman whether we are going to be given an opportunity to vote on that issue through the amendment process.

I yield.

Mr. HOYER. I think that question will be addressed.

Mr. CANTOR. I'm sorry?

Mr. HOYER. I think that question will be addressed. The answer is yes.

Mr. CANTOR. I thank you.

Madam Speaker, there is also the issue of the conscience clause, as to whether that will also be a subject of an amendment to this bill, as many of our Members, if not a majority, are interested in that as well.

I yield.

Mr. HOYER. As the previous issue, I think that will be addressed. As a matter of fact, there is some reference to it, as you know, in existing legislation and existing law. We have not changed that. And the answer is my presumption is that will be considered—will be addressed.

Mr. CANTOR. I thank the gentleman.

I would just point out, I'm sure as he knows, the law that perhaps he's referring to is riders on appropriations bills, and, as well, I think he is well aware that courts have indicated if there is silence on the issue of life and government funding of abortion, that necessarily goes against those who want to see the prohibition of the government funding of abortion, which is why it is so important that this House take up that issue.

I would ask the gentleman, though, if the issues that I raised surrounding the government funding of abortion will be addressed, will those issues be addressed in the manager's amendment or will we expect to be able to address those in an amendment?

I yield.

Mr. HOYER. I have not discussed specifically the Rules Committee's plan on that. I would repeat that it will be addressed. Now, how it will be addressed, I don't have an answer for you specifically.

Mr. CANTOR. I thank the gentleman, and I thank him for taking note of our concern on that issue.

Mr. HOYER. If the gentleman would yield.

Mr. CANTOR. I yield.

Mr. HOYER. As you know, that concern is shared on both sides of the aisle.

Mr. CANTOR. That is correct, and I appreciate the gentleman's comments there.

I would ask the gentleman, Madam Speaker, about the question of the manager's amendment, when we can expect that to be online and whether the public will have 72 hours to view that amendment prior to any vote.

I yield.

Mr. HOYER. I think you sort of asked the question and then I didn't respond to it as to when we may first consider the bill itself; so let me back up from there.

I expect the manager's amendment to be available on Monday, and I expect there to be 72 hours for the body to have notice of that as well as the general public. I would expect, therefore, the earliest votes to be no earlier than Thursday, 72 hours after the manager's amendment is put online. So that may be Thursday at some point in time, but we will meet that 72-hour pledge that we have made.

Mr. CANTOR. I thank the gentleman.

Finally, on the issue of this massive bill on health care that we are about to debate next week, I would ask, Madam Speaker, the gentleman whether we can expect the doctor reimbursement bill to be included in this bill or whether it will be coming as a separate bill to the floor.

I yield.

Mr. HOYER. As the gentleman knows, the so-called sustainable growth rate, which as you referred correctly, as we all sort of refer to it as the doc fix or compensation, as the gentleman knows, the Senate tried to pass a freestanding bill on the sustainable growth rate so that doctors do not receive a 21 percent decrease on January 1 in their Medicare reimbursement rates.

On our side of the aisle, we are strongly in favor of making sure that that cut does not occur. We think that will not serve seniors in particular, because medical personnel will be unable to serve with those compensation levels. As a result, we very much expect to have a sustainable growth rate bill pass this House.

As the gentleman knows, we have done that in years past, not related necessarily to any other health reform bill. It is an issue in and of itself that relates to existing Medicare. The health care reform bill deals with the reform and the creation of a system of affordable, accessible, quality health care for all Americans. The sustainable growth rate deals with the present system. We have got to deal with it, and I will tell the gentleman it's my intention that we make sure that we bring to the floor a sustainable growth rate. We've been discussing it with the Senate because the Senate tried to do it and was not successful in passing that. We want to see success. It is absolutely essential that we do that. Whether we do health care reform or not, we will do that. So I tell my friend that we are going to have that probably, probably, as a freestanding piece of legislation.

Mr. CANTOR. I thank the gentleman.

I know that, as he discussed the Senate's experience with that bill, obviously the question of a deficit is looming large surrounding that issue, and I would note that, Madam Speaker.

But in closing——

Mr. HOYER. Will my friend yield on that point?

Mr. CANTOR. I yield.

Mr. HOYER. I thank my friend for yielding, because I did not mention that. We are and, as the gentleman knows, I am very concerned about the looming deficits that have been caused by the very substantial economic downturn and our necessity to respond to that under the previous administration and under this administration. We need to get a handle on that.

One of the things that we have pledged in our budget to do is to make sure that statutory PAYGO is put in place which will be an extrinsic constraint, if you will, a statutory constraint on the spending, whether it's spending in terms of entitlement spending, whether it's in terms of revenues or in terms of spending. Both have an adverse impact on deficit. So it is my expectation that when we deal with either the sustainable growth rate, the doc fix, or the estate tax or the AMT or middle class income tax reduction, we will include provisions for statutory PAYGO to be sent with that legislation to the Senate, as is consistent with the budget that we passed and that the Senate passed.

Mr. CANTOR. I thank the gentleman.

And I know that he knows the reported agreement on all of this excludes the doc fix as well as those other items from being paid for, which is of concern to him, I know, as well as many of us when we're considering this health bill and then choose to leave out a significant portion of government expense under Medicare in terms of reimbursing providers under the SGR.

Mr. HOYER. Will my friend yield?

Mr. CANTOR. I yield.

Mr. HOYER. Let me ask my friend, just so I know as we move forward, if we do not consider the health reform bill, is the gentleman in favor of moving a reimbursement for doctors provision notwithstanding that?

Mr. CANTOR. I think the gentleman knows that I, as well as most of my colleagues, Madam Speaker, will be supportive of trying to address the inequities that exist in the current SGR formula, and he has my commitment to want to work to try to fix and right those inequities since the payment formulas that have been established are far from matching the realities of practice expense for our physicians.

Mr. HOYER. I thank the gentleman and look forward to his help.

Mr. CANTOR. I thank the gentleman for that.

In closing, Madam Speaker, after we have had this discussion and the colloquy and the gentleman's words as well as mine for some time now, I would just note for the gentleman as well as our colleagues that 41 percent of the American people, according to a recent Gallup Poll, think the economy should be our top priority while only 17 percent think that health care should be Congress's top priority.

In addition to that, Madam Speaker, there was a poll out over the last several weeks by a Democratic pollster, Jeff Garin, in which was cited that 81 percent of Americans do not think that the majority, do not think the Democrats are doing enough to address the disappearing jobs in our economy.

So, Madam Speaker, I close with that. I thank the gentleman very much for his time.

Mr. HOYER. Before you close, will you yield on that issue?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding.

Those were interesting polls. Did the gentleman miss the portion of the poll that reflected which party the American public trusted more to deal with either one of those issues? I didn't hear you say it. I happened to have seen those polls and happened to have seen those numbers, and I just wondered if the gentleman had seen those numbers.

Mr. CANTOR. In closing, Madam Speaker, I would respond to the gentleman just by saying I don't think neither he nor I are proud of what the public views as the performance of this body as a whole.

ADJOURNMENT TO MONDAY, NOVEMBER 2, 2009

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, that when the House adjourns on that day, it adjourn to meet at 8 a.m. on Tuesday, November 3, 2009, for morning-hour debate and 9 a.m. for legislative business.

The SPEAKER pro tempore (Ms. PINGREE of Maine). Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, NOVEMBER 3, 2009, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HER EXCELLENCY ANGELA MERKEL, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

Mr. HOYER. Madam Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, November 3, 2009, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting Her Excellency Angela Merkel, Chancellor of the Federal Republic of Germany.

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

There was no objection.

□ 1900

H1N1 VACCINATIONS

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

Mr. STUPAK. Madam Speaker, I rise today to draw attention to an article I read yesterday in The Miami Herald. The headline is ''Pentagon to offer swine flu vaccine to terror suspects.''

While much of America waits in line to receive their H1N1 vaccination, the Pentagon is giving priority status to accused terrorists. This does not bode well with me or my constituents. If taxpayers need to wait their turn to be vaccinated, then so should the accused terrorists at Guantanamo Bay.

Next week my subcommittee, the Oversight and Investigations Subcommittee, along with the Health Subcommittee, will hold a hearing into where we are with the manufacturing and distribution of the H1N1 flu vaccine. We will hear from officials from the Department of Health and Human Services as well as from the Centers for Disease Control and Prevention and the manufacturers of the vaccine.

I look forward to our hearing next week, and I urge Pentagon officials to reconsider their decision to vaccinate terrorist detainees ahead of Americans who are waiting for their H1N1 vaccines.

[From The Miami Herald, Oct. 28, 2009]

PENTAGON TO OFFER SWINE FLU VACCINE TO TERROR SUSPECTS

(By Carol Rosenberg)

Even as some Americans await the arrival of their swine flu vaccines, the Pentagon has decided to vaccinate both soldiers and terror suspects at Guantánamo Bay, Cuba.

There was no word Wednesday on when the first vaccines would reach the remote base in southeast Cuba.

But U.S. military there were notified late last week that service members would get their H1N1 virus vaccinations first. Private contractors and sailors' wives and children could get theirs afterward ''as the supply permits.''

And that means the 221 war on terror captives would also be vaccinated first, said Navy Lt. Cmdr. Brook DeWalt, a Guantánamo spokesman.

''They get all the same quality medical care and treatment options that are provided to service members,'' he said by telephone. ''But they don't have to wait for appointments.''

Each detainee would be given the vaccine on a voluntary basis, just like ''with our seasonal flu vaccination program,'' said Army Maj. Diana R. Haynie, a prison camps public affairs officer.

Guantánamo senior staff also had no plans to address the overarching question of whether a vaccine named colloquially for a pig would present particular challenges.

Instead, Haynie said, a detainee could raise any concerns when he is offered it in person.

Haynie added that the detention center's Muslim American ''cultural affairs advisor'' said ''there is no religious reason for detainees not to receive the H1N1 vaccine.''

But a former U.S. Army Muslim chaplain predicted there might be some objections among a captive population long characterized by the Pentagon as devotees of a radical fringe of Islam.

''There was huge resistance back in 2003 when just the regular flu shots were administered,'' said James ''Yusef'' Yee, who left the Army as a captain after being cleared of wrongdoing during his Guantánamo duty.

''Many prisoners feared they were being experimented on with some sort of truth serum or other drugs,'' and refused, he said.

Instead, they were tackled and shackled so prison camp staff could ''forcefully'' administer the shots—something DeWalt said could not happen today.

''Immunizations and all that kind of stuff are always voluntary for them,'' added DeWalt. ''I'm sure there'll be a percentage who will be accepted, and I'm sure there'll be another percentage that declines.''

Similar plans are underway to give the vaccine to federal inmates at the Bureau of Prisons, where some Guantánamo detainees may be headed as part of President Barack Obama's Guantánamo closure order.

A spokeswoman said Wednesday that the BOP had ordered enough H1N1 vaccines for all of its prisoners but ''we just don't know when we're going to receive it.''

U.S. military at Guantánamo have long engaged in an uneasy balancing act between the captives' rights to practice mainstream Islam and security concerns.

During the 2003 showdown over run-of-the-mill flu shots, Yee recalled, the detention center command staff waited until after dark to administer ''the shots during Ramadan—as some prisoners believed the injections would break their fasts.''

Either way, Yee predicted: ''I would anticipate prisoners objecting to the vaccinations'' among a captive population that includes 17 men whom federal courts have ordered set free.

HEALTH CARE

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

Mr. BRADY of Texas. Madam Speaker, now we know. Speaker PELOSI has released her final health care bill and scheduled a vote within a week. The Pelosi plan is a 2,000-page, $1 trillion, unapologetic, full-throated government takeover of America's health care system.

I am devoting every waking hour to stopping this bill, which will interject government into the most intimate health care decisions, drive up costs in the deficit, force millions of people into a government-run plan, raise taxes on professionals and small businesses, open the door to taxpayer-funded abortions, provide care for illegal immigrants, and exempt Members of Congress.

I call on every American who cares about our Nation to engage now in every district and every community in every way. These moments come but once in a lifetime. For our children and their future, the time for freedom, the time for action is now.

HOME HEALTH CARE

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

Mr. MELANCON. Madam Speaker, today I come to the floor to talk about an issue which I think makes a lot of sense: home health care. Being from a rural area in Louisiana, home health aides provide a tremendous benefit to my constituents, many of whom live 25 minutes or more from the nearest hospital. I believe home health care provides a necessary service to those who need a little extra assistance meeting their health care goals.

A new report by Avalere Health found that home health use saved Medicare $1.71 billion from 2005 to 2006. That's a real savings while providing good health care.

Here is an example from my district. Jimmy Jordan's life was saved when his mom's home health care nurse, Rochelle Mixon, noticed he was suffering from congestive heart failure. Since being released from the hospital with his own home health care service, he has lost 170 pounds and improved his diabetes. He no longer uses a wheelchair and has improved mobility. Jimmy says he owes his life to the care he has received from his home health care team.

I believe in home health care, and I urge my colleagues to support these providers as we move forward with the debate on health care reform. Home health makes a difference and saves money. There is no better combination than that.

IN DEFENSE OF DISSENT

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

Mr. MCCLINTOCK. Madam Speaker, I rise today in defense of dissent.

It is a sad milestone when it becomes necessary to do so, but the ferocity with which this administration is pursuing its critics in business and journalism is becoming alarming.

This isn't the first time Presidents have lashed out at dissenters. But when a government has seized the power to commandeer companies, dictate salaries for private citizens, establish government monopolies covering entire sectors of our economy, threaten companies with official retribution for merely communicating with their customers, and, as of yesterday, to punish thought itself, it evinces a design and an intent that transcends robust debate and becomes deeply threatening to the freedom of expression that our Constitution protects.

If they can intimidate institutions like the U.S. Chamber of Commerce and Fox News, they know that others will fall silently into line. And that, Madam Speaker is a disturbing prospect.

HEALTH CARE

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

Mr. GOHMERT. Madam Speaker, we have heard people on both sides of the aisle talk about the Congressional Budget Office, the CBO, as this unbiased entity, and it has a proud history of being unbiased. But the fact is that after the CBO director got called to the woodshed, to the White House, after CBO delivered a score that the White House did not like, it has become more of a lapdog than a watchdog.

One example is, we keep hearing people across the aisle. There were 1 minutes given over and over last week asking, Where is the Republican bill? We have a number of bills. I have had one filed since the end of July. We have specifically asked CBO to give us a score since August 19. They said show support from your party. Every leader who had an impact—they told us they could help get it scored—has requested it. We have been shut out. We have been shut out. Where is that unbiased body? It is sad they have disappeared.

□ 1015

HEALTH CARE AND TRANSPARENCY

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

Mr. BURGESS. Madam Speaker, on January 31, 2008, during the Democratic Presidential primary, President Obama said during the campaign, ''That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting these negotiations on C–SPAN so that the American people can see what the choices are because part of what we have to do is enlist the American people in this process.''

Not negotiating behind closed doors.

It has now been over 5 months since the White House announced numerous deals with major stakeholders in the health care debate. Little to no details of these negotiations have been released by the White House. Despite the assertion of then-candidate Obama's promise to make all health care reform negotiations public, we have very few details on exactly what was agreed to in this highly publicized, yet guardedly secret, negotiations.

How can the United States Congress be diligent in creating the policy before us without these crucial details surrounding these deals? We must learn what the negotiations mean for the millions of concerned Americans.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2009.

President BARACK OBAMA,
The White House,
Washington, DC

DEAR MR. PRESIDENT, I write you once again on the topic of health care reform. As you know, Democrat leaders in the House of Representatives are currently working to merge the three committee bills. Meanwhile, the two Senate products are waiting to be merged pending completion of the Senate Finance Committee's mark-up.

I have closely followed the health care debate for months, making note of actions by all parties involved, including the House, Senate, White House, advocate groups, and the health care industry. These reforms have wide-reaching implications, and you have stressed the importance of conducting business in public so that the American people are aware and involved in the process.

In fact, during a Democratic Presidential primary debate on January 31, 2008, you said: ''That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting those negotiations on C–SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process.''

It has now been over four months since the White House announced numerous deals with major stakeholders in the health care debate to save upwards of $2 trillion in the health care system. Little to no details regarding the negotiations have been released, and recent actions and press reports have reminded me of the importance of openness and transparency throughout the legislative process.

Roll Call reports today that negotiators working in the House to merge the three committee bills plan to trim the cost of the legislation by roughly $200 billion. I wonder what programs or services are being cut, who will be affected, and how these cuts are being decided.

In the Senate Finance Committee's mark-up, Senator Bill Nelson (D–Fl) introduced an amendment regarding drug prices in Medicare and Medicaid. During the debate on the amendment, Senator Tom Carper (D–Del), while arguing against the amendment, said ''Whether you like PhRMA or not, we have a deal,'' referring to the deal PhRMA cut with the White House earlier this year.

In addition, within the Senate Finance Committee plan is a commission to slow the growth of Medicare spending, most likely through changes to reimbursement policy. However, hospitals would be exempt from this commission because, according to CongressDaily, ''they already negotiated a cost cutting agreement'' with the White House.

Despite your promise to make all health care reform negotiations in public, we still have very few details on what exactly was agreed to during these highly publicized negotiations. In fact, even the stakeholders involved have, at times, seemed at odds with what was actually agreed to. But the one thing we all know is that, through press statements, many deals were made. Unfortunately, even where brief descriptions of policy goals are available, details on achieving these goals are absent, a point made by the Congressional Budget Office (CBO).

I am compelled to ask—how could Congress have done its due diligence in creating the policy before us without crucial details surrounding these deals? Were the votes we have seen in the Senate Finance Committee as of late a direct result of these backroom negotiations? Will CBO be able to actually score any of these deals to apply those cost savings to legislation? Were these negotiations in the best interests of patients?

Having little to no information, I cannot judge. However, this begs even more questions. Is Congress enacting the best policy reforms for Americans, or are certain changes being made or not made because of the negotiations orchestrated by the White House? Will smaller stakeholders suffer more from our policy choices because of what larger groups may have negotiated behind closed doors?

Mr. President, I do not write this letter to chide you for engaging in what I consider the most pressing debate before Congress. I applaud you for your leadership in compelling Congress to act. In order to fully understand the policy choices before us, though, we need to know what took place earlier this year during these meetings at the White House. You have made it very clear that you value transparency and have sought to make your Administration stand out in this regard. As a member of the House Energy and Commerce Committee's subcommittee on Oversight and Investigations, so do I. The last thing I would want to see is a formal investigation of these meetings.

Thus, I formally request full disclosure by the White House in the following areas regarding all meetings with health care stakeholders occurring earlier this year on the topic of securing an agreement on health reform legislation, efforts to pay for any such legislation, and undertakings to bend the out year cost curve:

1. A list of all agreements entered into, in writing or in principle, between any and all individuals associated with the White House and any and all individuals, groups, associations, companies or entities who are stakeholders in health care reform, as well as the nature, sum and substance of the agreements; and,

2. The name of any and all individuals associated with the White House who participated in the decision-making process during these negotiations, and the names, dates and titles of meetings they participated in regarding negotiations with the aforementioned entities in question one; and,

3. The names of any and all individuals, groups, associations, companies or entities who requested a meeting with the White House regarding health care reform who were denied a meeting.

In our efforts to improve access to health care services, the American people expect us to act in their best interests, rather than protecting business interests of those who are interested in currying favor in Washington, DC. If these health related stakeholders have made concessions to Washington politicians without asking anything in exchange for the patients they serve, Congress and, more importantly, the American public deserve to know. Conversely, if they sought out protections for industry-specific policies, we need to know that as well.

We must learn what these negotiations mean for the millions of concerned Americans. How they will be better served, including having affordable health coverage and access to the providers they need? These negotiations may have produced consensus on policy changes that are proper and needed, but Congress will never know for sure that we are acting in our constituents' best interests until all the facts are known.

I look forward to the opportunity to speak with you at your earliest convenience on this matter. Should your staff have any questions about this request please contact me or my Legislative Director J.P. Paluskiewicz at my Washington, D.C. office.

Sincerely,

MICHAEL C. BURGESS, M.D.,
Member of Congress.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996) ''An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

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

The Senator from Florida, Mr. LEMIEUX.

The message also announced that pursuant to Public Law 99–498, as amended by Public Law 110–315, the Chair, on behalf of the President pro tempore, appoints the following individuals to the Advisory Committee on Student Financial Assistance:

David Gruen of Wyoming.

William Luckey of Kentucky.

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 TENACIOUS WARRIOR

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

Mr. POE of Texas. Madam Speaker, America is about people. Who we are and what we are is because of the people who are Americans. They are individuals who have lived and died and influenced the rest of us because of their tenacious spirit and determination.

Madam Speaker, I am a history fan. I love American history. I also love Texas history. Not the history of dates and movements, but the history of the lives of individual Americans who have made a difference.

Roy Benavidez was one of those Americans. Roy Benavidez was born in south Texas in a small town called Cuero on August 5, 1935. He was the son of a sharecropper. He was an orphan, and he had mixed blood of Yaqui Indian and Hispanic. He was raised by his uncle after he lost his own family, and eventually he dropped out of school when he was 15. He was a migrant farm worker to take care of his family. He worked all over Texas and part of Colorado in the sugar beet fields and the cotton fields.

Eventually he decided to join the Texas National Guard and then the United States Army in 1955. He joined up in Houston, Texas. And in 1965, he was sent to Vietnam as a member of the 82nd Airborne.

While serving as an adviser to the South Vietnamese Army, he stepped on a land mine in South Vietnam. U.S. Army doctors at Brooke Army Medical Center told him he would never walk again. But he did walk. And not only that, he volunteered and returned back to Vietnam as a staff sergeant in the Army Special Forces; we call them the Green Berets.

On May 2, 1968, his life and the lives of his fellow troopers changed forever. It is a story that is almost unbelievable.

On the morning of May 2, 1968, a 12-man Special Forces team was inserted into Cambodia to observe a large-scale North Vietnamese troop movement. They were eventually discovered by the enemy. Most of the team members were very close friends of Roy Benavidez, who was the forward operating officer in Loc Ninh, Vietnam.

Three helicopters were sent to rescue the 12-man team, but they were unable to land because of the heavy enemy concentration. When a second attempt was made to reach the stranded team, Benavidez jumped on board one of the helicopters armed only with a bowie knife.

As the helicopters reached the landing zone, Benavidez realized the team members were likely too severely wounded to move to the helicopters, so by himself he ran through heavy small-arms fire to the wounded soldiers. He was wounded himself in the leg, the face, and the head in the process. He reorganized the team and signaled helicopters to land. Despite his injuries, Benavidez was able to carry off half the wounded men to the helicopters. He then collected the classified documents held by a now-dead team leader. As he completed this task, he was wounded again by an exploding grenade in the back, and then he was shot in the stomach.

At that moment, the waiting helicopter pilot was also mortally wounded, and the helicopter crashed. Benavidez ran to collect the stunned crash survivors and form a perimeter. He directed air support. He ordered another extraction attempt, and was wounded again when shot in the thigh. At this point he was losing so much blood from his face wounds that his vision became blurred. Finally, another helicopter landed and as Benavidez carried a wounded friend to it, he was clubbed in the head with a rifle butt by an enemy soldier and then bayoneted twice.

Madam Speaker, Benavidez was wounded in that one battle in that one day 37 times. He had seven gunshot wounds, he had mortar fragments in his back, and two bayonet wounds. But he saved the lives of eight of his fellow troopers.

Later he was presumed dead and zipped up in a body bag; but right before they zipped up the bag, he spit in the doctor's face letting the doctor know yes, he was still alive. Amazing people, these young guns of the Green Berets.

Madam Speaker, this is a photograph of Master Sergeant Roy Benavidez. He eventually recovered from all of those wounds and received the Distinguished Service Cross, and many years later Ronald Reagan presented him with the medal he wears around his neck in this photograph, the Congressional Medal of Honor. President Reagan stated here in Washington, D.C., on presentation of that medal that if this were a movie, no one would really believe it could ever happen. What Roy Benavidez did that day is unbelievable. I will insert the Medal of Honor citation for Roy Benavidez.

After he retired from the military, this seventh-grade dropout went around America talking about the importance of education. He talked to young gang members, he talked to the Hispanic youth, telling them to stay in school and get an education. He was an amazing individual. A Navy ship has been named after him. Several elementary schools in Texas have been named after Master Sergeant Roy Benavidez, and even a toy company has issued the Roy Benavidez G.I. Joe action figure.

□ 1915

In Texas there are a disproportionately high number of Hispanic Americans who volunteer for the military. They are American Patriots. Some legal immigrants even join and serve in Iraq and Afghanistan in the hope they will become U.S. citizens. Madam Speaker, as we celebrate Hispanic Heritage Month, one of those great Hispanic Americans was Roy Benavidez, and he lived the American dream the way he wanted to.

And that's just the way it is.

BENAVIDEZ, ROY P.

Citation: Master Sergeant (then Staff Sergeant) Roy P. Benavidez United States Army, who distinguished himself by a series of daring and extremely valorous actions on 2 May 1968 while assigned to Detachment B56, 5th Special Forces Group (Airborne), 1st Special Forces, Republic of Vietnam. On the morning of 2 May 1968, a 12-man Special Forces Reconnaissance Team was inserted by helicopters in a dense jungle area west of Loc Ninh, Vietnam to gather intelligence information about confirmed large-scale enemy activity. This area was controlled and routinely patrolled by the North Vietnamese Army. After a short period of time on the ground, the team met heavy enemy resistance, and requested emergency extraction. Three helicopters attempted extraction, but were unable to land due to intense enemy small arms and anti-aircraft fire. Sergeant Benavidez was at the Forward Operating Base in Loc Ninh monitoring the operation by radio when these helicopters returned to off-load wounded crewmembers and to assess aircraft damage. Sergeant Benavidez voluntarily boarded a returning aircraft to assist in another extraction attempt. Realizing that all the team members were either dead or wounded and unable to move to the pick-up zone, he directed the aircraft to a nearby clearing where he jumped from the hovering helicopter, and ran approximately 75 meters under withering small arms fire to the crippled team. Prior to reaching the team's position he was wounded in his right leg, face, and head. Despite these painful injuries, he took charge, repositioning the team members and directing their fire to facilitate the landing of an extraction aircraft, and the loading of wounded and dead team members. He then threw smoke canisters to direct the aircraft to the team's position. Despite his severe wounds and under intense enemy fire, he carried and dragged half of the wounded team members to the awaiting aircraft. He then provided protective fire by running alongside the aircraft as it moved to pick up the remaining team members. As the enemy's fire intensified, he hurried to recover the body and classified documents on the dead team leader. When he reached the leader's body, Sergeant Benavidez was severely wounded by small arms fire in the abdomen and grenade fragments in his back. At nearly the same moment, the aircraft pilot was mortally wounded, and his helicopter crashed. Although in extremely critical condition due to his multiple wounds, Sergeant

Benavidez secured the classified documents and made his way back to the wreckage, where he aided the wounded out of the overturned aircraft, and gathered the stunned survivors into a defensive perimeter. Under increasing enemy automatic weapons and grenade fire, he moved around the perimeter distributing water and ammunition to his weary men, reinstilling in them a will to live and fight. Facing a buildup of enemy opposition with a beleaguered team, Sergeant Benavidez mustered his strength, began calling in tactical air strikes and directed the fire from supporting gunships to suppress the enemy's fire and so permit another extraction attempt. He was wounded again in his thigh by small arms fire while administering first aid to a wounded team member just before another extraction helicopter was able to land. His indomitable spirit kept him going as he began to ferry his comrades to the craft. On his second trip with the wounded, he was clubbed from additional wounds to his head and arms before killing his adversary. He then continued under devastating fire to carry the wounded to the helicopter. Upon reaching the aircraft, he spotted and killed two enemy soldiers who were rushing the craft from an angle that prevented the aircraft door gunner from firing upon them. With little strength remaining, he made one last trip to the perimeter to ensure that all classified material had been collected or destroyed, and to bring in the remaining wounded. Only then, in extremely serious condition from numerous wounds and loss of blood, did he allow himself to be pulled into the extraction aircraft. Sergeant Benavidez' gallant choice to join voluntarily his comrades who were in critical straits, to expose himself constantly to withering enemy fire, and his refusal to be stopped despite numerous severe wounds, saved the lives of at least eight men. His fearless personal leadership, tenacious devotion to duty, and extremely valorous actions in the face of overwhelming odds were in keeping with the highest traditions of the military service, and reflect the utmost credit on him and the United States Army.

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.)

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

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

REMEMBERING FALLEN HEROES

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

Mr. KIRK. Madam Speaker, I rise today with a heavy heart to honor 10 brave Americans who gave their lives in Afghanistan on October 26. After executing a flawless counternarcotics/counterinsurgency operation in Darreh-ye Bom Bazaar in Badghis Province in western Afghanistan, Drug Enforcement Administration Special Agents Forrest Leamon, Chad Michael and Michael Weston were tragically killed when their Chinook helicopter crashed. Seven American soldiers were also lost in the crash and 26 more were injured.

Special Agents Weston, Leamon and Michael were serving as part of DEA's Foreign-deployed Advisory and Support Team (FAST), working in conjunction with the U.S. military, the Afghan National Army and counternarcotics police of Afghanistan to take down and dismantle major drug trafficking organizations supporting al Qaeda and the Taliban. The operation took place in a major drug bazaar just northeast of Herat City where known insurgents and opium traffickers frequently operate. Despite taking hostile fire, the operation resulted in the seizure of a very large amount of drugs, weapons, IED materials and pressure plates.

During the extraction of members from the site, one Chinook helicopter with 36 personnel aboard crashed, resulting in the deaths of 10 personnel, including the three DEA special agents. Early reports indicate that several of the survivors performed heroic and selfless acts of bravery to rescue their injured comrades from the downed Chinook.

Early this morning, the remains of these 10 brave men returned to Dover Air Force Base. I want to thank President Obama, Attorney General Holder and DEA Administrator Michele Leonhart for their presence on the tarmac as the caskets of our fallen heroes were carried off the plane by a military honor guard at 3:30 this morning. I also want to thank special agent in charge of Afghanistan and Pakistan, Michael Marsac, for caring for them.

For the DEA, these are the first casualties suffered since FAST team operations began in 2005. For such a close-knit organization, the loss of three agents is devastating. The importance of their mission in Afghanistan cannot be understated. Just a week ago, the U.N. issued a report showing that the Taliban makes more money off the drug trade than it did when they ruled Afghanistan and effectively cornered the market for opium. Today I think it is important that the House take a moment to reflect on these three men who made the ultimate sacrifice for their country.

Special Agent Michael Weston grew up in Pennsylvania and California, earning degrees in computer science and economics from Stanford University in 1994 and a juris doctor from Harvard Law School in 1997. As a major in the Marine Corps Reserve, he served in Iraq, Norway and the Panama Canal Zone. Agent Weston joined the DEA in 2003, serving in the Richmond, Virginia, district office until he volunteered to deploy to Kabul to serve the DEA Kabul country office. The 37-year-old Weston is survived by his wife Cynthia Tidler, his mother Judy Zarit, his father Steven Weston, and his brother Thomas Weston.

Special Agent Forrest Leamon grew up in Ukiah, California. He served in the United States Navy for 9 years as a cryptologic technician, earning awards for his service in Southwest Asia and Bosnia. He joined DEA in 2002, serving in the Washington and El Paso field divisions before volunteering to serve on a FAST team in Afghanistan in 2007. Agent Leamon first served multiple FAST team tours in Afghanistan over the last 2 years. He is survived by his wife Ana Lopez Valdenea and their unborn child, his parents Sue and Richard Leamon, and his sister Heather.

Special Agent Chad Michael grew up in Muncy and Hughesville, Pennsylvania. He graduated from St. Leo University in Florida with a degree of criminal justice. After 3 years with the Hillsborough County Sheriff's Office in Tampa, Florida, he joined DEA in 2004. Agent Michael served with distinction in the Miami field division before volunteering to serve with a FAST team in Afghanistan in September. Agent Michael was 30 years old and is survived by his mother Debra Hartz, his stepfather Leo Hartz, his brother, Eric Michael, and his fiancee Paola.

Madam Speaker, our thoughts go with these families. We know we've lost many military personnel, but this is new and heavy casualties for the DEA and their families who have all given their lives in the service of the United States, her allies and our objectives in Afghanistan.

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

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

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

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

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

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

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

(Mr. GOHMERT 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 gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN 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 North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

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

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

(Mr. GINGREY of Georgia 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 Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

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

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

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

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

(Mr. BISHOP of Utah 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 Georgia (Mr. DEAL) is recognized for 5 minutes.

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

HEALTH CARE—GET IT WHILE IT LASTS

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

Mr. DANIEL E. LUNGREN of California. Madam Speaker, we've all watched late-night television and seen the infomercials that seem too good to be true. Well, that's what we have here on the House floor being presented to us.

Yes, we have a health care bill for you that will solve every problem and not cost a dime. And yes, there is only one, so you'd better get it right away. Don't have time to examine it; don't have time to look it over; don't have time to turn it over. We don't have time for that because we have to solve your problem right now.

And let me tell you, it won't be 2,000 pages long. No, it's only 1,990 pages long. But wait, but wait. You'll get something in addition. You'll get the manager's amendment, maybe 800 pages long, so that maybe we'll have something that we have to swallow that's nearly 3,000 pages long.

And let me tell you, it's not going to cost you $1 trillion. No, no, no. We've brought it down below that, $999? No, not $999. We've brought it down now to $894 billion. But wait. But wait. There's add-ons. Maybe $250 billion. Maybe $350 billion for the doctors fix. But don't worry about that because that won't cost you anything right now. We'll charge you for that later. So remember, only $894 billion, not $1 trillion because we have a deal that you cannot reject.

But just remember, Madam Speaker, if this deal lasts longer than 4 hours, you won't be able to call your doctor.

INTERNATIONAL TRADE

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

Mr. DREIER. Thank you very much, Madam Speaker.

Let me say, I'm going to be joined by a number of my colleagues this evening to talk about an issue which often has a tendency to leave people to have their eyes glaze over. It's the issue of international trade. I know that we have people who are focused on the World Series. I regret the fact that my two Los Angeles teams, the Angels and the Dodgers, haven't made it to the World Series. We're all fascinated watching the Phillies and the Yankees play. We've got people focused on—as my California colleague Mr. LUNGREN just pointed out—the issue of health care. We've got understandable concern about the situation in Afghanistan, and our colleague from Illinois just spent time talking about the families who had loved ones who paid the ultimate price in Afghanistan.

We have a lot of very, very important issues that we are addressing here, and it's important to note, as our distinguished Republican whip, Mr. CANTOR, said in his colloquy with the majority leader, Mr. HOYER, that what we hear at home and what public opinion polls and, most recently, the Gallup Poll that came out the day before yesterday have shown is that the number one priority right now, the greatest concern of the American people happens to be the pressing need to get our economy back on track.

The report came out earlier today that the jobless numbers have, in fact, not improved. We know that we have an unemployment rate that is approaching 10 percent. In my State of California, it's 12.2 percent. As I said, today's report that the new jobless claims did not decline by the extent that had been thought. We did get positive news on the gross domestic product growth over the last 3 months. Annualized, it came at 3.5 percent. But I've got to say—and I was talking to one of my Democratic colleagues late this afternoon who said, What evidence do we have of this economic growth? We all know, as we talk with our constituents across this country, that we have very, very serious problems when it comes to job creation and economic growth.

Now I began by saying that our goal here this evening is to talk about international trade, and the challenge that we have, Madam Speaker, is to underscore the direct correlation between job creation, economic growth and international trade. Tragically, over the past several years, we have had people get it completely backwards. There are people who believe that as we pursue international trade agreements, that the natural step to follow is job loss in the United States. We constantly hear, Well, if we pass a Free Trade Agreement, what is it that's going to happen? Oh, we're going to see our jobs going to Mexico or to China or to any other country in the world, but they're going to flee the United States of America when, in fact, the opposite is the case. Why? Well, the reason for that, Madam Speaker, is that 95 percent of the world's consumers are outside of the U.S. border. They're not here in the United States. The United States is a country that has provided the world access to our consumer market. Meaning, as we all know, we can buy goods from China that people see regularly at Wal-Mart, Kmart, Home Depot, stores across the country. So we allow, virtually tariff-free, for goods to come into the United States so that the American people can enjoy a standard of living that is higher than it would be otherwise, and that's a good thing. It's a good thing.

As I said, we want the standard of living in the United States of America to improve. One of the things that can help us improve our standard of living and create jobs based on every shred of empirical evidence that we have is for us to embark on more, not fewer, trade agreements. Basically, market-opening opportunities for U.S. workers so that manufacturing workers, union members and nonunion members will have an opportunity to sell their finished products in countries around the world. It's very important for us to embark on those agreements because the existence of those agreements—and we have a lot of evidence that we're going to talk about this evening that shows that—the existence of those agreements do, in fact, create jobs right here in the United States of America.

In fact, if we think about our goal, the goal that we have of job creation and economic growth, there are very few efforts that we have that promise more benefits if we move forward on the global trade agenda, and there are very few things that threaten our goal of job creation and economic growth if we fail to move forward on the trade agenda.

So that's why I want this evening to have my colleagues who are here—and I will say that a number of my colleagues on both sides of the aisle—this was to be a bipartisan Special Order this evening—both sides of the aisle were hoping to join me. Colleagues like Mr. MEEKS, Mr. KIND and other Members on the Democratic side and other colleagues here because I very much hope, Madam Speaker, that we can get back to the bipartisanship that has existed on the trade agenda in the past.

Unfortunately, the Democratic leadership has chosen not to move the trade agenda, and I am saddened that President Obama has to this point not been able to move the trade agenda forward as it should be because I know that he very much wants to see new jobs created in the United States, but for I guess a number of reasons that I find hard to comprehend, they have failed to move the trade agenda forward.

□ 1930

Again, there are rank-and-file Members on both the Democratic side and on the Republican side who feel strongly about the need to do this in a number of areas. I want to spend this hour this evening talking about those.

I have two very distinguished colleagues who are here—my California colleague (Mr. HERGER) and the very distinguished gentleman from Woodland Hills, Texas (Mr. BRADY). I would be happy at this juncture to yield to either of the two of you if we could engage in a colloquy and discuss some of these issues.

I know that Mr. HERGER, who, Madam Speaker, has served with great distinction as the chairman of the Trade Subcommittee of the House Ways and Means Committee, has been a wonderful leader in this area. I would like to yield to him at this juncture.

Mr. HERGER. I thank my good friend from California (Mr. DREIER) for leading us in this very important discussion on trade.

Really, the surprise, I think, for myself—now, I represent a northern California district which is heavy in agriculture. It's one of the richest agricultural areas in the world. Also, it stretches from just north of Sacramento almost 300 miles to the Oregon border. The northern quarter of it has and along the sides it has some nine national forests, Mt. Shasta and Mt. Lassen. As I mentioned, it is one of the richest agricultural areas in the world. Within the United States, we grow a large percentage of specialty crops grown in the world—walnuts, almonds, prunes. We're the third largest rice-producing district in the Nation.

The fact is that our consumers in northern California and in all of California—and one out of every eight citizens in the United States lives in California—cannot consume all that we grow. We need to be able to export, so over half of all that we grow is exported to other nations. It helps with our imbalance of trade. As my friends and Mr. BRADY know, it's not just agriculture. It's manufacturing as well.

Mr. DREIER. If I could reclaim my time, I will engage my friend, if I might, Madam Speaker.

Mr. HERGER. Yes, please do.

Mr. DREIER. The issue of agriculture, let's spend just a moment on that, if we might, because the gentleman comes from an agriculture-rich area.

Frankly, there are many people who believe that the State of California's No. 1 industry is tourism, defense, or motion pictures. There are a wide range of areas, but they often don't get it right, because the No. 1 industry in the largest State of the Union is agriculture.

The Central Valley of California, which is going through serious challenges now of which all of our colleagues know because of the water problems out there, has not been able to move ahead as we would like. The area in northern California, which my friend represents, is a very, very rich area in many ways and when it comes to the agriculture field. I know that prying open those new markets with 95 percent of the world's consumers outside of our border would be very, very helpful for job creation and economic growth in his district.

I am happy to further yield.

Mr. HERGER. That's exactly true.

I'd like to give examples of agriculture and then mention that these same challenges we have in agriculture we see in manufacturing as well. As a matter of fact, we as a nation are the No. 1 agricultural country in the world and exporting country, but it's not just agriculture. We're the No. 1 manufacturing and the No. 1 trading nation in the world.

Our big challenge, as it is with our agricultural goods, is that we basically have very low tariffs coming into the United States. Yet, when we look at our markets for agriculture and for other commodities, whatever they might be—getting into the markets of China, getting into the markets of Japan, Asia, South Korea, the EU—Europe—and in the South American countries—we see that their duties, import duties, of getting our rice or our prunes or our peaches or our walnuts into their countries are very high. So, therefore, it's very difficult for us, unless we can negotiate agreements—trade agreements—with these countries, to lower their tariffs in order to get our goods into their countries.

Mr. DREIER. If I could reclaim my time, Madam Speaker——

Mr. HERGER. Yes.

Mr. DREIER. I would say it's very interesting that my friend raises both Asia and Latin America.

We have agreements, as we know, and both of these gentlemen here, Madam Speaker, have been involved in this and have negotiated free trade agreements with Colombia, Panama, and South Korea. Those three agreements are pending right now, and we, unfortunately, have not had a vote here in the Congress on those agreements.

In the wake of that, our neighbors to the north, Canada, have embarked on a free trade agreement with our allies in Colombia. They have already proceeded with that, in part, because we have not. Our friends in South Korea have already negotiated a free trade agreement with the European Union.

So what has now happened, as my friend has referred to this high tariff rate on all of these specialty crops that would be sold in Colombia, if those things are grown to the north, in Canada, under this agreement that has been struck, by virtue of that—because we have been so slow in putting together our agreement and not passing it and I believe, if we were to have it here in the House of Representatives, it would pass with bipartisan support—the Canadians are able to sell tariff-free into the Colombian market right now, and unfortunately, we are denied the opportunity to do that.

I am happy to further yield to my friend.

Mr. HERGER. Well, that's exactly right. Our tariffs are in the mid-20 percent. It is as much as that that we're paying into these countries.

So it almost defies reason to think that we are standing still in this Congress and that we actually have the three agreements that you mentioned which have already been negotiated. In Panama, they're about ready to rebuild the Panama Canal. The gentleman and myself have been down to these countries. We've seen this. These countries want these agreements. They've already negotiated bringing their tariffs down. They were negotiated in the last administration with these countries. All they need is a vote and an okay by the Congress.

Mr. DREIER. If I could reclaim my time, I will say, along that line, the gentleman is absolutely right.

In mentioning that construction, the modernization of the Panama Canal, we all know what it takes to bring about the modernization of the Panama Canal—tractors, road equipment, all kinds of heavy equipment. What comes to mind? John Deere, Caterpillar, and other companies here in the United States that are on the cutting edge of developing great, great equipment. Yet the tariff rate that exists right now on selling that equipment into Panama exists. With this agreement, we would be able to get it to zero, dramatically cutting the cost of the modernization of the Panama Canal.

I am happy to further yield to my friend.

Mr. HERGER. Well, that's exactly the case.

Like everything else in life, no one stands still. You're either moving forward merely because your competitors are moving forward or you're moving behind.

In this case, not only are we not moving forward with just these three agreements, which could pass, but as Mr. DREIER from California mentioned, we see the Canadians have also negotiated an agreement with the Colombians and with the Panamanians where they will now get in ahead of us and will be able to make agreements. Their businesses will begin developing their relationships, and our businesses and our agriculture will be on the outside, looking in. We'll be behind. We'll still be paying these high tariffs where our competitors will not be. Therefore, we will lose literally millions of jobs that we could have been gaining and billions of dollars in trade that we could have been gaining at a time when our economy is down and at a time when we have some of the highest unemployment we've had in many decades here in the United States.

Mr. DREIER. If I could reclaim my time, I think the gentleman makes a very interesting point.

As I've talked to a number of colleagues about the importance of our bringing up and considering and voting on these trade agreements, I know that my friends will hear this argument made:

My gosh. We're dealing with a nearly 10 percent unemployment rate in the United States. Our State has a 12.2 percent unemployment rate. Now is not a good time to bring up a free trade agreement, because aren't we going to lose jobs here in the United States if we put into place a free trade agreement?

When, in fact, as the gentleman has said so well, Madam Speaker, the opposite is the case, because the passage of and the implementation of these trade agreements are job creators right here in the United States of America.

I am happy to further yield to my friend.

Mr. HERGER. Well, that is exactly the case. It really is a win-win. It is virtually a win-win for all of our manufacturers, not just for agriculture, which I represent.

Again, we're falling behind. We're costing more jobs. We're not moving forward. All we're asking for is a vote on these three areas that we've already negotiated with Panama, that we've already negotiated with the Colombians, and that we've already negotiated with the South Koreans. All we're doing is waiting for a vote, up or down, and yet we have not been able to get that from this Congress.

Mr. DREIER. Well, I thank my friend for his very thoughtful remarks.

I made a horrible mistake earlier. I live in southern California. There is a great area called Woodland Hills, and I know my friend is actually from Woodland, Texas, but I hope that he'll excuse me. I know there could be a worse slur than being mistaken for a California city, but as a Texan, maybe that's not the case.

Our friend Mr. BRADY has provided very thoughtful, tremendous leadership on the trade agenda. I've been privileged to work with him. Mr. HERGER and I were able to join Mr. BRADY, with the leadership he provided, on a very important roundtable discussion we had over at the Library of Congress on the trade agenda a couple of weeks ago.

I am happy to yield to him.

Mr. BRADY of Texas. Well, thank you, Mr. DREIER. Thank you for your leadership on trade for so many years in Congress.

Thank you, Mr. HERGER, a former top Republican on the Trade Subcommittee of the House Ways and Means.

We are here because we want jobs in America, good-paying jobs, the types you can raise your family on, and today is a good day to be talking about it because two things occurred today.

One, Speaker NANCY PELOSI introduced the Pelosi plan—the new national takeover of America's health care system, which we are going to spend every waking hour defeating, sending back to the drawing board, and getting a health care reform bill that's done right.

The third quarter economic numbers came out, which show how America has done over the last 3 months. It showed that it grew about 3½ percent. Growth is good, but if you look at it, what you realize is almost all of that growth are onetime events—Cash for Clunkers, which is over, and businesses have drawn down their stockpiles of inventory. That only happens one time.

Looking forward, whether we have hit the bottom or not, the question is: Is the private sector, the private market in America, going to drive our growth in the future or is government? The only way you have a strong recovery is if it's the private marketplace.

What we are missing are jobs created by selling American products and services around the world. It's no longer enough to just buy American. We have to sell American because of what you said—so many consumers live outside our borders. We want them to buy our ag products, our services, our computers, our equipment, all of that, but when we go outside the country, what we often find is that the rules are tilted against our companies and our workers.

□ 1845

Other countries, China, Europe, Latin America, have reached trade agreements that give their companies and their workers an advantage over ours. Today, what is interesting, as you both have said, is that when we have trade agreements, we win. We sell our American products and services. We have a trade surplus with our trade agreement partners.

In Latin America—I was just thinking about it—in Chile people said we would sell about 50 percent more products there. We have sold 250 percent more American products.

Mr. DREIER. If I could reclaim my time, I would like to just underscore the point my friend has made. We regularly hear that free trade agreements lead to job losses in the United States. That is a mantra that many people, unfortunately, are beating, when in fact the empirical evidence we have, history has shown the opposite in fact to be the case.

In fact, we enjoy a trade surplus with our free trade agreement, FTA, trading partners as a whole, and the country with which we don't happens to be Mexico. There is a reason for that. It is our purchase of oil from Mexico. Were it not for the purchase of oil from Mexico, we would, for all intents and purposes, have an equilibrium in trade between the United States and Mexico.

But we do have in other countries a manufacturing job surplus, a manufacturing job surplus, right here in the United States. So we have a surplus. When we export, more jobs are created for those countries with which we have free trade agreements than with not. So the answer to deal with manufacturing job creation here in the United States is more, not fewer, free trade agreements.

I am happy to further yield to my friend.

Mr. BRADY of Texas. You are right, Mr. DREIER. Those agreements simply level the playing field. They say if your country sells into the United States, we get an opportunity to sell our products into your country, and we have fair rules to do it. And when we compete, our companies, our workers win. They do it in ag, they do it in manufacturing, in technology, in services, in all types of goods.

But, as Mr. HERGER said, and you earlier, America is falling behind. This new government has taken itself voluntarily off the playing field. They have said we are not going to engage in trade right now. And while we have benched ourselves, the rest of the world is still playing this game. They are cutting agreements that favor China, Europe, Latin America, Brazil and other countries, Korea, the Asian-Pacific area. They are cutting agreements and deals to give their companies advantages far greater over ours. As a result, that doesn't just cost us sales of our products, it costs us jobs, because we are so good as a country when we compete.

Mr. DREIER. Madam Speaker, I will say that yesterday I had the great ambassador from Colombia, Carolina Barco, in my office, and we were talking about the fact that Colombia has just embarked on this agreement with Canada, and they have proceeded with a fair trade agreement with Canada. So now what is happening is, our friends

to the north are going to have a competitive advantage over us in Colombia, a market of 40 million people, that we should be getting into, and we could do it very, very quickly.

I would like to talk and get into some of the details now, if I might, with both of my friends. Since I mentioned the Colombia agreement, it has gotten a great deal of attention. It is seen as one of the most controversial in the eyes of many, and I will admit that I am very troubled, while we want to have bipartisanship, and I know there are many Democrats supportive of the U.S.-Colombia free trade agreement, I think that one of the saddest actions taken in dealing with the trade agenda was when, for the first time since implementation of the 1974 Trade Act, we saw the commitment—and it was a commitment made for an up-or-down vote here in the United States Congress—denied when it came to the U.S.-Colombia free trade agreement. There still is another opportunity for us to do that.

But there are a number of myths out there that I would like my friends to join me in shattering, and I would like to share some information that I just received yesterday, Madam Speaker, from Ambassador Barco, Colombia's great ambassador here to the United States.

We regularly hear about union violence in Colombia. In fact, as I listened to a number of labor leaders here in the United States, we are regularly told, and it saddens me to hear this, that the Colombian government is murdering our brothers. That is a statement that I have heard repeatedly in television and speeches made by union leaders here in the United States.

Colombia is a country which has I believe in a 5-year period of time gone through a more positive transformation than any country in modern history. Are there problems in Colombia? Absolutely. Is the situation perfect in Colombia? Absolutely not. Work still needs to be done in Colombia.

But under the great President Alvaro Uribe, we have seen again a very positive transformation take place there. And this report of tremendous, tremendous violence being inflicted on union leaders has in many ways been shattered.

Many of my colleagues, and I know my friends have been to Colombia, people on both sides of the aisle have been there, but just yesterday Ambassador Barco provided me some information from an independent study that was done by the University of the Andes in Colombia, a very respected institution.

They went into a detailed analysis of violence against unionists in Colombia. Their data samples actually included the Colombian unions' own data. Information that they used for this study actually consisted of information that was provided to the University of the Andes in Colombia by the unions of Colombia.

Their findings were that while overall violence in Colombia has steadily declined, we have seen a decline in violence in Colombia, we know that very well, in the last 8 years the decline in union violence has actually been greater than the decline in overall violence in Colombia. They went on in the study to say that there is absolutely no evidence today that violence against union members is systematic or targeted.

So this notion that we have heard that the Colombian government is murdering our union brothers, which is, again, a message that has come forward from a lot of union leaders here in the United States, is just plain wrong.

The authors of the study said the following, and I quote, Madam Speaker: ''Of course, any murder is a very serious matter. However, an evaluation of the progress made in confronting such a serious problem as violence against union members in Colombia must necessarily look at the statistical evidence. This is particularly so if the conclusions of such an assessment are to be used to block important economic reforms, such as free trade agreements.''

So, in other words, Madam Speaker, they are saying that every murder is a tragedy—we all know that—and every government has a responsibility to apprehend and prosecute those who commit violent crimes.

In Colombia, the Uribe government is doing just that. But the numbers don't lie. Any claim that unionists are being targeted is patently false. In fact, the murder rate for unionists in Colombia is one-fourth the rate for the general population.

In fact, I remember on our last trip there, I was there in mid-August with our House Democracy Partnership and we had a lengthy discussion about this at what is their Attorney General, it is called the Fiscalia.

The figure I was most struck with, as we spent a great deal of time going through the analysis of violence and specifically union violence, is that the murder rate in Colombia is, tragically, 39 per 100,000 for the average Colombian. If one is a union Member, the murder rate is 4 per 100,000. So actually the threat is greater for someone who is just an average citizen as opposed to a unionist in Colombia. So this notion that somehow there is this planned violence against union leaders is preposterous.

In fact, one of the things that President Uribe has done is he has put into place around-the-clock, 24 hour security for 1,500 labor leaders in the country, because they are determined to do everything within their power to ensure that union leaders' lives are not threatened. They are doing everything they can to protect those union leaders.

I would be happy to yield to either of my colleagues who would like to comment on this.

Mr. HERGER.

Mr. HERGER. Well, as my good friend from California is pointing out, in Colombia, I think most people picture Colombia as we pictured Colombia 10, 15, 20 years ago; the heart of the narco trade, everyone fearful to go out anyplace, whether it be in the cities or countryside or wherever it might be.

As a matter of fact, I remember my first trip to Colombia, I believe it was in the early 1990s. Literally wherever you traveled, we were in Cartagena and traveled around, and you had armed guards. You had an armed convoy that you traveled with.

I was there just this last year. You mentioned President Uribe and the incredible job he has done in the center of the narco traffic of South America, how they have got in and brought in those who used to be selling narcotics and used to be part of the military that was on the side of those in the drug trafficking, brought them in, trained them.

We have met, as I know you have, Mr. DREIER, and I am sure Mr. BRADY, we have met with some of these young people who were part of the other side who have come in, who have been trained for jobs.

Mr. DREIER. It is called the demobilization effort, those from the FARC, the Armed Revolutionary Forces of Colombia, which have been the guerrillas, and the so-called paramilitaries, those on the right who responded. They have had this amazing demobilization effort, where young people have been drawn into violence and now they are so excited to be part of productive society.

Mr. HERGER. Again, as you met with them, and we met with them not only in Cartagena but also in Medellin, who would have thought about going to Medellin, where we did, and see how safe it is and met with these same young people, people in their mid-twenties, early twenties, but had spent basically their whole life on the other side, that were now productive and excited about the life in a democracy there and being able to live.

It is incredibly exciting. And it is even that much more of a reason, when they have fought and done so much to change their countryside, have risked their lives to turn their country around, that if there is anyone we should be an ally to, it should be the Colombians.

So not only are they helping us with their trade, but we are in a position there to aid them, to help them, to stand as an ally with them, as we should be with the Panamanians, as we should be with our allies the South Koreans, where, again, they are helping us at a time where economically we need these jobs in America.

This is when our Speaker PELOSI and the head of the Senate, HARRY REID, should be allowing these three already-negotiated trade agreements to come before the House and the Senate to be voted on so that we can be moving forward. They are bringing down their barriers, selling our agriculture, selling our manufactured goods, and putting literally millions of Americans to work.

Mr. DREIER. I appreciate my friend getting back to the point of why it is that we are here, because the number one priority, according to the American people in the Gallup poll that was released the day before yesterday, was job creation and economic growth. We have all been talking about that.

We want to make sure that we can create good jobs, agriculture, manufacturing, small businesses. We want to create service-sector jobs. We want to create these jobs here in the United States of America. And I believe that one of the best ways for us to do that is to open up these new markets.

Now, obviously we want to underscore concern. If governments are taking action, murdering union leaders, that understandably is outrageous. But there is a complete, complete blur that has been put together on the part of many people who, for some strange reason, are opposed to engaging in these trade agreements that I just find incomprehensible. It is, again, beyond me why it is that they would hurt rank-and-file union members, who are going to be the ones to benefit by opening up these new markets.

I am happy to yield to my friend from the Woodlands.

□ 2000

Mr. BRADY of Texas. Thank you for raising this issue because I think it is shameful that America has not ratified the trade agreement with Colombia. Yeah, there are strong jobs reasons. Colombia is able to sell their products in the United States almost duty free. We want the opportunity to compete with their customers. Canada, Europe are cutting agreements with them that will cost us about half a billion dollars of sales of U.S. goods and services and products which, again, those are lost jobs.

The point you made early on, Mr. DREIER, is that beyond that, here's a country that has brought itself, with America's help, from darkness to light. President Uribe has taken the country, established the rule of law, freedom of democracy, freedom of the press, freedom in the marketplace, has a judiciary that is working. They have lowered the violence rate in a neighborhood, in a region that absolutely rejects America and all we stand for, including this new President, rejecting him as well.

Here's America's allies who are fighting with us to stop drug trafficking, stands with us on security issues and human rights, have done remarkable things, and we've turned our backs on them.

So whether it is Colombia and that strong national security reason, Panama and the market that goes with that, Korea, and the rest of the world, where, again, as you have said, America is falling behind, it is just a shame.

Mr. DREIER. Madam Speaker, my friend makes a very, very important point on the foreign policy implications here when we talk about the tremendous alliance that we've been able to build with Colombia. Let's look at the kinds of threats that exist there.

The neighborhood is a tough one. Of course, the very famous Hugo Chavez, the strong man in Venezuela. We have Evo Morales, the leader of Bolivia, who is a Chavezista. We know that. Very closely aligned. Rafael Correa, the leader of Ecuador, has fallen in line the same way.

In the region, we of course have Daniel Ortega, the leader of the Sandinista movement there. And we have this strong—very, very strong ally of ours in Colombia. And it's amazing. When you look at the numbers, it has been 1,073 days—1,073 days, Madam Speaker—since the signing of the U.S.-Colombia Free Trade Agreement. Guess what? $2.3 billion—$2.3 billion in additional tariffs have been imposed on U.S. manufacturers, other job creators here, in their quest to get their products just into Colombia alone. $2.3 billion in the last 1,073 days.

Let's look at a couple of those items. Automobiles. Right now there is a 35 percent tariff on U.S. automobiles in the quest to get into Colombia. What does that mean? On a $20,000 automobile that would be manufactured in the United States and sold into Colombia, the tariff would be $7,000. If we can pass this agreement, have a vote here in the House and put it into place, what will happen? Well, we'll see that tariff go to zero.

Similarly, for DVDs and movies it's a 5 to 15 percent tariff. For cotton—and we know that textile manufacturing is very, very important. A lot of manufacturing takes place in Latin America. Cotton comes from the United States. Right now there's a 10 percent tariff on U.S. cotton going into Colombia. If we can bring that to zero, it means that more cotton in the United States of America will actually end up, Mr. Speaker, going to Colombia for finished product.

Mr. Speaker, we're very fortunate to have been joined by my very good friend from Lafayette, Louisiana, Dr. BOUSTANY. I appreciate his presence here and the strong leadership that he has shown not on only in this health care debate with his brilliant response to President Obama after he addressed us here in this joint session of Congress, but on the issue of international trade as well.

I'm happy to yield to Mr. BOUSTANY.

Mr. BOUSTANY. I thank my friend from California for his kind comments. There are so many aspects to trade that we really need to discuss. First of all, if you look at our economy, the United States economy has been a consumer-driven economy. We have seen imports vastly exceed exports in this country.

All the economists are talking about getting back to some sort of global trade balance and current accounts balance. And the only way to do that is for us to increase our exports. That won't happen without trade agreements.

I can give you some examples from my home State. For instance, exports from Louisiana following the NAFTA agreement rose 271 percent since 1994. Since 2004, with the U.S.-Chile Free Trade Agreement, exports from Louisiana rose 219 percent. With the Singapore-U.S. Trade Agreement we saw a 53 percent increase in exports since 2004. Morocco, 99 percent increase in exports since 2006. And with CAFTA we've seen a 43 percent increase since 2006.

Now the fact of the matter is 96 percent of the world's consumers live outside the United States.

Mr. DREIER. My friend just added an additional percentage point. I've been saying 95 percent. Is it in fact 96 percent live outside our borders?

Mr. BOUSTANY. Those are the facts I have.

Mr. DREIER. Thanks for correcting me.

Mr. BOUSTANY. I think it's important to recognize that jobs related to exports pay, on average, 13 to 18 percent more than non-exporting jobs. These are benefits for families in the United States. These are benefits that create jobs in the United States.

I know I walked in a little late into this discussion and you were discussing the foreign policy implications of this, and specifically with Colombia, but I would submit that it's even broader than that because as President Obama and his administrative team travel around to the world's capitals to deal with very difficult foreign policy problems, whether it's in Central Asia or in the Middle East and so forth, even in Africa, in these capitals those leaders are going to want to talk about trade and expanding trade opportunities because it all comes down to economic opportunity in the long run.

If we're not prepared with a trade agenda to move forward with the leaders in these respective areas, then our foreign policy is going to be a failure.

Mr. DREIER. If I could reclaim my time for a moment just to underscore what my friend is saying on this foreign policy issue, which is an important one. President Obama has, I believe correctly, talked about the importance of soft power. Dealing diplomatically, which I think is important. I, of course, am a strong proponent of a tough decision posture as well. But utilization of soft power is something that President Obama has referred to.

In fact, at the G–20 meeting that took place, those leaders all agreed that they would reject protectionism. Unfortunately, if you look at 66 of the 78 trade measures that have been implemented since that G–20 meeting, they have been protectionist. It's very sad because as we're talking about the economic downturn through which we're going right now and the challenges that we face here in the United States and in the global economy, one can't help but think about history. Because people are talking about regularly this economic downturn and what

took place seven decades ago. The Great Depression.

We know that, unfortunately, under Republican leadership, President Hoover and Congressman Hawley and Senator Smoot, we saw passage in 1930 of very, very poor trade policy. Fortunately, we as Republicans have been proudly providing leadership since then and we want to work in a bipartisan way on this.

But most economists, regardless of their stripe, acknowledge that the protectionist actions which, frankly, Smoot-Hawley began as just a little agricultural tariff measure at the outset and grew into one of the most protectionist measures in the history of the United States. It undermined our ability globally to provide leadership.

If you look at what happened to Europe, as we all know, following that, the Second World War, it can go back to this use of soft power question, which the President has correctly raised and, similarly, at that time engaging in protectionism undermines that.

The unfortunate thing is we seem to be slipping down that road of protectionism now, which seriously undermines our ability to provide that strong global leadership in dealing with the war against radical extremism, in dealing with the challenges that exist in a wide range of areas.

I'm happy to further yield to my friend.

Mr. BOUSTANY. I want to add as we look at this difficult economy and the significant unemployment we're seeing here in the United States, it's important to keep in mind that 97 percent of U.S. exports are from small and medium-size businesses.

Mr. DREIER. I was afraid you were going to say 97 percent of the world's consumers are out of our borders; that it's gone up 2 percent since I started.

Mr. BOUSTANY. Here we are. If we want to grow small business jobs, the best way to do it is to expand our exports and that will help us also expand our manufacturing capacity. Actually, the world is moving forward and we're sitting still here.

If you look at the TransPacific Partnership, everybody's waiting on the United States to move forward with this agreement. It's a critically important agreement to work out with Chile, Peru, Singapore, Australia, New Zealand, and Brunei.

We're also looking at the Asia-Pacific Economic Cooperation. This is where we need to be engaged with China and these Eastern countries, because we have huge, huge trade opportunities and job growth opportunities by expanding these agreements.

So I think it's clear that this administration needs to come forward with a comprehensive trade policy to Congress and let's get to work on creating this liberalized trade order because that is the element of soft power that you were emphasizing earlier. And it is probably our most important instrument of power as we move on the global stage.

With that, I will yield back.

Mr. DREIER. Let me say that my friend is absolutely brilliant. Not all doctors are seen as that way. But I'm so impressed Dr. BOUSTANY has been able to charge towards great brilliance in a wide range of areas beyond his field of expertise. We're very fortunate to have him in the House.

I'd be happy to yield to my friend who sneered when I mentioned doctors, my friend from The Woodlands.

Mr. BRADY of Texas. I was just thinking about people who are out of work. We have lost 9 million people who no longer have jobs since the recession began—almost 3 million since they passed that huge stimulus bill—who may be watching tonight, to have no jobs, maybe have lost hope of getting them. Yet the companies that could hire them are manufacturing products or offering services or growing agricultural goods they don't have an opportunity to sell throughout the world. That the rest of these countries are just moving past us so aggressively selling, promoting their country's goods and services. And America is so arrogant that we don't even go out there to try to create a level playing field.

I always tell people, in closing for myself, that if you drive down a highway, every third acre you see planted is for sale around the world. If you go to a computer company, every fourth worker is building something for sales around the world. If you go to a manufacturing plant, every fifth worker is building something for sale around the world. If you look at our whole economy, four out of every ten workers are tied to trade.

So if we can sell American, not just buy American—sell American—we can create jobs for Americans. We can put people back to work. We can improve our own economy. So what are we waiting for?

I yield back.

Mr. DREIER. I thank my friend for his very thoughtful contribution. Let me say, Mr. Speaker, that I think one of the things that we have not really spent a lot of time discussing here this evening has been the U.S.-Korea deal.

We've talked in large part about Latin America; about Colombia and Panama and the benefit of opening that up. But I do know that the three ambassadors representing countries with which we have signed these trade agreements have come together and they have unified on the message that the issue of trade and free trade is a priority for all of them. They each have unique cases to make as to what those benefits are. Frankly, as I listen to virtually all of those arguments, they are very positive for us.

When it comes to Korea, the amazing thing that we look at there, if we were to pass this U.S.-Korea Free Trade Agreement, it would be the single largest trade agreement ever embarked upon in the world because of the size of the U.S. economy and the size of the economy of South Korea.

□ 2015

They have a trillion-dollar economy, and it's a very, very growing market right now for our goods, and it's our seventh largest trading partner today. We have annual two-way trade today of $82 billion between South Korea and the United States.

It happens to be and I know, Mr. HERGER, Mr. Speaker, will be interested in this. It's our sixth largest market for agricultural goods in the world and our seventh largest market for another industry that is very important in Texas, and I know in Louisiana as well as California, is the IT market.

The largest level of broadband usage in the world is in South Korea at 83 percent, making it a really key market for U.S. technology goods and services, and there is an enormous potential for increasing those already high agricultural exports as Korea, as we all know, must import 70 percent of its agricultural needs.

It stands to benefit the agricultural sectors of all of our States tremendously if we were to embark on that. Nearly two-thirds of agricultural exports to Korea will become duty-free immediately with passage of this. Our agricultural products currently face an average tariff, those products going from California, from Texas, from Louisiana, into Korea, on average, a 52 percent tariff today. Again, that would be slashed, two-thirds slashed immediately and ultimately they would get to zero.

Under the agreement, nearly 95 percent of bilateral trade and consumer industrial products will become duty-free within 3 years and tariffs on almost all goods will be totally eliminated within the 10-year period of time for implementation. The economic and job creation benefits of eliminating tariff and nontariff barriers to trade with a $1 trillion economy would be of great, great importance.

It would be a very, very powerful display of unity between our countries, South Korea and the United States, as we work together to address, as we have said, the very important national security issues, nuclear proliferation treaties that exist, the war against radical extremism, pandemics that are there. The idea of using this soft power, as President Obama correctly says, would be dramatically enhanced if we were to pass the U.S.-Korea Free Trade Agreement.

I would be happy to yield to my friend from California (Mr. HERGER) if he would like to add to that.

Mr. HERGER. I thank my friend.

That is so true. People don't realize. You know, we hear a fair amount, or some, about their trade agreement that has been negotiated but not voted on with Colombia and some with Panama, but as the gentleman from California (Mr. DREIER) so rightly mentioned, the

big one, the biggest of all the trade agreements that we have ever negotiated is with the South Koreans.

As a matter of fact I just yesterday had eight South Koreans who represented businesses in South Korea that were in my office, and they were describing to me how they wanted us to be able to pass this agreement, be able to have a vote here in the House and the Senate on this very important agreement, that their concern was that they wanted to do business with our American companies. They wanted to do business with us and that the European Union, the EU, was already negotiating, was in the process of having an agreement with them.

If their agreement went through before ours did, they would lose their ability, obviously, if they could purchase more economically from the EU, that, economically, is what they would need to do. I was looking at some statistics, that just with South Korea, not only would we not pick up that extra business, those extra jobs, hundreds of thousands of jobs here in the United States, but we would actually lose business that we already have because we would lose part of this market to—it was estimated by staff on our Ways and Means Committee, we could see an 8 percent or $1.1 billion decline in our U.S. exports to South Korea.

Again, at a time when nationally we have 9.8 percent unemployment; in California, 12.2; and in my rural northern California district it's up around 14 percent unemployment, the last thing we want to do is be losing jobs. We need to be gaining these jobs is why it's so particularly paramount at this time that we move forward.

Mr. DREIER. I thank my friend for getting back to this issue of job creation and economic growth, which is what these agreements are about. It's about improving the standard of living and the quality of life for people here in the United States of America by not only allowing them to have access to products from around the world, but to create good jobs so that we can continue to export to those 95, 96, 97, 98 percent of the consumers who are outside of our borders.

I am happy to yield further to my good friend from the Woodlands.

Mr. BRADY of Texas. Let me just say this, because I have enjoyed this discussion. It's about jobs, it's about America falling behind.

There is this principle in trade we should not forget. The principle is if you and I build a better mousetrap, we should have the freedom to sell it throughout the world without government interference. If someone else builds a better mousetrap we should have the freedom to buy it for our family and for our business.

That freedom to buy, sell and compete is critical because you forget, other countries, because others compete to sell to you and I. We have a wide choice of automobiles and clothing and electronics and all. They say, by studies, that we save so much money because of that trade, that competition, that most families in America can go to a grocery store once a month for free because of the benefits of free trade here in America, which is even more puzzling on raising our standard of living why we allow ourselves to fall behind and why we are giving up on those jobs, why America isn't leading.

That is a question I believe only our President can answer.

Mr. DREIER. I thank my friend for his very thoughtful remarks.

Mr. BOUSTANY.

Mr. BOUSTANY. Very briefly, I would say my friend from Texas is absolutely right. This is about growing U.S. jobs and creating job opportunities for our small businesses.

As these export markets open up and that greater connectivity is created between our country and our trading partners, the standard of living goes up in those countries and those markets expand. It creates more opportunities for our small businesses to create jobs here and to continue to export.

So, at a time where we are having these discussions, when this country is seeing high unemployment, we are coming out of a recession, we should be vigorously pursuing these types of agreements.

And what are we hearing now from this White House? Silence. Silence. It makes no sense.

Mr. DREIER. I thank my friend. Let me express my appreciation, Mr. Speaker, to my colleagues from Louisiana, Texas and California and to say that it's very important for us to get back to bipartisanship on this issue of trade. I have been troubled with the fact that the President has not sent up these agreements for us to consider, as I know my colleagues are. I have been troubled at some of the decisions made by the Democratic leadership.

But I have to say this, there are Democrats with whom we serve who share our commitment to the issue of global leadership by expanding these trade agreements. They understand the improvements that have taken place in Colombia, where unionists are not, in fact, being murdered by the Government of Colombia. They share our recognition that we could have jobs created for Caterpillar and for John Deere if we were to go into the Panama agreement. And they understand the implications of this U.S.-South Korea Free Trade Agreement.

This is the right thing for us to do, Mr. Speaker. I believe that we can come together in a bipartisan way. If we will simply have the vote here in the House of Representatives, we will have strong, bipartisan support for the right thing.

HEALTH CARE

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

Ms. FOXX. Mr. Speaker, my good friend and colleague from Michigan, Congressman THADDEUS MCCOTTER, is known here for his extremely subtle wit, his use of metaphors that challenge the most intelligent among us, and for incredible insight into issues. He talks a lot about freedom, and he published a piece today from the Republican Policy Committee that I would like to use as the basis of my comments tonight.

The title of it is ''Leeches vs. Laser Surgery: The Contemporary Crux of Health Care Reform.''

He goes on to say that ''Contrary to 'conventional wisdom,' on the issue of health care reform (and all others) the Democrats are the party of the past. We Republicans are the party of the present and the future.

''Bluntly, Democrats are fighting against the times. Their stale, government-run health deform proposals are as outdated and unsuited to contemporary life as a leaching is to laser surgery.''

No one can quite put things in perspective like THADDEUS MCCOTTER.

But when I read that today, I wanted to share that with the American public, because I think it is a very, very good analogy.

Everywhere I go, I talk to people in my district and they say they are scared to death with what is happening in our country. And I talk to other people who travel all around the country, and they say they hear that, too.

What are people scared to death of? What they are scared of is losing their freedoms. We have people all over the world fighting to protect the freedoms that have been so dearly won in this country and to help other countries gather their freedoms and to get the freedom that they deserve.

Yet the biggest threat to our freedom in this country right now isn't anywhere else in the world; it's right here in this Capitol, right here in this room and in the Senate Chamber across the hall. That's the greatest threat to our freedom.

Republicans, though, have alternatives, and I want to talk a little bit about those alternatives. We should be looking at reforming medical liability laws, ending exclusions for preexisting conditions, expanding health savings accounts, providing tax credits for purchasing private health insurance, allowing association health plans, permitting health insurance purchases across State lines, encouraging individuals to ensure against changes in health status, giving incentives for preventive health care, and applying information technology to enhance transparency and increase efficiencies. All that can be achieved without trillions in new spending. In fact, most of it can be done for absolutely no cost.

Instead, what we have offered to us by the Democrats is an erosion of our freedom. It's a government takeover of the best health care system in the world.

I want to quote again from THADDEUS:

''Unfortunately, trapped in the past of a big government ideology and purblind to the people empowering wondering powers of our globalized world, the President and his Democratic majority cavalierly dismiss such sensible, affordable approach and determinedly toil behind closed doors to impose their radical health distribution scheme on unwilling Americans. If the Democrats prevail, their health redistribution will impel higher costs, lower quality, fewer choices and lost jobs during this painful recession. There is a better way, the Republican way: patient-centered wellness for our people powered world.''

This should not happen in the greatest country in the world. We must do everything that we can to stop this, and we will do everything we can to stop it.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order request of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, today Speaker PELOSI, with a lot of fanfare and locked doors, invitation only, which didn't include any Republicans, just as the input in this bill included no Republicans, this is the bill, 1,990 pages. I haven't had a chance to read it. They just got it out today. I have been trying to get through it.

One of the frustrating things we have is we have had hearings and hearings, hours and hours of hearings on the Democratic health bill, H.R. 3200, hour after hour. Think about how many people in America have spent hour after hour reading H.R. 3200.

□ 2030

They carefully examined it because this was the law that was proposed by the Democratic leadership. And they were concerned that this may be voted into law, and they need to know because this is going to be country changing.

So they spent thousands and thousands of hours all across America to review H.R. 3200. Some have gone to the trouble and spent hundreds or thousands of hours, when you consider all the people in America are reading these bills because they're scared, reading the Baucus bill, reading some of the other bills. And then it turns out those were all red herrings. The American public, all the Members of Congress were tricked into wasting their time, spending all those hours reviewing a bill that they knew they weren't going to introduce.

Mr. Speaker, you know, Thomas Jefferson laid out the rules that we follow. They're not Robert's Rules of Order. They're Thomas Jefferson's rules that get modified with each Congress. And that's what we're supposed to follow. And the procedure is well thought out. You have subcommittees that are supposed to have legislative hearings and bring in witnesses and consider all these different aspects, and after they've considered all this, someone starts working together with other people. You're supposed to have bipartisan support. We were told all year long we would have that. Yes, big joke there. So someone, though, is supposed to put together the bill and lots of people working together to get it done, and then you give everybody plenty of time to review the bill at the subcommittee level. And then you have a markup, it's called, in subcommittee, where some of those hearings are very long when they're done properly because they're open to any amendment by anyone on the subcommittee. Once it clears the subcommittee, if it gets voted out of the subcommittee, then it goes to the full committee. And anyone in the full committee can make amendments, as many as they want, and you stay as long as you have to get through all the amendments. That's the process. And then once the amendments are done and the committee votes it out, that is the bill that is supposed to come to the House floor. You bring the bill that was amended and agonized over.

Not in this Congress, oh, no. We're going to spend thousands and thousands of hours, and there's no telling how many of the trees in America got cut down to print out H.R. 3200 so that people could read it because this is going to be really country changing, as the President said. He's going to transform America. He didn't say to what, but he's going to transform America. And then it turns out after all those hearings, amendments, considerations, all that work, behind closed doors they were working on a bait-and-switch scheme. And today it played out. And now we're told by the Democratic leadership, well, we want to make sure you have 72 hours to review this bill.

Well, I'm telling you what. You mark my words. You mark my words. We've got 1,990 pages here, but by the time this bill is voted on, there will be hundreds of pages added, as we've seen over and over, in the wee hours of the morning, and people won't have time to read it. And just like the crap-and-trade bill, it will be up there and they won't even have the whole bill put together in time for us to read the whole bill before we vote on this transforming bill that's going to change and, I would submit humbly, end some lives in America. Not because people are going to be denied treatment but because they're going to be put on lists and be required to wait an inordinate amount of time because you can't cut $500 billion from Medicare and not expect to have some people not get treated.

Another thing you need to realize too, in this new bill, from what we've been able to quickly discern, this Pelosi bill, the 1,990 pages, reduces the size of affordable credits for patients to purchase insurance in the exchange, and instead it expands the eligibility for Medicare to 150 percent of the Federal poverty level.

Well, our seniors are not as stupid as some people in this body think they are. They get it. You're going to cut Medicare $500 billion and you're going to expand coverage to people that have never been covered before, and we're supposed to feel good that we're going to get more coverage than ever? They're not stupid. They understand what's happening.

I have been joined by some of my colleagues here, and I would love to get their input because we've been scrambling to see what we are facing here with this bill.

I would love to yield to my friend Mr. BRADY.

Mr. BRADY of Texas. I thank my friend from east Texas, where our districts border each other and whom I have gotten to know and respect here in Congress. And I thank you for this leadership.

The timing is now. The bill has been introduced. The fight is on. And rarely in our lives do we have the opportunity to make such a difference on a bill that can take us down such a wrong road for America.

I will be brief, but what comes to mind is recently a national pollster whom you would know and recognize did a survey of Americans, and he asked them two questions, and he said, which one is most true: The first question is America is going to spend $1 trillion of your tax dollars to reform health care and it won't add a dime to the deficit. The second statement was there is human life on other planets. By a three-to-one margin, people chose human life on other planets as more true than we can spend all this money and not add a dime to the deficit.

The American public is smart. I held more than 50 town hall meetings during August and September, roundtables, all types of forums, and the truth of the matter is this Speaker and this House didn't listen to any of them.

This bill, Mr. GOHMERT, you talk about and show today, 2,000 pages, $1 trillion, 31 new Federal agencies, mandates and commissions that come between you and your doctor, who ultimately decide what doctors you can see, what treatments the government thinks you deserve, what medicines they think you can get.

This bill today, the fight we are engaged in, government will inject itself in our most intimate health care decisions. It raises the costs of health care. It increases the deficit for generations

to come. It raises taxes on professionals and small businesses. It will force millions of people out of the private plan that they choose to take. It cuts Medicare for seniors. It will ration care in the future. It opens the door to taxpayer-funded abortions and taxpayer care for illegal immigrants. And it exempts Members of Congress from this government-run plan.

This is a bill that is wrong for America. We all, everyone tonight, every Republican, support health care reform. Many of us have worked years, all of us on this floor have worked years for this day. But we can do better than this.

And we've submitted now, what, Mr. GOHMERT, over 40 Republican health care bills; five of them, comprehensive reform. We haven't gotten an opportunity to offer any of them. They haven't spent an hour listening to any of them. And as our leaders in Texas Medical Center have told me, it is so important we get this right. Health care is so complex. Take it step by step. Focus on affordability. Move to coverage for small businesses and people with preexisting illnesses. Pass lawsuit reform to end defensive medicine. Find innovative ways to squeeze the overhead out of health care. Make it more efficient. There are all these great ideas. They will never be heard in the rush to this national health care system.

Now is the time to act. That's why tonight your discussion with the American public, even though there is a World Series Game going on, in truth, at the end of that 9 innings, that game is over. But at the end of this bill, everyone's life in America, our children and grandchildren, will be touched and I think harmed by this bill.

I appreciate your leadership. I'm going to spend every waking hour until this vote is held to kill this bill, to kill this bill and send it back to the drawing board and come back with reform that all of America can embrace.

Mr. GOHMERT, thank you, my friend from east Texas, for leading this discussion tonight.

Mr. GOHMERT. Thank you, Mr. BRADY.

I think it's important to note that despite all the rhetoric about where are the Republican solutions, we have done everything in our power to try to offer good solutions, to try to sit down, and we have offered good solutions. And they are running into brick walls because the doors are locked. I know the President said, My door's always open. And I'm sure he wouldn't lie about that. But the gates aren't. We can't get to the open door. So it's deeply troubling that we could not submit anything.

As I used to say in deacons meetings, unless one person has a 100 percent lock on God's truth all the time, we really need to listen to each other. There are some Democrats with some good ideas. There are some Republicans with some good ideas. I think my health care proposal, patient-centered health care, patient-controlled health care, is a great idea. It's a good bill. It would score if CBO had not become a lapdog for the Democratic leadership.

I have been trying for 2½ months to get that bill scored, and I'm told over and over again they don't have time. They run in the Baucus bill that wasn't even a bill. It was a plan. I was told unless you've got a bill you filed, we will not, cannot do a score. Oh, no, not the Baucus bill. They run in and it's a plan, just an outline, and they give him a score on it. I mean how fair is that that this government has got gotten so slanted and people are getting hurt? It isn't right and it isn't fair. And something this important is going to be rushed through.

I heard my friend from North Carolina discussing this earlier today about the time that's been allotted and what's going on. I would like to yield to my friend Ms. FOXX.

Ms. FOXX. Thank you, Congressman GOHMERT. I still don't think you and I sound a lot alike, although people say that. You definitely have a Texas accent, and I know I don't have an accent from North Carolina. But I want to thank you for the leadership you've given on this issue. I know you've been here several nights, late at night, talking about the issues that the American people need to know about. It's so difficult to get the information out to them, and I appreciate what you're doing.

I find it very ironic that we are a couple of days away from Halloween. I'm not a great phrase maker, but today it hit me that we really need to talk about this in terms of Halloween.

This bill that Speaker PELOSI has introduced today is a tax increase bill masquerading as a health reform bill.

In this time of Halloween, the kids get really concerned about monsters and get afraid of them. But I want to tell you there is no scarier monster that has ever been conceived of by cartoon people, by movie people, than this 1,990-page bill. It is a monster. It is a monstrosity. It is something that should scare every American to death. It is frightening to me, I can tell you that.

I think my colleague from Texas has done a very good job of framing how a bill should come to the floor. Bills that are thoughtfully done go through subcommittees. People get a chance to debate them, look through them, find things that are not as well defined as they should be. We vote. That's the way legislation should be done, on a bipartisan basis, bringing in everybody's brain, bringing in everybody's aspect about it, and making sure that when we pass something, it's going to be as well thought out as it can possibly be, ''vetted'' sometimes it's called. That's what we should be doing.

□ 2045

But that is not what is going to happen with this bill because the President made a promise in his campaign that he would get passed a health reform bill. The people in this body think that they owe it to the President, not to the American people, their fealty is to a President, to help him meet his campaign promise. That is not where my loyalty lies. It did not lie with the President when we had a Republican President. My loyalty is to the American people. That is where all of our loyalties should be, and this bill is a betrayal of the American people because it takes away their freedoms. It promises something that it isn't. It is worse than a shell game, as I said. It is a tax increase masquerading as a health bill.

The one good thing that we have been able to accomplish with the great help of the American people in recent weeks is to really raise Cain about these bills being crammed down people's throats. So we will have 72 hours to look at the bill. The American people may think that we are not telling the truth. Sometimes the things we say are in the bill are hard for people to believe. The bill will be there and be able to be read, and we will be reading it and looking at every single aspect of it. And I want to encourage other people to do that. We will put copies in libraries. We want the American people to see it. We are not trying to mislead people about what is so horrible about this bill.

You all may remember that the President said in his campaign, ''We live in the greatest country in the world. Help me change it.'' To me that meant take what is good about this country and change it into something that is not good.

This bill will take us down that path very, very quickly. We will be losing our freedoms, and we will be beholden to a government that is not always the most benevolent and will get less benevolent the more power it has.

We have a fundamental difference between the Democrats and the Republicans. We believe that the American people should be in control of their lives. They believe that the government knows best, they and the government bureaucracy. It doesn't matter that the majority of the American people are opposed to this. They believe they have the wisdom and they are going to impose this on the American people.

But not if the American people speak up as they should. We are going to be fighting, as my colleague from Texas has said, we are going to fight every step of the way until there is a vote on this bill, probably next week, but we need the help of the American people to contact your Member of Congress and tell them this is not what you want. This is not what America stands for. This is not what we have men and women fighting for all over this world. They are fighting for freedom. But the greatest threat to the freedom of the people in this country is right here in this room. Ladies and gentlemen, I am not exaggerating. It is right here in

this room, but we can defeat it, as we have before.

With that, I yield back to my colleague from Texas.

Mr. GOHMERT. I thank my friend from North Carolina, and I appreciate so much those insights. How ironic, here we are the last day, the last hour Congress is in session before the witching hour of Halloween, and as Congresswoman FOXX observed, we have a tax bill masquerading as a health care bill.

We have with us a great medical doctor here in Congress, and I want to point out something that affects doctors and ask him to comment, and on such other things as his insights that can be shared.

On page 140 of this new 1,990-page bill, I want to be fair, it is not 2,000 pages, it is 1,990 pages, but on page 140, it gives us some insights on what has been going on behind closed doors, the deal-making. I have heard around east Texas, and these are smart, wise people, we had some insurance companies come out and say they thought that the President's plan was going to be okay. We have had some pharmaceutical companies say it is going to be okay. And the American Medical Association, some of them said it was going to be okay. The AMA represents maybe 17 percent of the doctors, I think. So you wonder what kind of deals got cut behind closed doors.

On page 140 and 141, some insights, because those of us who have dealt with the law have seen medical malpractice cases, I have been a judge over many malpractice cases, and I have had many of them removed from my court, my district court to Federal court, because there are certain types of medical liability cases where when they could get themselves to be considered as falling under the Employee Retirement Income Security Act of 1974, then, boom, they could yank it right out of State court into Federal court, and it was governed by ERISA, the Employee Retirement Income Security Act. And the defense lawyers love to do that, defending the insurance companies, because if they can get a med-mal case to fall under ERISA, that meant that they got it removed to Federal court and they got it basically dismissed, that the plaintiff could get zero damages.

So here we go. How could insurance companies go along with this when it is basically ultimately going to bring an end to private insurance. That is clear. We saw that in H.R. 3200 despite the promises you would never lose your policy. Well, all it would take is if you added one beneficiary to the policy, or if you changed any term or condition. Well, they change every year. So at most, you could keep your policy 1 year and then you fall under the Federal situation.

But here on page 140, it says that in the case of health insurance coverage not offered through the health insurance exchange, and in the case of employment-based health plans, the requirements of this title do not supersede any requirements applicable under titles 22 and 27 of the Public Health Service Act, part 6 and 7 of subtitle B of title 1 of the Employee Retirement Income Security Act of 1974 or State law, except insofar as such requirements prevent the application of a requirement of this division as determined by the commissioner.

Now most people will read through that, most laymen will read through that and say, I don't know what that means. It sounds innocuous enough. What it means is for that year or maybe a little more that somebody keeps their insurance policy, if the insurance companies are sued, and we had a terrible case that arose, a court room case, where the insurance company intentionally, and there was a smoking gun memo or letter, as I recall, where the insurance company lawyer was saying just hold it up, and as I recall the woman died. And phenomenal damages should have been coming forth from the insurance company, but instead they got it under ERISA in Federal court, and the case got zero damages.

So you think, wow, the insurance companies, that is the deal they made. So they can fall under ERISA, so even when they intentionally deny coverage to someone, they are protected by ERISA. They can deny coverage, they are protected, and they don't have to pay any damages if that ends up falling through, as ERISA has in the past. There is no reason not to believe that is the case.

So the insurance companies got their deals, but they made a terrible deal because they will not be able to stick around very long. Maybe they will be able to stay solvent for a while trying to compete against the Federal Government. They didn't last long in flood insurance.

But, boy, in 2006 we know that the biggest donors to the Democratic Party were the plaintiff trial lawyers. How in the world would they let that go through? Well, they cut a deal with them, apparently, because that is the next page. The insurance company got their deal. They are going to be protected. They can deny coverage. That is how egregious it has been before, deny coverage knowing it is going to potentially kill somebody to deny coverage, but the insurance company is protected. So they got their deal.

And then the next page, it says in the case of health insurance coverage offered through the health insurance exchange, that is the Federal program, the requirements of this title do not supersede any requirements, including requirements related to genetic information, nondiscrimination, mental health parity applicable under title 27 of the Public Health Service Act, or under State law, except insofar as such requirements prevent the application of requirement of this division as determined by the commissioner, and individual rights, remedies, under State laws shall apply.

So they cut the deal with the insurance company, made them feel really special. And until they go broke because they can't compete with the Federal plan, they may be protected from some of the most egregious insurance decisions. And then on the other hand, you have the trial lawyers, they know ultimately everybody is going to end up on the Federal program. And boy, do they have a deal because this means that they will be able to sue under State law under all of the plans. And that will end up being all of them under the Federal plan. That is the way that this looks to me.

One other thing, and it is a big bill, and this is at page 431 and 432. And this is amazing. This is another perk the trial lawyers got. Having been a lawyer and a judge, I have great respect for the judicial system. When someone has been wronged, rather than an eye for an eye, we allow them to go into court, sue and get damages. There is nothing wrong with that. That is a good system.

But here we are at page 1,431, and it says that the Secretary shall make an incentive payment in an amount determined by the Secretary, and I am sure that is Health and Human Services, to each State that has an alternative medical liability law in compliance with this section.

So under this bill, this is a new expense. New. New money to be spent by the Federal Government. Now will that be new money for health care for seniors? Oh, no, we are cutting $500 billion out of the seniors' Medicare. This is new money for any State that will follow the rule here on page 1,431 and 1,432, and here is the kicker at subsection 4, you get that incentive pay as determined by the Secretary if it meets these requirements, and that includes the contents of an alternative liability law that are required to get the incentive payments, or in accordance with this paragraph if the litigation alternatives contained in the law consist of certificate of merit, early offer, or both, and the law—and this is unbelievable—the law does not limit attorney's fees or impose caps on damages.

Now, think about the number of States that have been able to save hospitals and save doctors from going out of business so women could get gynecological care, places that hospitals had to close, they came in with tort reform and they were able to open back up and have doctors come in and help because they put caps on damages. And in some places, they put a cap on attorney's fees. We are going to spend Federal dollars bribing every State to get rid of any limit on damages so that the doctors can be tagged. We are going to protect the insurance companies for awhile. We are going to protect the plaintiff's bar permanently. And the doctors, once again, are going to really get hurt.

□ 2100

I know my friend from Louisiana has a reputation as having been a fantastic medical doctor and also knows what it is like to suffer and require treatment himself.

I yield however much time my friend needs and wishes to speak.

Mr. BOUSTANY. Well, I thank my friend. I am amazed at all the reading you have done already with this bill and the scholarship that you have put in today. It says a lot about your character as a judge and a lawyer, having dug into the details of this.

Here we are, talking about the Pelosi health care plan just released today, all just under 2,000 pages of it. I commend my colleague for shedding some light on just a couple of the provisions in this. There are so many unintended consequences, most likely, in this bill, and I have not had the kind of time to go through it that even my colleague has had so far, but we will be reading this bill and going through it very carefully.

Let me just say, before coming to Congress, I practiced medicine for about 20 years. I did open heart surgery, lung surgery, oftentimes doing three and four operations a day, caring for anybody who needed surgical care in my practice, whether they could pay or not. We're dealing with health care, one-sixth of the entire U.S. economy, something that affects every man, woman and child in this country. This is a kitchen table issue, if there ever was one, a very important issue. What gives me great distress is that we're on the wrong path. We're not going to lower the cost of health care for families and for small business owners. In fact, there is nothing in this bill that is going to actually drive down the cost of health inflation. Those increases in premiums, double-digit increases in premiums year after year that families and small business owners are seeing, there is nothing in there that will do this.

The sad thing is, I think Republicans and Democrats could agree on a number of areas where we could work together that would actually make a difference and bring those costs down, yet the decision was made by the leadership to ignore these things. The whole idea was to create a new government plan, sort of modeled after Medicare, based on the same faulty financial footing that Medicare is currently struggling with today, and now we're going to double the liability to the Federal taxpayer based on all this.

This is a huge problem. What we see in this bill are increased taxes for families. The Pelosi health care bill, it's an increase in taxes on families and small businesses. It's an increase in taxes on health plans. It's an increase in taxes on all the research and innovation that have made American health care as great as it is today. Let's face it, we know health care is expensive. It's too expensive. We know there is waste in the system, and those things can be corrected. But we also know that we have the finest doctors, the finest nurses and the best hospitals, teaching hospitals and training facilities in the entire world. Patients come from all over the world to be treated in the United States, if they're lucky enough to be able to get here. Doctors from all over the world come here to train, to learn the latest techniques. All of that innovation and technology is at risk because of the tax provisions and the punitive approaches taken in these health care proposals. This is going to be a major step backwards.

I can talk about many, many instances where a new technology came out or a new pharmaceutical came out that made a huge difference in quality of life. Initially it was expensive, but with time, the costs went down. There are many, many examples of this. I will give an example. When I was in medical school, preparing to undertake a surgical career, I remember one of the operations we used to do the most was this big operation for ulcers. If you had an ulcer, a lot of times you had complications from that ulcer, either bleeding or you got obstructed in your intestinal tract or you had severe pain or even an ulcer perforated and caused you to get very, very sick, requiring emergency surgery. These were very devastating conditions. We had nothing to treat that, other than to do a massive operation, a major surgery under general anesthesia where you had to take out almost half the stomach and reconstruct all of it. Patients had all kinds of problems afterwards. I will never forget early on in my surgical training when a new drug came out, and everybody thought, Oh, my gosh. This is going to be great. This drug was called Tagamet. The generic name was Cimetidine. Now you can buy it over the counter, but back then it was expensive. Almost immediately upon the release of this drug, we quit doing most of those big stomach operations. We didn't have to do them anymore, except under extraordinary circumstances. So countless numbers of patients avoided surgery and had a much higher quality of life.

Now we've seen several other generations of these drugs come about that have made a tremendous difference for individuals, and it's cut the cost of health care. But the Congressional Budget Office doesn't recognize that because it works in an artificial 5-year window. It doesn't work based on the real world, which deals with the lengthy process of doing research and development to get these new technologies and these new pharmaceuticals out.

Think of coronary stents. Back when I started off, oftentimes when someone had a heart attack, they died. We had very little in the way of pharmaceutical treatments for heart disease. If you had blockage, there was nothing we could do about it. Then open heart surgery developed with coronary artery bypasses, and it was a big operation. Then it became more routine and less expensive over time, and patients have done very well following those operations. Then the advent of stents, where you go in, you have a stent put in a blocked coronary, you go home the same day, and you are feeling much better. We can actually stop a heart attack in progress by inserting a stent in a timely manner. Those advancements here in the United States are now being adopted abroad. They've made a huge difference. That innovation is at risk. This bill taxes businesses, taxes families, taxes innovation, taxes insurance plans. What happens when you tax insurance plans? Premiums go up. The CBO and other actuaries have said that on average, premiums for Americans are going to double and in some cases, triple. What's going to happen? That's going to put more of these insurance companies in a bind because their products would become untenable, and we're going to move to a single-payer health care system, run by the Federal Government with all the bureaucracy and the lack of innovation. And that's the goal here.

I can tell you, it is very distressing, as a physician who practiced for 20 years and saw the great things that we could do in health care, but I have also seen the problems. I can tell you, I, myself, have had health problems. I would still be doing open heart surgery and not standing here giving a speech tonight to the United States Congress if I didn't have a health problem. I developed a form of arthritis that basically ended my surgical career early. When I closed my practice down, we had a health plan. I tried to shift from the plan that we had with the same insurance company. We tried to shift from an employer-based plan to a family plan within the same insurance company. They knew everything about my history and records and everything else. Guess what: They denied my entire family and myself coverage, but because I knew how to negotiate within the health care system, I called the insurance company. They said, You have a preexisting condition. I said, I understand that. You have already been helping to treat that, and this is a continuous process. So why not just exclude my condition and at least insure my family? And after a lot of vigorous going back and forth with the insurance company, I convinced them to do that.

Americans should not be denied coverage based on preexisting conditions. Republicans have ideas where we can get the cost of that kind of insurance down for all Americans by creating competition and choice in the insurance marketplace, which this bill does not do. It will limit competition and choice. We can keep those costs down. We can make insurance much more accessible, and at the same time, take what I think our colleague from Texas mentioned earlier, take this kind of an incremental step-by-step approach so

that we don't create unintended consequences—we know what we're getting into—and build a system that's comprehensive that Americans can be proud of.

As my colleague said earlier, we have over 40 bills that move us in that direction. And how many hearings have we had on the Republican bills in the House Ways and Means Committee where I serve? None. None. These ideas have not been discussed, they have not been vetted, and furthermore, a lot of the ideas in this bill have not been thoroughly vetted. That's a problem. That's legislative malpractice in my mind. It's wrong, and the American public deserves better. This health care problem has been going on for too long, and there is a lot that we can do to solve it if we put our heads together.

I know there are some well-meaning friends across the aisle who want to work together on it, and I think that's what the American people want us to do, instead of an ideologically driven approach to a single-payer health care system, run by the Federal Government, which we know is going to run up massive deficits for this country, which we already are seeing now. It's going to stifle job growth, and it's going to hurt the American economy.

With that, I will yield back to my friend.

Mr. GOHMERT. I thank you, Dr. BOUSTANY, so much. You've provided so much insight since you've been in Congress. You've been a breath of fresh air. Especially for someone who has been on the other side of the insurance company, has been paid by the insurance company, has performed surgery saving lives and has been on the other side of the doctors providing the treatment. That provides an awful lot of wisdom, and I am so grateful that that wisdom from the gentleman from Louisiana, Dr. BOUSTANY, is being brought here to the House of Representatives.

I tell you, though—maybe it's part of my background, having been a judge for so many years—you look for evidence to help you know whether to believe or disbelieve what people are saying. As I have listened to our friends across the aisle—not all of them, but many of them that were pushing this bill, this 1,990-page bill—they knew it was going to be coming. We didn't know what was coming or when it was coming, but some of them knew. Knowing that, they have been coming down to this floor, coming to these microphones here and telling horror story after horror story about something that happened because of an insurance company, because of a doctor, because of bad health care problems. One thing after another, and never, ever having one good story to tell about a doctor who came in in the middle of the night. Like the doctor who saved my daughter's life one night when her temperature spiked to 108. Doctors all over this country, health care providers, nurses, most of them are so dedicated and do a great job, and yet we've not heard one good story about some success from the incredible health care in this country. Somebody point out one in the RECORD because it is something I didn't hear, and I will apologize. But I have not heard one. That's one of the pieces of evidence you can look to to know that something is being put over here on the American people because they're only getting one side of the story. Not one favorable story. That tells you they're trying to scare people.

And another thing you look at, they're saying they are going to pay for this with waste, fraud and abuse. Hundreds of billions of dollars that will be saved by eliminating waste, fraud and abuse. You mark my words on this: If they could save even $100 billion on waste, fraud and abuse, it would have been done before now. Those who are not familiar with politics, who are not familiar with the history of our great country, just take a lesson here. Anytime anyone from either party—any party, Independent or whomever—is elected, comes into office and cuts out massive amounts of waste, fraud and abuse within the government system, they can be elected as many times for as many offices as they ever care to run for. Nobody is ever going to beat them because they will always be able to show, Look at the waste, fraud and abuse I eliminated. I did that because I cared. And they will win from now on. Well, we've got this being dangled out there. If you'll give us this trillion-dollar bill—trillion-plus, probably, because we've seen how slanted CBO has become in recent days—but if you will give us this trillion-dollar bill, we'll cut out hundreds of billions of dollars in waste, fraud and abuse.

□ 2115

In my courtroom, you would see, through proof, that, if people know that fraud is going on and if they have a duty to do something about it, which elected officials would, and if they do nothing about it, then they're accomplices. Under the Law of Principles under Federal law, under 18 U.S.C. 2, if you aid, abet, encourage, induce, you're as guilty as the principal. So I don't believe they know where hundreds of billions of dollars of waste, fraud, and abuse are.

Let me also mention, you know, I filed a bill. This came after lots of consultation, including from my friends, from my doctor friends here in Congress and from people around. I've talked to all aspects, including to representatives of AARP, who came and talked to me. Of course, if my bill were to get passed, which would eliminate the need for any senior to ever buy supplemental insurance from AARP, it would financially hurt AARP, but it would be so good for their members. You know, they're not going to support that because that takes money out of their pocket.

A big part of my bill has to do with Health Savings Accounts, not the kind that are still around or that were around previously where you could put money aside pretax and where, if you didn't spend it by the end of the year, you lost it. Huh-uh. We're talking about, in my bill, having a Health Savings Account where you could put money in there pretax, and where it could roll over and grow. If you don't spend it all, it just rolls over and grows. It is yours. It is for health care alone. You have a debit card, and that let's you go into any doctor's office, any hospital, any pharmacy to buy what you need for health care. You use that debit card. Then you buy catastrophic care to cover over that.

Under my bill, employers would still get great tax benefits by buying insurance for their employees, and they would do so by buying catastrophic insurance to cover everything above their Health Savings Accounts, and then they'd put money in their Health Savings Accounts which would be owned by the individual but could only be used for health care. Then we've been told by the statisticians that, as for the kids in their twenties and thirties, as they get older and by the time they get to 65 and get ready to retire, the vast majority will have so much money that they're not going to need Federal Government help. They will not want the Federal Government intervening in their health care because they will be masters of themselves.

In the meantime, to move us to that, I want to be fair to seniors and not promise something that ends up hurting them, like this monstrosity. So, under this bill, we're better off. Since it costs $10,000, on average, for every household in America to pay for Medicare and Medicaid, we're better off just saying, Senior households, here's $3,500 in your Health Savings Account—cash—and we, the Federal Government, will buy you catastrophic insurance to cover everything above that. There's no more need for supplemental insurance. None of that. You're good to go. Then that starts getting the young people moving on the road to getting us out of this trap of Medicare.

Under the bill that we have right here, seniors will have a choice. If you want Medicare, stay on it, but when you see your neighbors are better covered and that they control their own destinies in health care, then you're going to want what they have, and then it will go that way very quickly.

I just want to point out one other thing really quickly—another deal that was cut—and I don't have time to pull it out right now and find it, but let me just point out that there was a deal that was cut for pharmaceuticals. The deal is that, under this monstrous Pelosi health care bill, people will no longer be able to buy over-the-counter medication with their Health Savings Accounts. They'll have to buy prescription drugs if they want to use those Health Savings Accounts that are funded by their employers or they'll have to use their own money that has built up over the years.

I've got a good example here. I have this in my pocket because, since I was 8 years old, I've suffered from hay fever. It's Chlor-Trimeton. Years and years ago, it was a prescription drug. Now I can buy it for $2.34—a big bottle of it. It's embarrassing, frankly, if you get up and your nose starts running. So I have one in my pocket, so that, if my nose starts running, I can take a Chlor-Trimeton so my nose isn't running and so I'm not sniffing here on the floor of the House. Yet, under this bill, I'll have to buy some expensive prescription antihistamine if I'm going to use my Health Savings Account.

That was a deal done, and now we begin to see a little bit. Now that this has come out of the closet, we're beginning to see the deals that were done, and that's one to help the pharmaceuticals.

I will yield to my friend.

Mr. BOUSTANY. I thank my friend for yielding.

I'm really glad that you brought up Health Savings Accounts. First of all, Health Savings Accounts were created by a Republican Congress, so that was one of the things that Republicans did when we were in control of the Congress, among a few other things in health care; but one of the problems we've had with Health Savings Accounts, that I've heard, is that a lot of families can't put enough money into them to really make them meaningful.

You know, I introduced a bill that actually, really, raises the amount of money that you can put into one so that you actually, really, do save money year in and year out and do build savings.

Secondly, when you get to be a senior and when you go on Medicare, you can keep that Health Savings Account and can continue to fund it and can use it for things that Medicare currently doesn't cover. So many seniors have to buy supplemental insurance. You could use your Health Savings Account to fund that. So now you're using pretax dollars rather than really hard-earned, after-tax dollars for that health need. There are a number of other things that families could use these for.

Finally, upon death, you can pass your Health Savings Account on to your family without a tax consequence, and now you're really building savings across generations to take care of our health problems, putting families back in control of their health care destinies rather than, again, a big government, one-size-fits-all-kind of a program, such as what we see with the Pelosi health plan.

I yield back.

Mr. GOHMERT. I thank you for that observation.

That's exactly right. Some people will not be able to put money into the Health Savings Accounts, and those will be people we will be able to help as the Federal Government, and it will be cheaper to do that than to keep going bankrupt, which is where we're going. The projection is, by 2017–2018, we're going to bankrupt America with Medicare. Why wouldn't you try to do something to rein that in?

Let me just say I disagree with what the President has done. I've been in the Army. I've seen how commanders agonize, and I know General McChrystal was handpicked. He went over there. He gave the President his assessment. We really need at least 40,000 troops. It's very plain. You either put them in there or we're going to lose this war. Now, to me, that seems like that ought not to require more than 72 hours once you get that general's report. My goodness.

He says, The guy I handpicked, if we don't give him 40,000 troops quick, then we're going to lose the war.

That's very clear. He didn't take 72 hours. He is taking 60 days or more and counting. We've got 60,000, 70,000 troops or so over in Afghanistan who are waiting with bated breath to know what the President is going to do, and so are we.

This bill here will affect over 300 million people's lives and the lives of generations to come. We don't get the 60 days that the President has taken to make sure he gets it right. We're told we get 72 hours. You're not going to have time to find all the pitfalls that we've put in there. We're talking about the future of this country and about future generations. They are owed so much better, not because they've done anything to deserve it, not because we've done anything to deserve the blessings that have been heaped upon us, but because those who went before us made the sacrifice of life—of their fortunes, of their sacred honor—and that's why we reap the benefits we do. We owe it to future generations because of what the past generations have done for us, and that is what we have to do.

It breaks my heart to close out this congressional session. We're going home, and the President will make a lot of appearances, and so will Speaker PELOSI. The American people are the ones who are going to get hurt, and the children of the future will get hurt.

Oh, yeah. Congresswoman CAPPS is a very gracious, delightful Member of Congress, but the Capps amendment is in there, so this type of public option will be able to fund abortions. I mean this stuff is here. We need more than 72 hours. We need at least as much as the President is taking to review Afghanistan.

Mr. Speaker, with that, I know my time has run out, so I yield back at this time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PATRICK J. MURPHY of Pennsylvania (at the request of Mr. HOYER) for today and the balance of the week on account of the birth of a child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MELANCON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, 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. GINGREY, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, November 2, 3, 4 and 5.

Mr. MORAN of Kansas, for 5 minutes, November 2, 3, 4 and 5.

Mr. POE of Texas, for 5 minutes, November 2 and 5.

Mr. JONES, for 5 minutes, November 5.

Mr. KIRK, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, November 2 and 3.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 832. To amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 29, 2009 she presented to the President of the United States, for his approval, the following bills:

H.J. Res. 26. Proclaiming Casimir Pulaski to be an honorary citizen of the United States Posthumously

H.R. 1209. To require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service

and patriotism, can challenge fate and change the course of history.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, November 2, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4356. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2009-0601; FRL-8794-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4357. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restriction on Research and Development — Deletion of Obsolete Text (DFARS Case 2009-D005) (RIN: 0750-AG33) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4358. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plan [EPA-R05-OAR-2009-0120; FRL-8968-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4359. 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; Ohio Administrative Code Rule 3745-21-17 Portable Fuel Containers [EPA-RO5-OAR-2007-0908; FRL-8958-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4360. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Drinking Water Regulations for Aircraft Public Water Systems [EPA-HQ-OW-2005-0025; FRL-8967-9] (RIN: 2040-AE84) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4361. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department [EPA-R09-0AR-2009-0339; FRL-8947-2] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4362. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-221, ''Public Assistance Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4363. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-220, ''Private Fire Hydrant Responsibility Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4364. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-219, ''University of the District of Columbia Procurement Authority Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4365. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-218, ''University of the District of Columbia Board of Trustees Quorum Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4366. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-217, ''Reinstated Nonprofit Corporation Contract Ratification Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4367. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-216, ''Personal Mobility Device for Persons with Disabilities Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4368. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-222, ''Unemployment Compensation Extended Benefits Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4369. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-223, ''Studio Theater Housing Property Tax Exemption and Equitable Tax Relief Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4370. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-224, ''Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4371. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-225, ''Chemotherapy Pill Coverage Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4372. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 07-225] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Garrison Channel, Florida [COTP St. Petersburg, FL 07-224] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — St. Petersburg Beach, Gulf of Mexico, Florida [COTP St. Petersburg, FL 07-223] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Iron Man Swimming Competition, Gulf of Mexico, Clearwater, FL [COTP St. Petersburg, FL 07-222] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — Seddon Channel, Tampa Bay, Florida [COTP Sector St. Petersburg, FL 07-221] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Marco Island Air Show; Tampa Bay, FL [COTP Sector St. Petersburg 07-220] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 485.1 [COTP Sector Upper Mississippi River-07-004] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 130 to 145 [COTP Sector Upper Mississippi River-07-005] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 534.5 to 535.5 [COTP Sector Upper Mississippi River-07-006] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 180 to 187 [COTP Sector Upper Mississippi River-07-007] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile Marker 364.0 to Mile Marker 366.0, Kansas City, KS [COTP Sector Upper Mississippi River-07-009] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4383. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 309.0 to

315.0 [COTP Sector Upper Mississippi River-07-010] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4384. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 630.0 to 300.0 [COTP Sector Upper Mississippi River-07-011] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4385. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Illinois River Mile 157 to Mile 167.0 [COTP Sector Upper Mississippi River-07-001] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4386. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kaskaskia River Mile Marker 10.5 to Mile Marker 11.5, Evansville, IL [COTP Sector Upper Mississippi River-07-003] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4387. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Garrison Channel, Florida [COTP Sector St. Petersburg, FL 07-240] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4388. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Old Tampa Bay, FL [COTP Sector St. Petersburg, FL 07-244] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4389. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, Florida [Docket No.: COTP Sector St. Petersburg 07-254] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4390. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 06-255] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4391. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, Florida [COTP St. Petersburg, FL 07-268] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4392. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Alafia River, FL [Docket No.: COTP St. Petersburg 07-270] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4393. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's ''Major'' final rule — Revised Medical Criteria for Evaluating Maligant Neoplastic Diseases [Docket No.: SSA-2007-0066] (RIN: 0960-AG57) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ZOE of California: Committee on Standards of Official Conduct. In the Matter of Representative Sam Graves (Rept. 111–320). 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. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3961. A bill to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians; 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. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3962. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Oversight and Government Reform, the Budget, Rules, Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. DENT, Mr. BILIRAKIS, Ms. JACKSON-LEE of Texas, and Mr. CARNEY):

H.R. 3963. A bill to provide specialized training to Federal air marshals; to the Committee on Homeland Security.

By Mr. HENSARLING (for himself, Mr. RYAN of Wisconsin, Mr. GARRETT of New Jersey, Mr. CAMPBELL, Mr. JORDAN of Ohio, Mrs. LUMMIS, Mr. LATTA, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. COLE, Mr. FRANKS of Arizona, Mr. HERGER, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. PITTS, and Mr. SHADEGG):

H.R. 3964. A bill to reform Federal budget procedures, to impose spending and deficit limits, to provide for a sustainable fiscal future, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Appropriations, Oversight and Government Reform, and 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 Ms. SPEIER (for herself, Mr. TOWNS, Mrs. MALONEY, Mr. FOSTER, Ms. KAPTUR, Mr. DRIEHAUS, Ms. WATSON, Mr. CUMMINGS, and Mr. QUIGLEY):

H.R. 3965. A bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress; to the Committee on House Administration.

By Mr. CARSON of Indiana:

H.R. 3966. A bill to amend the American Reinvestment and Recovery Act of 2009 to extend for 6 months the period of eligibility for COBRA premium assistance under such Act; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Ms. CORRINE BROWN of Florida, Ms. NORTON, and Mr. PAYNE):

H.R. 3967. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON:

H.R. 3968. A bill to amend the Bank Holding Company Act of 1956 to require the Board of Governors of the Federal Reserve System to take prompt corrective action to resolve problems of bank holding companies; to the Committee on Financial Services.

By Mr. REYES (for himself, Mr. HASTINGS of Florida, Mr. RUPPERSBERGER, and Mr. BOREN):

H.R. 3969. A bill to extend and modify certain provisions of the Foreign Intelligence Surveillance Act of 1978 relating to combating terrorism; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. BURGESS, Mrs. BIGGERT, Mr. LEE of New York, Mr. LANCE, Mr. SCHOCK, Mr. MICA, Mrs. CAPITO, Mr. FRELINGHUYSEN, and Mr. MACK):

H.R. 3970. A bill to protect the doctor-patient relationship, improve the quality of health care services, lower the costs of health care services, expand access to health care services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Appropriations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 3971. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include health insurance payments and to increase the dollar limitation for contributions to health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. SABLAN):

H.R. 3972. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HIMES (for himself, Mr. TOWNS, Mr. COURTNEY, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Mr. CONYERS, Ms. DELAURO, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, and Mr. ELLISON):

H.R. 3973. A bill to establish a competitive grant program assisting the development of innovative early learning curricula for low-income children; to the Committee on Education and Labor.

By Mr. HONDA (for himself, Mr. DENT, Mr. TOWNS, Mr. CASSIDY, Ms. LEE of California, Mr. CAO, Mrs. CHRISTENSEN, Mr. PLATTS, Mr. BUTTERFIELD, Ms. CHU, Mr. RUSH, and Mr. WU):

H.R. 3974. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management referral program for viral hepatitis infection that will lead to a marked reduction in the disease burden associated with chronic viral hepatitis and liver cancer; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H.R. 3975. A bill to require the National Transportation Safety Board to include affordable alternative recommendations and corrective actions in its reports; to the Committee on Transportation and Infrastructure.

By Mr. PERRIELLO:

H.R. 3976. A bill to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure; to the Committee on Veterans' Affairs.

By Ms. SUTTON (for herself, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Mr. HARE, Ms. HIRONO, Mr. STUPAK, Mr. HASTINGS of Florida, Mr. SIRES, Mr. COURTNEY, and Ms. MARKEY of Colorado):

H.R. 3977. A bill to amend the Truth in Lending Act to establish limits on certain fees with regard to credit card accounts under open end consumer credit plans,and for other purposes; to the Committee on Financial Services.

By Mr. WU (for himself, Mr. FRANK of Massachusetts, Mr. WOLF, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. MURTHA, Mr. LEVIN, Mr. SKELTON, Mr. ACKERMAN, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. HONDA, Mr. CAO, Ms. CHU, Ms. MATSUI, Ms. HIRONO, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. SCHRADER, Mr. SHERMAN, Mr. HOLT, Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Ms. WOOLSEY, Mr. SCHIFF, Mr. FLAKE, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. JONES, Mr. BARTLETT, Mr. MCNERNEY, Mr. ISRAEL, Mr. MITCHELL, Ms. BALDWIN, Mr. HALL of New York, Ms. KILROY, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. MILLER of North Carolina, Mr. GRIFFITH, Mr. LUJÁN, Mr. BAIRD, Ms. FUDGE, Mr. INGLIS, Mr. MATHESON, Mr. HALL of Texas, Mr. EHLERS, Mr. TONKO, Mr. BILBRAY, Mr. GRAYSON, Mr. YARMUTH, Mr. SIRES, Mr. TAYLOR, Mr. ADERHOLT, Mr. KAGEN, Mr. HOLDEN, Mr. ROHRABACHER, Mr. WHITFIELD, Mr. LATOURETTE, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. NUNES, Mr. ANDREWS, Mr. ROYCE, Mr. CAMPBELL, Mr. SOUDER, Mr. SAM JOHNSON of Texas, Mr. CASSIDY, Mr. WAMP, Mr. CONAWAY, Mr. KINGSTON, Mrs. MYRICK, Mr. MARSHALL, Mr. BOOZMAN, Mr. CRENSHAW, Mr. DOYLE, Mr. DONNELLY of Indiana, Ms. KAPTUR, Mr. HINCHEY, Mr. PASCRELL, Mr. CAPUANO, Mr. STUPAK, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. KANJORSKI, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. CARSON of Indiana, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. LOBIONDO, Mr. PETRI, Mr. BILIRAKIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. KING of Iowa, Mr. GRIJALVA, Mr. TANNER, Mr. MOORE of Kansas, Mr. FILNER, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mr. BRALEY of Iowa, Mr. POMEROY, Mr. SABLAN, Mr. COOPER, Ms. BEAN, and Mr. BRADY of Pennsylvania):

H. Res. 877. A resolution expressing support for Chinese human rights activists Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008; to the Committee on Foreign Affairs.

By Mr. PLATTS:

H. Res. 878. A resolution expressing support for the goals and ideals of National Family Literacy Day; to the Committee on Education and Labor.

By Mr. MINNICK (for himself and Mrs. BIGGERT):

H. Res. 879. A resolution supporting the goals and ideals of American Education Week; to the Committee on Oversight and Government Reform.

By Mr. CASSIDY:

H. Res. 880. A resolution recognizing the efforts of career and technical colleges to educate and train workers for positions in high-demand industries; to the Committee on Education and Labor.

By Mr. HENSARLING:

H. Res. 881. A resolution recognizing the citizens of Wills Point for commemorating 100th anniversary of President William Taft's 1909 campaign stop and preserving the city's history for future generations of Texans; to the Committee on Oversight and Government Reform.

By Mr. SCHIFF (for himself, Mr. BERMAN, Mr. SHERMAN, Mr. WEINER, and Ms. HARMAN):

H. Res. 882. A resolution commending Chief William J. Bratton for his service as Chief of Police of Los Angeles; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. WALZ.

H.R. 28: Mr. FRELINGHUYSEN.

H.R. 61: Mr. TOWNS, Ms. LEE of California, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. FATTAH, and Ms. FUDGE.

H.R. 208: Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mr. GUTHRIE, and Mr. FRANK of Massachusetts.

H.R. 211: Ms. KOSMAS.

H.R. 213: Mr. NYE and Mr. PLATTS.

H.R. 417: Mr. PAYNE and Ms. WASSERMAN SCHULTZ.

H.R. 442: Mr. GRIFFITH and Mr. UPTON.

H.R. 484: Mr. MARSHALL and Mr. ROTHMAN of New Jersey.

H.R. 501: Mr. STARK.

H.R. 510: Mr. AKIN, Mr. SHIMKUS, and Mr. GRIFFITH.

H.R. 558: Mr. WALZ.

H.R. 593: Ms. KOSMAS. H.R. 634: Mr. UPTON.

H.R. 658: Mr. WHITFIELD.

H.R. 690: Mr. CAMPBELL.

H.R. 697: Mr. STARK.

H.R. 734: Mr. LOBIONDO.

H.R. 795: Mrs. DAVIS of California.

H.R. 836: Mr. MILLER of North Carolina.

H.R. 840: Mr. HEINRICH.

H.R. 858: Mr. WALDEN.

H.R. 868: Mr. MEEKS of New York, Mr. KENNEDY, and Mr. TOWNS.

H.R. 932: Mr. CARNEY.

H.R. 953: Mr. LAMBORN.

H.R. 980: Mr. GRAYSON and Ms. DEGETTE.

H.R. 1050: Mr. FORBES, Mr. SENSENBRENNER, and Mr. ROE OF TENNESSEE.

H.R. 1067: Ms. Zoe LOFGREN of California.

H.R. 1086: Mr. PETRI.

H.R. 1126: Mr. SERRANO.

H.R. 1132: Mr. KRATOVIL.

H.R. 1175: Mr. PETERSON.

H.R. 1245: Mr. HELLER.

H.R. 1250: Mr. CUMMINGS.

H.R. 1326: Ms. EDWARDS of Maryland, Mr. NEAL of Massachusetts, Ms. RICHARDSON, and Mr. HEINRICH.

H.R. 1422: Mr. POSEY.

H.R. 1454: Mr. REICHERT.

H.R. 1521: Mr. GORDON of Tennessee.

H.R. 1526: Ms. WASSERMAN SCHULTZ.

H.R. 1547: Mr. CULBERSON.

H.R. 1548: Mr. FOSTER and Ms. CLARKE.

H.R. 1549: Ms. SPEIER and Mr. ABERCROMBIE.

H.R. 1557: Mr. SMITH of Texas.

H.R. 1625: Mr. BARROW and Mr. SPACE.

H.R. 1670: Mr. HOLT.

H.R. 1685: Ms. HIRONO.

H.R. 1691: Mr. ALEXANDER.

H.R. 1778: Mrs. LOWEY.

H.R. 1791: Mr. WEINER.

H.R. 1799: Mr. PAUL.

H.R. 1828: Ms. MARKEY of Colorado.

H.R. 1829: Mr. BOSWELL.

H.R. 1835: Mr. SHULER, Mr. COURTNEY, Mrs. LUMMIS, Mr. MOLLOHAN, Mr. GRIFFITH, Mr. CHANDLER, Mr. TOWNS, Mr. BOCCIERI, Mr. CARNEY, Ms. KAPTUR, Mr. MURPHY of Connecticut, Mr. POMEROY, and Ms. SUTTON.

H.R. 1974: Mr. CANTOR, Mr. CARNEY, Mr. NYE, Mr. HIGGINS, and Mr. ROGERS of Michigan.

H.R. 1977: Mr. ACKERMAN.

H.R. 2054: Mr. HEINRICH.

H.R. 2057: Mr. CUMMINGS.

H.R. 2067: Mr. WEINER.

H.R. 2068: Mr. HEINRICH.

H.R. 2112: Mr. THOMPSON of California.

H.R. 2135: Mr. WALZ.

H.R. 2136: Mr. ALEXANDER.

H.R. 2138: Mr. SOUDER.

H.R. 2269: Ms. RICHARDSON.

H.R. 2279: Mr. BERMAN, Mr. SCOTT of Virginia, and Mrs. CAPPS.

H.R. 2296: Mr. GARY G. MILLER of California and Ms. JENKINS.

H.R. 2372: Mr. SENSENBRENNER and Mrs. MYRICK.

H.R. 2378: Mr. PERRIELLO, Mr. EHLERS, Mr. ROGERS of Kentucky, and Mr. FILNER.

H.R. 2408: Ms. ZOE LOFGREN of California and Mr. TIERNEY.

H.R. 2425: Mr. GRIJALVA.

H.R. 2446: Mr. WALZ.

H.R. 2452: Mr. MCHENRY.

H.R. 2478: Mr. REHBERG.

H.R. 2480: Mr. HEINRICH.

H.R. 2492: Mr. SESTAK and Ms. WOOLSEY.

H.R. 2502: Mr. CARSON of Indiana.

H.R. 2516: Mr. BURGESS, Mrs. CAPITO, and Mr. PETRI.

H.R. 2526: Mr. BRALEY of Iowa.
H.R. 2537: Mr. POSEY.
H.R. 2556: Mr. COFFMAN of Colorado.
H.R. 2562: Mr. BUCHANAN.
H.R. 2624: Mr. WALZ.
H.R. 2628: Mr. LOBIONDO.
H.R. 2642: Mr. RODRIGUEZ.
H.R. 2672: Mr. KLINE of Minnesota.
H.R. 2690: Mr. GENE GREEN of Texas.
H.R. 2696: Mr. BLUMENAUER.
H.R. 2698: Mr. HOLT, Mr. ADLER of New Jersey, Mr. MOLLOHAN, and Mr. DRIEHAUS.
H.R. 2710: Mr. MARKEY of Massachusetts.
H.R. 2730: Mr. WALZ.
H.R. 2740: Mr. STARK.
H.R. 2748: Mr. COURTNEY and Mr. MURPHY of Connecticut.
H.R. 2766: Mr. STARK and Mr. ELLISON.
H.R. 2777: Ms. ROS-LEHTINEN.
H.R. 2817: Mr. BOSWELL and Mr. GRIJALVA.
H.R. 2879: Mr. MICHAUD and Mrs. HALVORSON.
H.R. 2906: Mr. BOSWELL.
H.R. 2932: Mr. BISHOP of Georgia.
H.R. 2941: Mr. DAVIS of Illinois.
H.R. 3006: Mr. ALTMIRE.
H.R. 3010: Mr. DEFAZIO and Mr. WALZ.
H.R. 3035: Mr. GONZALEZ and Mr. FILNER.
H.R. 3048: Mr. HEINRICH.
H.R. 3053: Mr. RUSH.
H.R. 3126: Mr. DAVIS of Illinois.
H.R. 3149: Mr. BRALEY of Iowa, Mr. HARE, and Mr. FARR.
H.R. 3199: Ms. ZOE LOFGREN of California.
H.R. 3202: Mr. MAFFEI.
H.R. 3227: Mr. JOHNSON of Georgia, Mr. BISHOP of New York, and Mr. GRIJALVA.
H.R. 3242: Ms. TSONGAS.
H.R. 3243: Mr. HINCHEY.
H.R. 3245: Ms. CLARKE.
H.R. 3286: Mr. BLUMENAUER, Mr. SCHIFF, and Mr. KILDEE.
H.R. 3321: Ms. WOOLSEY, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. SIRES, Mr. GRIJALVA, and Mr. FILNER.
H.R. 3328: Mr. ELLISON.
H.R. 3339: Mrs. NAPOLITANO.
H.R. 3343: Mr. GRIJALVA.
H.R. 3356: Mr. CAMPBELL, Mr. THOMPSON of Pennsylvania, Mr. LUETKEMEYER, Mr. PITTS, and Mr. RYAN of Wisconsin.
H.R. 3363: Mr. LAMBORN.
H.R. 3407: Mr. KLINE of Minnesota.
H.R. 3421: Mr. CAPUANO.
H.R. 3453: Mr. ALEXANDER and Mr. BOUSTANY.
H.R. 3462: Mr. ROGERS of Michigan.
H.R. 3485: Mr. GARRETT of New Jersey and Mr. CAPUANO.
H.R. 3503: Mr. COHEN, Mr. SIRES, and Ms. HIRONO.
H.R. 3510: Ms. WATSON, Mr. MILLER of North Carolina, Mr. LANGEVIN, Ms. ESHOO, Mr. MAFFEI, Mr. LUJAN, and Mr. KENNEDY.
H.R. 3596: Mr. GONZALEZ, Mr. KENNEDY, and Ms. WASSERMAN SCHULTZ.
H.R. 3608: Mr. MCCLINTOCK.
H.R. 3634: Mr. HOEKSTRA and Mr. Peters.
H.R. 3636: Ms. DELAURO.
H.R. 3644: Ms. HIRONO, and Ms. SHEA-PORTER.
H.R. 3650: Mr. MICHAUD, Mr. INSLEE, Ms. HIRONO, and Mr. KIRK.
H.R. 3654: Ms. KOSMAS.
H.R. 3666: Mrs. EMERSON and Mr. COURTNEY.
H.R. 3668: Mr. GRIJALVA, Mr. MCDERMOTT, Mr. BURTON of Indiana, Mr. VAN HOLLEN, Mr. DOGGETT, and Mr. TONKO.
H.R. 3702: Mr. SOUDER.
H.R. 3727: Mr. TONKO.
H.R. 3742: Mr. LUJAN, Mr. BECERRA, Mrs. KIRKPATRICK of Arizona, and Mr. LARSEN of Washington.
H.R. 3752: Mr. CHAFFETZ and Mr. LOBIONDO.
H.R. 3760: Ms. JENKINS, Mr. PLATTS, and Mr. YOUNG of Alaska.
H.R. 3761: Ms. JENKINS.
H.R. 3790: Mr. ROGERS of Alabama, Mrs. MYRICK, Mr. GORDON of Tennessee, Mr. WOLF, Mr. LATHAM, and Mr. LATOURETTE.
H.R. 3797: Mr. LATTA.
H.R. 3799: Mr. CLEAVER and Mr. CONYERS.
H.R. 3810: Mr. KUCINICH.
H.R. 3813: Mr. ALTMIRE.
H.R. 3828: Mr. OLSON, Mr. PLATTS, Mr. KING of Iowa, and Mrs. MYRICK.
H.R. 3832: Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS, Mrs. Lummis, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. AKIN, Mr. HUNTER, Mrs. BACHMANN, Mr. ROONEY, Mr. LUETKEMEYER, Mr. MCCOTTER, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, and Mr. MILLER of Florida.
H.R. 3837: Mr. LUJÁN and Mr. FILNER.
H.R. 3838: Mr. CARNAHAN.
H.R. 3855: Mr. SABLAN, Mr. MCGOVERN, Mr. STARK, and Ms. NORTON.
H.R. 3904: Mr. OLVER and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3905: Mr. SKELTON, Mr. MORAN of Kansas, and Mr. CUELLAR.
H.R. 3916: Mr. TIM MURPHY of Pennsylvania.
H.R. 3921: Ms. BORDALLO, Mr. HALL of New York, Ms. RICHARDSON, Mr. UPTON, and Mr. MATHESON.
H.R. 3922: Mrs. BLACKBURN and Mr. BOOZMAN.
H.R. 3924: Mr. BUYER, Mr. UPTON, Mr. CONAWAY, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. BOREN, Mr. AKIN, Mrs. BACHMANN, Mr. LUETKEMEYER, Mr. HUNTER, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. LAMBORN, Mr. SHIMKUS, Mr. SHADEGG, Mrs. MYRICK, Mr. JORDAN of Ohio, and Mr. GINGREY of Georgia.
H.R. 3926: Ms. BORDALLO, Mr. MICHAUD, Mr. PETERSON, and Mr. MCINTYRE.
H.R. 3931: Ms. HARMAN.
H.R. 3939: Mr. MCCLINTOCK.
H.R. 3940: Mr. FALEOMAVAEGA, Mr. PIERLUISI, and Mr. SABLAN.
H.R. 3942: Mr. PASTOR of Arizona.
H.R. 3943: Mr. WALZ, Mr. CARNEY, Ms. KILPATRICK of Michigan, Mr. PAUL, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Ms. HIRONO, Mr. MINNICK, Ms. SHEA-PORTER, Mr. ALEXANDER, and Mr. WOLF.
H.R. 3959: Mr. MEEK of Florida and Ms. SUTTON.
H. J. Res. 11: Mr. SOUDER.
H. J. Res. 42: Mr. AUSTRIA.
H. J. Res. 61: Mr. CAPUANO.
H. Con. Res. 42: Mr. THOMPSON of Mississippi.
H. Con. Res. 43: Mr. THOMPSON of Mississippi.
H. Con. Res. 199: Mr. LANGEVIN, Mr. ROONEY, Mr. HUNTER, Mr. ABERCROMBIE, Mr. BARTLETT, Mr. HEINRICH, Mr. COFFMAN of Colorado, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mr. HONDA, Mr. PIERLUISI, Mr. SCOTT of Georgia, Mr. ROSKAM, Mr. PITTS, and Ms. HIRONO.
H. Con. Res. 206: Mr. ROGERS of Alabama, Mr. MCKEON, Mr. TAYLOR, Mr. LANGEVIN, Mr. COOPER, Mr. BOYD, and Mr. FRANKS of Arizona.
H. Res. 89: Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. AL GREEN of Texas, Mr. RUSH, Mr. MURPHY of New York, Mr. CAPUANO, Mr. MEEK of Florida, and Mr. LOBIONDO.
H. Res. 150: Mr. ELLISON.
H. Res. 267: Mr. CUMMINGS.
H. Res. 554: Mr. COFFMAN of Colorado, Mr. GUTHRIE, and Mr. LATOURETTE.
H. Res. 577: Mr. ELLSWORTH, Mr. CONAWAY, Mr. VISCLOSKY, Mr. BURGESS, and Mr. RYAN of Wisconsin.
H. Res. 619: Mr. TURNER.
H. Res. 704: Mr. FRANKS of Arizona, Mr. MACK, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. MORAN of Kansas, and Mr. COFFMAN of Colorado.
H. Res. 708: Mr. CUMMINGS.
H. Res. 749: Mr. TURNER.
H. Res. 780: Mr. COURTNEY and Ms. MATSUI.
H. Res. 835: Mr. WOLF.
H. Res. 841: Mr. BOOZMAN, Mr. DUNCAN, Mr. COLE, Mr. LUCAS, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. LANCE, Mr. PRICE of Georgia, Mr. SHUSTER, Mr. HOLDEN, and Ms. RICHARDSON.
H. Res. 847: Mr. SULLIVAN, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. SIMPSON, and Mr. GOODLATTE.
H. Res. 848: Mr. MORAN of Kansas.
H. Res. 856: Mr. FRANKS of Arizona.
H. Res. 858: Mrs. SCHMIDT.
H. Res. 861: Mr. BRADY of Pennsylvania, Mr. WITTMAN, Mr. MILLER of Florida, Mrs. DAVIS of California, Mr. BUCHANAN, Mr. NYE, Mr. MURPHY of New York, Mr. ISSA, Mr. HALL of New York, Mr. SHULER, Mr. INGLIS, Ms. BORDALLO, Mr. RODRIGUEZ, Mr. PIERLUISI, Mr. MASSA, Mrs. MCMORRIS RODGERS, and Mr. AKIN.
H. Res. 866: Mr. FARR, Ms. GRANGER, Mr. SMITH of Texas, and Mr. MCINTYRE.
H. Res. 867: Mr. BARTLETT, Mr. HALL of New York, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Ms. FOXX, Mr. PENCE, Mr. TIM MURPHY of Pennsylvania, Mr. SCALISE, Mr. BACA, Mr. GENE GREEN of Texas, Mr. SENSENBRENNER, Mr. BARTON of Texas, Mr. TIBERI, Ms. CORRINE BROWN of Florida, Mr. REHBERG, Mr. GRAVES, Mr. JORDAN of Ohio, Mr. WILSON of South Carolina, Mr. HARE, Mrs. MILLER of Michigan, Mr. KLINE of Minnesota, Mr. MCCLINTOCK, Mr. SOUDER, Mr. HELLER, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. BOOZMAN, Mr. WOLF, Mr. GARRETT of New Jersey, and Ms. SCHAKOWSKY.
H. Res. 869: Mr. KLINE of Minnesota, Mr. REICHERT, and Mr. GOODLATTE.
H. Res. 874: Mr. WALDEN, Mr. DENT, Mr. CHAFFETZ, Mr. KING of New York, and Mr. BUCHANAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

76. The SPEAKER presented a petition of City of Atlanta, Georgia, relative to Resolution 09–R–1646 urging the President and the Congress of the United States and those from across Georgia to work together on finding a solution to the health care crisis; which was referred to the Committee on Energy and Commerce.