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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Reverend Matthew Southall Brown, Sr., St. John Baptist Church, Savannah, Georgia, offered the following prayer:

Our Father, we are confident that You are here in the midst of all of us, so as we gather here this morning, we ask for Your wisdom and courage for the Members of this august body as they face the challenges of this day.

Lord, I pray, lead them and guide them in matters facing this Nation and indeed the world. We live, my Father, in a time when ''men are trying to war their way to peace, spend their way to wealth and enjoy their way to Heaven.''

Lord, it is our prayer that each Member of this House of Representatives be sensitive to Your voice, the needs of the people of America and indeed throughout the world. May the decisions made here be for the good of America and the world.

Hasten the day, Father, when men will ''beat their war tools into pruning hooks and study war no more.'' Finally, my Father, we pray for our President, Barack Obama, his family, and all leaders of this great Nation.

May this Nation once again hear the words of the Lord Himself saying, ''If My people who are called by My name will humble themselves and pray and seek My face and turn from their wicked ways, then I will hear from heaven and will forgive their sins and heal their land.''

It is in the name of Him Who said, ''If I be lifted up from the Earth, I will draw all men unto Me.''

It is in His name we pray. Let the people of the Lord say amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN 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.

WELCOMING REV. MATTHEW SOUTHALL BROWN, SR.

The SPEAKER. Without objection, the gentleman from Georgia (Mr. BARROW) is recognized for 1 minute.

There was no objection.

Mr. BARROW. Madam Speaker, I rise to pay tribute to my friend, Rev. Matthew Southall Brown, Sr., who delivered the invocation for the House this morning.

If history is biography, then the history of the civil rights movement in my home of Savannah, Georgia, is the biography of Matthew Southall Brown. He got involved in the movement before there was a movement helping to bring about the end of one era and the birth of another.

During World War II, Rev. Brown was serving as an Army non-com in Europe when the Battle of the Bulge broke out. In those days, blacks were confined to supporting units. But when men were needed to fight, General Eisenhower called for black soldiers to volunteer infantry duty. Rev. Brown was one of the 2,221 who answered that call, even though he had to give up his rank to do so.

Later, answering a different call, Rev. Brown was chosen to lead Savannah's historic St. John Baptist Church. For over 35 years, Pastor Brown not only led his church family; he was a leader in the movement to secure equal rights and equal opportunity for everyone in our community.

Rev. Brown, thank you for being there with my father in Europe and for your willingness to give your life to help us win that war, even when it was unfair. But more importantly, thank you for spending your life to help us win the peace. Sometimes it's an awful lot easier to fight for your country than it is to live for your country. You've done both, and for that we salute you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

TRIBUTE TO THE 25TH ANNIVERSARY OF REV. JESSE JACKSON'S RUN FOR THE PRESIDENCY

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

Ms. LEE of California. Madam Speaker, I rise today to recognize and honor the contributions of a truly great American who is with us today, the Reverend Jesse Louis Jackson.

Twenty-five years ago, Rev. Jackson embarked on a trailblazing run for the Presidency which really did energize our Nation and was an inspiration to millions. Many Members of this body are here today as a result of the movement Rev. Jackson led.

Rev. Jackson's run for the White House gave us more than hope. He showed us how to build a serious grass-

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roots movement that cut across race and class. We learned how to empower and engage our communities so that our voices would be heard and our issues addressed.

In the 25 years since Rev. Jackson's historic run for the Presidency, America has witnessed monumental changes culminating in our Nation electing the first African American President. Much remains to be done in this great Nation to achieve the American Dream, but Rev. Jackson's example of perseverance and coalition-building continues to inspire hope and change and provide for the participation of all of those in our great democracy.

Rev. Jackson, you have shown us that if the dream can be conceived, it can be achieved. And we honor you today.

RECOVERY.GOV REPORTS FAKE JOBS

(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. Mr. Speaker, last night, I learned that the government's own official Web site that was designed to report waste, fraud and abuse of the misnamed stimulus funds has produced a fake report.

Recovery.gov, the official administration Web site, shows that $6 million was to create six jobs in South Carolina's fake 16th Congressional District. It shows that $3 million couldn't even produce a single job in South Carolina's fake 43rd District.

Somehow, $1.8 million was spent for 1.4 jobs in the fake 00 district. This would be funny, but the money belongs to the taxpayers, not the government. The administration is mocking people looking for jobs.

Americans are faced with fake districts and fake jobs. Democrats and Republicans should work together to jump-start America's economy by promoting real jobs for real, hardworking American families.

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

Congratulations, Jesse Jackson of Greenville, South Carolina.

HONORING AND RECOGNIZING THE REVEREND JESSE JACKSON

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

Mrs. CHRISTENSEN. Mr. Speaker, I proudly rise today in honor of the Reverend Jesse Jackson, Sr., and to recognize his landmark and barrier-breaking run for the Presidency of the United States of America 25 years ago. I was his campaign Chair in the U.S. Virgin Islands and a committed delegate during both campaigns and conventions.

Although I recall those days on the platform committee, fighting for every vote on the floor and the tears of admiration from people from every corner and segment of U.S. society when he spoke to us, what I remember most was his coming to the aid of an often cast-aside, forgotten or ignored, misunderstood territory of our great Nation in our time of need.

After the devastation of Hurricane Hugo in 1989 and the ensuing negative media portrayal that our community endured in its wake, I contacted him through my DNC Black Caucus Chair, Dr. C. Delores Tucker, and Rev. Jackson came to St. Croix with an entourage that included Cicely Tyson to bolster our spirits, inspire our recovery efforts, and stave off an ill-informed Presidential declaration of martial law.

Jesse, there is so much for which we are grateful to you, but for me and the people of the U.S. Virgin Islands, we love you for always coming to the aid of those whom many look upon as the ''least of these,'' God's people. You are doing God's work.

□ 1015

CONGRATULATING ST. AGNES SCHOOL IN FORT WRIGHT, KENTUCKY

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

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to recognize the students, faculty, and staff at St. Agnes School in Fort Wright, Kentucky. St. Agnes was recently named a 2009 Blue Ribbon School. The Blue Ribbon Schools Program honors schools that are either academically superior or that demonstrate dramatic gains in student achievement to high levels. These schools serve as models for others throughout the Nation.

I recently had the opportunity to meet the students and faculty at St. Agnes and speak with them about their efforts to improve their school. Students and staff are unable to be here today in Washington with us because they're back in Kentucky working hard in the classroom to uphold their high standards. However, the students in Ms. Patti Conway's first-grade class sent a distinguished visitor to represent them in Washington, D.C.

Mr. Speaker, I ask my colleagues to join me in welcoming Teddy to the House of Representatives and extend our congratulations to all of the students of the St. Agnes community for their outstanding achievement.

CELEBRATING THE LIFE OF REV. JESSE JACKSON

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

Mr. KUCINICH. We feel the presence of Rev. Jesse Jackson not only in this Chamber but in this Nation. Through nearly a half century commitment to social and economic justice, Rev. Jackson heard the call of Dr. King and marched for civil rights and helped to make civil rights for millions of Americans a reality.

He heard the call of the prophet Isaiah early in his life and made justice the measuring line—not just social justice, but economic justice, political justice. He heard the call of Matthew and made his life about a commitment to doing for the least of the brethren; asked the question, When I was hungry, did you feed me? When I was homeless, did you shelter me?

He has been and continues to be a powerful force for economic justice in America. He has and continues to be a person who points the way—a way-shower—for jobs, for health care, for housing, for education. Let us celebrate Rev. Jesse Jackson by continuing to support his work.

THE AMTRAK SECURE TRANSPORTATION OF FIREARMS ACT OF 2009

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

Mr. FLEMING. Mr. Speaker, last month, I introduced H.R. 3789, the Amtrak Secure Transportation of Firearms Act of 2009. The bipartisan legislation will permit law-abiding gun owners to legally transport firearms on Amtrak trains—just as Americans have been able to do for years on our Nation's airlines.

Currently, sportsmen who choose to travel by rail for a hunting trip are left in an impossible situation because of Amtrak's prohibitions against checking unloaded firearms in the secure baggage car. Conversely, these same gun owners are legally allowed to check guns in their luggage on our Nation's airlines, of all places. Why the double standard? Should our federally subsidized passenger rail line have more restrictive regulations than air carriers?

The Amtrak Secure Transportation of Firearms Act would require Amtrak to enact regulations similar to those the U.S. airline industry uses to regulate the secure transport of firearms on airplanes. The requirements would apply for any year that Amtrak receives a federal subsidy.

I ask my colleagues here to support this bill.

TRIBUTE TO REV. JESSE JACKSON

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

Mr. CONYERS. Mr. Speaker, as I look over the House, no one has known Jesse Jackson longer than I. I remember him coming to Detroit, I remember going to Chicago, and I remember the work that he was doing even before Dr. Martin Luther King added him to the top of his staff as a valuable assistant.

The quest that he pursued then is still the quest that he pursues now.

Over the 25 years, he hasn't changed. As a matter of fact, he has become international. I'm so proud that in our State we nominated him for President in one of his runs. Obviously, now the connection is clear—from Jackson to Obama. Rev. Jackson, we owe you this victory that we celebrate today.

GOVERNMENT TAKEOVER OF HEALTH CARE

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

Mr. GINGREY of Georgia. Mr. Speaker, I oppose a government takeover of our Nation's health care system, like the one the House passed late in the night on Saturday, November 7. The Democratic legislation—a 1,990-page, $1 trillion bill—will raise taxes, it will increase our national debt, and, worse, it will put government bureaucrats between patients and doctors.

I agree it's important to reform our health care system, Mr. Speaker, but this is not the way to do it. I've spent the last 10 months trying to share my perspective as a physician for over 30 years with my colleagues. This legislation that the Democrats put on the floor of the House proves that the Speaker doesn't care what practicing physicians or indeed the American public think.

This legislation is the wrong direction for America, and it is a death knell for quality care for American patients, and I'm disappointed in my colleagues who voted to pass that measure.

Mr. Speaker, I reject any government takeover of our Nation's health care system.

REV. JESSE JACKSON: A GOOD SAMARITAN

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

Ms. JACKSON-LEE of Texas. I am privileged to join my colleagues this morning to celebrate a man who I call a Good Samaritan—who battled for the impoverished, those without voices, those who cannot speak for themselves. Rev. Jesse Jackson, who is with us here today, is a man of all seasons. He rescues, he discovers, he challenges. And there is no doubt in my mind that as Martin Luther King rests in peace, he is proud of Rev. Jesse Jackson. Jesse is the reason that we now can celebrate the election of President Barack Obama. But I know that he is also a man that finds problems and solves problems.

I thank him for coming to Houston, Texas, in the midst of the debacle of the Enron Company, and giving empowerment to the employee victims. As we stood outside that building and employees cried, Jackson was there with me to empower them and to give them, for the first time in history, a stakeholder position in receiving benefits that they would not have gotten. I thank him for coming to Galveston, Texas, and announcing and analyzing that insurance companies benefited from the work of slaves, and derived their wealth from unpaid labor—he demanded reparation for the people who were taken advantage of.

This is a man who goes and seeks those who, again, cannot speak for themselves. We are gratified that he is a Good Samaritan on the battlefield, fighting for those who, again, are voiceless. We're gratified that he received the Presidential Medal of Freedom in 2000 and was the third largest Democratic vote-getter when he ran for President in 1984.

Rev. Jackson, thank you, the Good Samaritan, our Rev. Jesse L. Jackson.

TERRORIST IN NEW YORK

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, can anything top this last week's lesson in absurdity and perversity? I'm talking about the administration's decision to bring Khalid Sheikh Mohammed and three other terrorist suspects from Guantanamo to New York. Absurd, because they have been charged before military tribunals, where they ought to be. Absurd, because it serves no purpose to bring them to the site of their worst action, just a stone's throw from Ground Zero. Perverse, because now, if you kill Americans on the battlefield, you will see justice done when you are captured by a military tribunal. But if instead of being a soldier on the battlefield, you attack Americans in their own home, you attack innocent Americans, you will now be privileged to get constitutional rights. The worse the terrorist, the greater the constitutional rights given to them. What a perverse action by this administration.

RECOGNIZING THE WORKS OF JESSE JACKSON

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

Ms. WATERS. Mr. Speaker and Members, 1984 and 1988 were the proudest and most productive periods of my life. Jesse Jackson ran for President both in 1984 and 1988, and I served as the national co-Chair and the Chair of the California campaign. I was so pleased to be a part of the Rainbow Coalition he formed that included African Americans, Hispanics, Arab Americans, Asian Americans, Native Americans, family farmers, the poor and working class, homosexuals, as well as white progressives. It truly was a Rainbow Coalition.

Listen to Jesse Jackson's campaign platform. Jobs. Creating a Works Progress Administration-style program to rebuild America's infrastructure; reversing Reaganomics-inspired tax cuts; cutting the budget of the Department of Defense by as much as 15 percent over the course of his administration; supporting family farmers by reviving many of Roosevelt's New Deal-era platforms; creating a single-payer system of universal health care; and applying stricter enforcement of the Voting Rights Act.

Jesse Jackson, thank you for the leadership that you provided. It is because of you and the hope that you created that has caused Barack Obama to be the President today.

NET NEUTRALITY VS. FREE SPEECH

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

Mr. POE of Texas. Mr. Speaker, the different ways we get our information in America have changed dramatically over the last few decades. We've gone from rabbit ears on our TV sets to cable satellite dishes and broadband. In the next decades, everything—radio, television, Internet, telephones—everything will use broadband.

''Net neutrality'' is a new legislative scheme cooked up by the government fairness police to ration broadband access. It's not about keeping the Internet ''neutral''—it's about government control. Anybody who's ever downloaded pictures over a slow Internet connection knows that some things use more Internet bandwidth than others. Under net neutrality, a plan disguised to make Internet access fair to everybody, the government actually rations how much bandwidth people can use. No one gets more than anyone else.

If the fairness police control broadband, they limit the amount of information people receive and how they receive it. This is the newest threat to free speech in modern times. It's yet more government control over all communication and information.

And that's just the way it is.

HONORING REV. JESSE JACKSON

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

Ms. KILPATRICK of Michigan. Today, I rise to recognize 25 years ago one of our leaders of this world, Rev. Jesse Jackson, ran for President. I was honored in 1988 to be a delegate when he ran again. Rev. Jackson, as was mentioned earlier, 25 years ago called for single-payer health care. Unfortunately, we weren't able to get it last week, but we're on the way to new health care competition.

He also called for increased funding for public education. Public education. Just what we need today. The Equal Rights Amendment—thank you, Rev. Jackson—has now become law. He called for a work program, an employee program, 25 years ago.

The things that you called for then, Rev. Jackson, in your leadership, still exist today. Thank you for standing up, for speaking out, for being the man that God intended that you be. We love you.

HONORING MIAMI-DADE COUNTY POLICE DEPARTMENT DIRECTOR BOBBY PARKER

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to honor a leader in my community, Miami-Dade County Police Department Director Bobby Parker. After serving honorably in the Army, Director Parker joined the Miami-Dade Police Department in 1976 and worked his way up the ranks, culminating in his promotion to director in April, 2004.

The Miami-Dade Police Department is the eighth-largest in the Nation, with over 4,700 personnel, serving almost 2.5 million residents and countless visitors to our community. Under Director Parker's leadership, the department has been at the forefront of effective law enforcement, and he's implemented numerous programs that have had a major effect in ensuring the safety and quality of life of our citizens.

Director Parker retired from the department earlier this month. His leadership and vision will be sorely missed, but his standard of excellence will surely carry on. On behalf of a grateful community, I wish to thank Director Parker for his outstanding service and wish him well in his future endeavors. May you long enjoy your retirement with family and friends, Director Bobby Parker.

RECOGNIZING PLEASANTON MILITARY FAMILIES

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

Mr. MCNERNEY. I rise today to commend the tireless efforts of the Pleasanton Military Families on behalf of the brave men and women in our Armed Forces. Created in 2004, the Pleasanton Military Families is a support group for active military personnel and their families based in my hometown of Pleasanton, California. The Pleasanton Military Families leads a public recognition program for our servicemembers by hanging yellow streamers along Main Street marked with the names of residents serving in our Armed Forces.

My family was honored that the Pleasanton Military Families hung a yellow pennant for my son, Michael, when he was serving in the Air Force. In addition, the Pleasanton Military Families hold warm welcome home ceremonies and sends packages to troops overseas.

All of these efforts to support our active duty personnel and their families give due honor to the sacrifice and service of these young men and women. I urge my colleagues to join me in recognizing the Pleasanton Military Families for their dedication and commitment to our men and women in uniform.

□ 1030

NETWORKS IGNORE PRESIDENT'S REVERSAL

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

Mr. SMITH of Texas. Mr. Speaker, during the Presidential campaign, then-Senator Obama made a ''firm pledge'' that he would not raise taxes on any family ''making less than $250,000 a year.'' President Obama reversed himself on that pledge by supporting a health care bill that imposes, ''new taxes on people who don't buy qualified health insurance, including those making (much) less than $250,000 a year,'' according to the Associated Press.

Not a single network news report mentioned the President's flip-flop in the days following his reversal, according to an analysis by the Business and Media Institute, and BMI found that less than one-third of the health care stories on the three networks even mentioned the $550 million in new taxes in the health care bill.

The national media should give Americans the facts, not ignore the truth. And, Mr. Speaker, if you'll indulge me for a second more, I have noticed that several individuals today have rightfully made speeches honoring the Reverend Jesse Jackson. I think it is very appropriate and fitting that his son, a Member of Congress, is presiding over the Chamber right now as temporary Speaker. I appreciate both his presence and his father's contributions.

THE REVEREND JESSE JACKSON, OUR CAPTAIN

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

Mr. CLEAVER. Mr. Speaker, back during the time when I played football in high school and college, I ended up on the corner. And it was at that time that most teams ran what was called ''student body right'' and ''student body left,'' which meant that there would be a sweep around the end and you would have a pulling guard, a pulling tackle, a wide receiver who was in motion, a fullback all leading a running back. The only people who could play that position were those who were willing to run into this interference. Now, the person who ran into the interference would rarely ever make a tackle, and only people who understood football would understand the job that this cornerback played. So playing that position, I never led my team in tackles, but my team elected me as its captain. They understood football.

And so, on the 25th anniversary of the Presidential run of the Reverend Jesse Jackson, Mr. Speaker, I nominate him as our captain. He is our captain because he was willing to go in and knock down the interference so that somebody else would make the tackle and get the recognition.

RECOVERY.ORG

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

Mr. PITTS. Mr. Speaker, I represent the 16th Congressional District of Pennsylvania. I'm not quite sure who represents the 23rd District or the 65th District, since these districts don't actually exist. They only exist in the fictional world created by recovery.gov, the administration's Web site that shows how many jobs were ''saved or created'' by the billions of dollars in so-called stimulus money.

For $18 million, the Treasury Department has produced a Web site that creates new congressional districts and then places saved jobs in those fictional districts. In one case, the purchase of a single riding lawnmower supposedly saved 50 jobs. Some companies have claimed that they have saved and created more jobs than the number of employees that they actually have. Now the leaders are talking about yet another stimulus package. We are about to spend our way into a fiscal tsunami, not economic recovery.

HONORING THE 25TH ANNIVERSARY OF THE REVEREND JESSE JACKSON'S PRESIDENTIAL CAMPAIGN

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

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to join my colleagues in recognizing the 25th anniversary of Rev. Jackson's candidacy for President. He is a strong iconic voice for civil rights and social justice. It was his unwavering determination and leadership that inspired me to take action, first volunteering in 1984 and then again in those cold, snowy days in New Hampshire 4 years later.

Rev. Jackson's historic campaigns forever changed the political and social landscape of this country. He brought people together across the rainbow, regardless of social and economic status, race or religion, who shared a common vision for this country where everyone could achieve the American dream. Without question, Rev. Jackson's run 25 years ago laid the foundation for us to realize the rainbow in 2008 by electing Barack Obama.

Mr. Speaker, I rise today to honor Rev. Jackson. And I salute his efforts

that continue to this day for the least among us.

Rev. Jackson, today we are reminded that no trail is blazed alone.

HONORING THE REVEREND JESSE JACKSON

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

Ms. FUDGE. Mr. Speaker, I rise today to commemorate Rev. Jesse Jackson's historic run for President of these United States 25 years ago. Main Street pundits then underestimated his ability to draw Americans to the polls, but his passionate devotion to the advancement of the disenfranchised resonated with so many Americans. In fact, in his 1988 Presidential bid, he won 11 contests, 7 primaries, and 4 Democratic caucuses.

His current activism moves our Nation towards the true inclusion of diverse ideas, of classes, races, and ethnicities. In his words, he said, ''At the end of the day, we must go forward with hope and not backward by fear and division.''

As an agent of social, political, and economic change, Rev. Jackson has positively impacted the lives of many. I celebrate Rev. Jackson's achievements and applaud him for continuing his advocacy for economic parity and minority inclusion.

Mr. Speaker, I thank you so much for this opportunity, and I thank Mr. JACKSON for being in our midst today.

25TH ANNIVERSARY OF THE REVEREND JESSE JACKSON'S RUN FOR PRESIDENT

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

Mr. DAVIS of Illinois. Mr. Speaker, today marks the 25-year anniversary of the Jesse Jackson run for President of the United States.

As a resident of Chicago, I have been privileged to be up front and close to the Jesse Jackson phenomenon. I have seen his positive impact on Chicago as he globalized a world vision for change. I know how he has helped the Democratic Party to become more democratic and the Republican Party to focus more on the Republic.

He has advanced the causes of all minorities, helped Illinois become a State where African Americans and other minorities can be elected to the highest of public offices, and he laid the groundwork for the election of the Nation's first African American President, Barack Obama.

Rev. Jackson, we salute you.

THANKING THE REVEREND JESSE JACKSON FOR HIS 1984 RUN FOR PRESIDENCY

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

Mr. RUSH. Mr. Speaker, I am here to congratulate and thank Rev. Jesse Jackson, Sr. Thank you, Rev. Jackson, for your historic run for President in 1984.

But I really want to thank you for what you did for me back in the summer of 1969. My friend and fellow member on the Illinois chapter of the Black Panther party was assassinated while he slept in his bed at 4 a.m. by the Chicago Police Department and Cook County State's Attorney's Office. The very next morning, at 5 a.m., they came to my apartment, seeking to kill me. I was not there. I was running for my life over the next few days, until Saturday, December 8, 1969, I turned myself in to Operation PUSH and the Reverend Jesse Louis Jackson.

Mr. Speaker, if it had not been for Rev. Jesse Louis Jackson, I would have been killed. If it had not been for Rev. Jesse Louis Jackson, I would not be here today. If it had not been for Rev. Jesse Louis Jackson, I would not be representing the people of the First Congressional District.

Thank you, Rev. Jackson. I love you, and you can't do nothing about it.

LOAN MODIFICATION SCAM AWARENESS MONTH

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I will not be speaking on Rev. Jackson this morning, but I will be submitting something for the RECORD, as I know that my good colleague Mr. COHEN of Tennessee will also.

Actually, today I rise to talk about something I think is very important, and I think that Jesse Jackson and others who have worked so hard for the community would care about. I rise to recognize National Loan Modification Scam Awareness Month which was established to stop predators around the country from taking advantage of our constituents who are at risk of foreclosure.

Currently, in California, the foreclosure rate is 10.8 percent. Experts predict that nationwide there will be 8.1 million foreclosures by the year 2012, and given this environment, loan modification scams are proliferating at a rapid pace. Every day, more homeowners are falling prey to slick advertising that promises to help them stay in their homes if they pay a third party.

NeighborWorks America and their affiliates around the country are working to combat loan modification scams. To do so, they have launched a national public education campaign to help homeowners protect themselves against loan modification scams, find trusted help, and report illegal activity to authorities.

I urge my colleagues to support National Loan Modification Scam Awareness Month.

HONORING THE REVEREND JESSE JACKSON

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

Mr. CARSON of Indiana. Mr. Speaker, in the year of 1984, a young man 9 years old, myself with my grandmother, had the chance to tag along with Rev. Jackson as he visited Indianapolis multiple times, and I got a chance to go out to San Francisco. Rev. Jackson, we commend you and love you not only because you are a great civil rights leader, but you are an oratorical genius. ''Up with hope, down with dope,'' ''Keep hope alive,'' bringing multiple races together, but also breaking down racial, psychological barriers that existed at that time. You led the way for our beloved President. We owe you. Back then as a 9-year-old young man, he reminded me of the lyrical greats, the MellyMels, the Run-DMCs, the James Baldwins.

He was a leader. He is a leader. We deserve to honor him, and we will continue to honor him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

AUTHORIZING THE SCORE PROGRAM

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1839) to amend the Small Business Act to improve SCORE, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1839

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

SECTION 1. EXPANSION OF VOLUNTEER REPRESENTATION AND BENCHMARK REPORTS.

(a) EXPANSION OF VOLUNTEER REPRESENTATION.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)''; and

(2) by adding at the end the following:

''(ii) The Administrator shall ensure that SCORE, established under this subparagraph, carries out a plan to increase the proportion of mentors who are from socially or economically disadvantaged backgrounds and, on an annual basis, reports to the Administrator on the implementation of this subparagraph.''.

(b) BENCHMARK REPORTS.—Section 8(b)(1)(B) of the Small Business Act (15

U.S.C. 637(b)(1)(B)), as amended, is further amended by adding at the end the following:

''(iii) The Administrator shall ensure that SCORE, established under this subparagraph, establishes benchmarks for use in evaluating the performance of its activities and of its volunteers. The benchmarks shall include benchmarks relating to the demographic characteristics and the geographic characteristics of persons assisted by SCORE, benchmarks related to the hours spent mentoring by volunteers, and benchmarks relating to the performance of the persons assisted by SCORE. SCORE shall report, on an annual basis, to the Administrator the extent to which the benchmarks established under this clause are being attained.''.

SEC. 2. MENTORING AND NETWORKING.

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as amended, is further amended by adding at the end the following:

''(iv) The Administrator shall ensure that SCORE, established under this subparagraph, establishes a mentoring program for small business concerns that provides one-on-one advice to small business concerns from qualified counselors. For purposes of this clause, qualified counselors are counselors with at least 10 years experience in the industry sector or area of responsibility of the small business concern seeking advice.

''(v) The Administrator shall carry out a networking program through SCORE, established under this subparagraph, that provides small business concerns with the opportunity to make business contacts in their industry or geographic region.''.

SEC. 3. NAME OF PROGRAM CHANGED TO SCORE.

(a) NAME CHANGE.—The Small Business Act is amended as follows:

(1) In section 8(b)(1)(B) (15 U.S.C. 637(b)(1)(B)), by striking ''Executives (SCORE)'' and inserting ''Executives (in this Act referred to as 'SCORE')''.

(2) In section 7(m)(3)(A)(i)(VIII) (15 U.S.C. 636(m)(3)(A)(i)(VIII)), by striking ''the Service Corps of Retired Executives'' and inserting ''SCORE''.

(3) In section 20 (15 U.S.C. 631 note)—

(A) in subsection (d)(1)(E), by striking ''the Service Corps of Retired Executives program'' and inserting ''SCORE''; and

(B) in subsection (e)(1)(E), by striking ''the Service Corps of Retired Executives program'' and inserting ''SCORE''.

(4) In section 33(b)(2) (15 U.S.C. 657c(b)(2)), by striking ''Service Corps of Retired Executives'' and inserting ''SCORE''.

(b) ELIMINATION OF ACE.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as amended, is further amended by striking ''and an Active Corps of Executive (ACE)''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting the following new subsection after subsection (e):

''(f) AUTHORIZATION OF APPROPRIATIONS FOR SCORE.—There is authorized to be appropriated $7,000,000 for SCORE under section 8(b)(1) for each of the fiscal years 2010 and 2011.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Florida (Mr. BUCHANAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

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 bill under consideration.

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

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, when first starting out, entrepreneurs often struggled with basics, like marketing their services, accessing capital, and learning to navigate the tax code. In the earliest stages of development, mistakes in these areas can mean the difference between a venture's success and its failure. That is why the SCORE program was established to help fledgling business owners learn the ropes of entrepreneurship.

By matching new business owners with practiced hands, SCORE helps entrepreneurs trade best practices and learn from the mistakes of their forerunners. The program functions as a mentoring service, one that allows retired business owners to continue giving back to their communities. This is a laudable goal to be sure. But unfortunately, SCORE has not kept pace with the shifting marketplace. H.R. 1839 will update and enhance the program, tailoring it to meet the needs of today's entrepreneurs.

With the economy in flux, small firms require specialized training in areas not previously offered. To begin, technology plays a vastly more important role in entrepreneurship than it has in the past.

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This bill recognizes that fact and modernizes the SCORE to deliver the kind of training that is critical to doing business in the information age.

Just as the business world is changing, so, too, is the face of entrepreneurship. In recent years, we have seen a surge in the number of women and minorities starting their own firms; and yet for some reason, SCORE has failed to reflect that trend.

Mr. BUCHANAN's bill will promote greater diversity within the program. That way, we can better match small business owners with mentors and be sure every entrepreneur, regardless of race, gender, industry or region, has access to the specialized resources they need to be successful.

This bill helps train the next generation's small business innovators. It allows them to sidestep the pitfalls of early entrepreneurship and get straight to work doing what they do best: creating jobs and growing our economy.

H.R. 1839 is an important piece of legislation, and I thank Representative BUCHANAN for his contribution.

I urge support and reserve the balance of my time.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I might consume.

I rise today in strong support of my legislation to modernize the Small Business Administration's small business counseling program. The Service Corps of Retired Executives program, also known as SCORE, provides entrepreneurs with the small business advice of working and retired executive volunteers.

For years, SCORE has been providing entrepreneurship with free, confidential, and valued small business advice. With double-digit unemployment rates, more people will be trying to start their own business today. Their success is vital to an economic recovery. This bill will help ensure that qualified volunteers are available to provide one-on-one advice and counsel to small businesses.

Research shows that small businesses are five times more likely to start if they get assistance from a government-supported program such as SCORE. This bill will require SCORE administrators to actively recruit and maintain volunteer mentors and track their success. Counselors will be required to have at least 10 years of similar experience.

Earlier this year, the chairwoman from the Manasota SCORE chapter, Jeannette Mills, testified in support of my bill before the small business Subcommittee on Rural Development, Entrepreneurship and Trade. She said, ''SCORE fulfills a vital role for America's small business owners and aspiring entrepreneurs by providing much needed technical assistance. As you know, many small businesses continue to struggle with layoffs, access to capital, cash flow and overall management issues advise. SCORE has a proven track record of both being creative and saving jobs by improving business survival rates as well as accelerating small business formation.''

Here are some facts about SCORE for people that aren't aware. They have assisted in more than 523,000 people in the last year; they provided counseling to more than 8.5 million business owners; they've conducted more than 322,000 counseling sessions; they've received 3.2 million visitors to their Web site in just the last year; they have helped create more than 20,000 new small businesses.

I know from my own experience in the 1980s, I remember the U.S. Chamber came out with a statistic, as I remember today, 92 percent that start up small businesses fail in 5 years. But the IFA had a statistic during that time, the International Franchise Association, that 80 percent of businesses succeed. Because of that partnership, they could be in business for themselves, but not by themselves. That's what SCORE provides. We want a much higher probability of success, not a 92 percent failure rate. We want an 80 percent or better-type success rate for small businesses that will create jobs.

Also, currently SCORE has 389 chapter locations throughout the United States with over 10,000 volunteers nationwide.

I'd like to close by thanking my good friend, and her incredible leadership on small business, Chairwoman

VELÁZQUEZ, as well as Ranking Member GRAVES for their support and assistance with this important bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before you today in support of H.R. 1839, "to amend the small business act to improve SCORE, and for other purposes." I would like to thank my colleague, Congressman VERN BUCHANAN, for his leadership on this important legislation. The SCORE (Service Corps of Retired Executives) program provides entrepreneurs with the business advice of working and retired executive volunteers.

This legislation will modernize the Small Business Administration's (SBA) small business counseling program. This legislation requires the Administrator of the Small Business Administration (SBA) to ensure that SCORE carries out a plan to increase the proportion of small business mentors from socially or economically disadvantaged backgrounds, and reports annually to the Administrator on plan implementation, establishes benchmarks for evaluating its activities and volunteers and establishes a mentoring program of one-on-one advice to small businesses from qualified counselors.

Over the years SCORE has been providing entrepreneurs with free, confidential, and valuable small business advice. With unprecedented unemployment rates, more people will be trying to start their own business. Their success is vital to our economic recovery. This bill will help ensure that qualified volunteers are available to provide one-on-one advice and counsel to small businesses.

Research shows that small businesses are five times more likely to start if they get assistance from a government supported program such as SCORE. The "Retired Executives Building Better Businesses Act of 2009" would require SCORE administrators to actively recruit and maintain volunteer mentors and track their success. Counselors would be required to have at least ten years of similar experience.

My district is the perfect example of why small businesses are so vital to the nation's economy. Houston's newer and growing economic sub-centers have relied more on small business as their cornerstone than the older Central Business District. According to a report issued by the Office of Advocacy of the U.S. Small Business Administration findings suggest that while small firms support urban economic growth, as development proceeds they grow substantially. In turn, small firm growth plays an important role in urban economic development which is likely to lead to economic growth for the entire local economy. Moreover, small businesses—including minority- and women-owned companies—are the leading employers in the Houston area and provide nearly half of all jobs in Texas.

Many small businesses continue to struggle with layoffs, access to capital, cash flow and overall management issues. SCORE has a proven track record of both creating and saving jobs by improving business survival rates as well as accelerating small business formation which is why this legislation is so important. SCORE fulfills a vital role for America's small business owners and aspiring entrepreneurs by providing much needed technical assistance. In 2007 SCORE volunteers assisted in the creation of almost 20,000 new small businesses and help create more than 25,000 new jobs each year. Currently, SCORE has 389 chapters in locations throughout the United States with 10,500 volunteers nationwide.

I urge my colleagues to support small business by voting in favor of this vital legislation.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1839, as amended.

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

A motion to reconsider was laid on the table.

NATIVE AMERICAN BUSINESS DEVELOPMENT ENHANCEMENT ACT OF 2009

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1834) to amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1834

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Business Development Enhancement Act of 2009".

SEC. 2. OFFICE OF NATIVE AMERICAN AFFAIRS; TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.

(a) ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) by striking "five Associate Administrators" and inserting "six Associate Administrators"; and

(2) by inserting after "vested in the Administration." the following: "One such Associate Administrator shall be the Associate Administrator for Native American Affairs, who shall administer the Office of Native American Affairs established under section 44.".

(b) ESTABLISHMENT.—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. OFFICE OF NATIVE AMERICAN AFFAIRS AND TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.

"(a) OFFICE OF NATIVE AMERICAN AFFAIRS.—

"(1) ESTABLISHMENT.—There is established in the Administration an Office of Native American Affairs (hereinafter referred to in this subsection as the 'Office').

"(2) ASSOCIATE ADMINISTRATOR.—The Office shall be administered by an Associate Administrator appointed under section 4(b)(1).

"(3) RESPONSIBILITIES.—The Office shall have the following responsibilities:

"(A) Developing and implementing tools and strategies to increase Native American entrepreneurship.

"(B) Expanding the access of Native American entrepreneurs to business training, financing, and Federal small business contracts.

"(C) Expanding outreach to Native American communities and marketing entrepreneurial development services to such communities.

"(D) Representing the Administration with respect to Native American economic development matters.

"(4) COORDINATION AND OVERSIGHT FUNCTION.—The Office shall provide oversight with respect to and assist the implementation of all Administration initiatives relating to Native American entrepreneurial development.

"(5) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated to the Administrator $2,000,000 for each of fiscal years 2010 and 2011.

"(b) TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.—

"(1) ESTABLISHMENT.—The Administrator is authorized to operate, alone or in coordination with other Federal departments and agencies, a Tribal Business Information Centers program that provides Native American populations with business training and entrepreneurial development assistance.

"(2) DESIGNATION OF CENTERS.—The Administrator shall designate entities as centers under the Tribal Business Information Centers program.

"(3) ADMINISTRATION SUPPORT.—The Administrator may contribute agency personnel and resources to the centers designated under paragraph (2) to carry out this subsection.

"(4) GRANT PROGRAM.—The Administrator is authorized to make grants of not more than $300,000 to centers designated under paragraph (2) for the purpose of providing Native Americans the following:

"(A) Business workshops.

"(B) Individualized business counseling.

"(C) Entrepreneurial development training.

"(D) Access to computer technology and other resources to start or expand a business.

"(5) REGULATIONS.—The Administrator shall by regulation establish a process for designating centers under paragraph (2) and making the grants authorized under paragraph (4).

"(6) DEFINITION OF ADMINISTRATOR.—In this subsection, the term 'Administrator' means the Administrator, acting through the Associate Administrator administering the Office of Native American Affairs.

"(7) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated to the Administrator $15,000,000 for fiscal year 2010 and $17,000,000 for fiscal year 2011.

"(c) DEFINITION OF NATIVE AMERICAN.—The term 'Native American' means an Indian tribe member, Alaska Native, or Native Hawaiian as such are defined in section 21(a)(8) of this Act.".

SEC. 3. SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

"(8) ADDITIONAL GRANT TO ASSIST INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.—

"(A) IN GENERAL.—Any applicant in an eligible State that is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to provide services described in subsection (c)(3) to assist with outreach, development, and enhancement on Indian lands

of small business startups and expansions owned by Indian tribe members, Alaska Natives, and Native Hawaiians.

''(B) ELIGIBLE STATES.—For purposes of subparagraph (A), an eligible State is a State that has a combined population of Indian tribe members, Alaska Natives, and Native Hawaiians that comprises at least 1 percent of the State's total population, as shown by the latest available census.

''(C) GRANT APPLICATIONS.—An applicant for a grant under subparagraph (A) shall submit to the Administration an application that is in such form as the Administration may require. The application shall include information regarding the applicant's goals and objectives for the services to be provided using the grant, including—

''(i) the capability of the applicant to provide training and services to a representative number of Indian tribe members, Alaska Natives, and Native Hawaiians;

''(ii) the location of the Small Business Development Center site proposed by the applicant;

''(iii) the required amount of grant funding needed by the applicant to implement the program; and

''(iv) the extent to which the applicant has consulted with local tribal councils.

''(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under subparagraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements under paragraph (4)(A) shall not apply.

''(E) MAXIMUM AMOUNT OF GRANTS.—No applicant may receive more than $300,000 in grants under this paragraph for any fiscal year.

''(F) REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administration shall issue final regulations to carry out this paragraph, including regulations that establish—

''(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

''(ii) standards relating to any work plan that the Administration may require a Small Business Development Center receiving assistance under this paragraph to develop.

''(G) ADVICE OF LOCAL TRIBAL ORGANIZATIONS.—A Small Business Development Center receiving a grant under this paragraph shall request the advice of a tribal organization on how best to provide assistance to Indian tribe members, Alaska Natives, and Native Hawaiians and where to locate satellite centers to provide such assistance.

''(H) DEFINITIONS.—In this paragraph, the following definitions apply:

''(i) INDIAN LANDS.—The term 'Indian lands' has the meaning given the term 'Indian country' in section 1151 of title 18, United States Code, the meaning given the term 'Indian reservation' in section 151.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), and the meaning given the term 'reservation' in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

''(ii) INDIAN TRIBE.—The term 'Indian tribe' means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

''(iii) INDIAN TRIBE MEMBER.—The term 'Indian tribe member' means a member of an Indian tribe (other than an Alaska Native).

''(iv) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

''(v) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(I) a citizen of the United States; and

''(II) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

''(vi) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).

''(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,000,000 for each of fiscal years 2010 and 2011.

''(J) FUNDING LIMITATIONS.—

''(i) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Funding under this paragraph shall be in addition to the dollar program limitations specified in paragraph (4).

''(ii) LIMITATION ON USE OF FUNDS.—The Administration may carry out this paragraph only with amounts appropriated in advance specifically to carry out this paragraph.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

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 bill under consideration.

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

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, the Small Business Administration has always worked to promote entrepreneurship amongst underrepresented groups and within underserved parts of the country. For this community, small business growth means more than just new jobs; it means economic development. That is why SBA offers a number of programs designed to encourage women and minorities to start their own ventures. H.R. 1834, the Native American Business Development Enhancement Act, builds on that tradition of growth through diversity.

As our economy continues to struggle, we need to be creating jobs everywhere we can. This rings especially true amongst underserved groups like Native Americans. After all, few segments of the population are in greater need of job creation. Within the Navajo tribe, the largest in the Native American community, unemployment has long hovered at 50 percent. On certain tribal reservations, it has reached a staggering 80 percent.

In a recent speech to various tribal leaders, President Obama stressed the need for Native Americans to become ''a full partner in the American economy.'' Mr. Speaker, what better way to forge that kind of partnership than through entrepreneurship? While their community faces significant challenges, Native Americans have never shied away from starting their own ventures. In recent years, entrepreneurship among Native Americans and Alaska Native women has soared by 69 percent. With this bill, we can build on that growth, supporting the kind of job creation that the Native American community so sorely needs.

As of 2002, there were over 200,000 Native American firms nationwide. While those businesses span a broad range of tribes and industries, they are unified in their need for resources like technical assistance and affordable capital. This bill helps them access those tools. Importantly, it establishes an office focused solely on Native American small businesses, one that can address their unique needs head on.

Like many small business owners, Native American entrepreneurs have been battered by the recession. As a result, many of these men and women are struggling with obstacles like access to capital. For these business owners, entrepreneurial development programs, such as those that provide training for loan applications, can go a long way in easing challenges. H.R. 1834 puts critical training resources within reach, and tailors them to the specific strengths of the Native American firms. By better customizing these programs, we can give Native American entrepreneurs the tools they need to grow and the resources they need to create jobs.

This is an important piece of legislation, and I thank Representative KIRKPATRICK for her work in helping it come together.

I urge its support, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of the request to suspend the rules and pass H.R. 1834, a bill to provide additional small business development center resources focused on Native Americans, Alaska Natives, and Native Hawaiians.

I'd like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this bill to the House floor.

The majority of Indian tribe members and Alaska Natives live on or in the immediate vicinity of Indian lands. These lands are generally in remote locations far from access to resources that most Americans take for granted. Due to the remoteness and lack of economic development, it is not surprising that Native Americans suffer from unemployment averages in excess of twice that faced by the rest of the American population.

Enactment of H.R. 1834 is not designed to immediately relieve the harsh circumstances facing many Native Americans. Instead, it is an effort

to bring greater technical assistance to Native Americans so they can create new businesses that will spur economic development.

The committee has heard testimony from Native Americans about the value of the technical assistance provided by SBA's entrepreneurial outreach programs. These programs enable them to navigate the complexities of starting a business. H.R. 1834 recognizes the value of this assistance by codifying the Small Business Administration's Tribal Business Center program. In addition, the bill improves access to Small Business Development Centers by providing the grantees with increased incentives to perform outreach to Native Americans without undermining the core funding provided to Small Business Development Centers.

Finally, the bill requires better coordination between the SBA and tribal organizations in providing technical programs. By providing the technical resources needed to start and manage businesses, H.R. 1834 will challenge the entrepreneurial spirit of Native Americans, increase economic development on Indian lands, reduce poverty, and create a healthier living environment for future generations of the first Americans.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield as much time as she may consume to the lead sponsor of the bill, the gentlelady from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. Thank you for the opportunity to consider my legislation, the Native American Business Development Enhancement Act. The resources in this bill will greatly assist tribal communities develop their economic potential.

I was born and grew up in the White Mountain Apache communities where my father ran a small business. I have seen our Native communities make due with less even when times are good. And in these tough economic times, we can do more to help build communities and bolster local economies on tribal lands.

Like most entrepreneurs, Native small business owners require help with planning, capitalizing, and turning their businesses into thriving businesses. This bill will strengthen economies and create new jobs by expanding the assistance available to Indian, Alaska Native, and Native Hawaiian small business entrepreneurs under the Small Business Act.

By providing essential training and assistance and helping to capitalize small businesses in Indian Country, Native communities will benefit as their businesses prosper, opportunities for economic development multiply, and new jobs are created. This legislation was included in a House-passed package of policies to encourage entrepreneurship.

Thank you to Chairwoman VELÁZQUEZ and to Ranking Member LUETKEMEYER for working with me on this important issue. I am very pleased this legislation is moving forward, and I urge its passage.

Ms. RICHARDSON. Mr. Speaker, as a member of the Native American Caucus, I rise today in strong support of H.R. 1834, the Native American Business Development Enhancement Act of 2009, which will promote entrepreneurship within the Native American community. This is the kind of legislation we need to lift us out of this economic downturn. H.R. 1834 will serve as a vehicle to create jobs, support small businesses, and help people get back to work in the communities that need it most.

I acknowledge Chairwoman VELÁZQUEZ for her leadership in bringing this important bill to the floor. I would also like to thank my colleague Congresswoman KILPATRICK, the author of this legislation, who worked so hard to help such an underserved community get the opportunities they need to succeed.

Mr. Speaker, the Native American Business Development Enhancement Act establishes the Office of Native American Affairs in the Small Business Administration, SBA, to increase Native American entrepreneurship. H.R. 1834 will enable SBA's administrator to operate a Tribal Business Information Centers program to provide Native American populations with business training and entrepreneurial development assistance. The SBA will contribute agency personnel and resources to the centers, as well as make grants to the centers. In addition, Indian tribe members, Alaska Natives, and Native Hawaiians can apply for grants to assist with outreach, development, and enhancement of small business startups and expansions.

In California, the State I represent, there are over 100 tribes, many of varying levels of economic success. As a long time friend and supporter of the Native American community, I am so pleased to champion a bill such as H.R. 1834, which provides economic opportunities that have been denied to this community for so long. But more must be done, and I look forward to working with my colleagues to ensure that Native Americans receive the full equal range of opportunities in this country.

In conclusion, Mr. Speaker, I support this bill because it will provide job training and opportunities to the areas and populations that need the most assistance. The communities served by H.R. 1834 represent some of the most traditionally disadvantaged, isolated, and underserved populations in America. This legislation is yet another example of how Congress is taking the action necessary to respond to the current economic situation with innovative solutions.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1834.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1834, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

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EXPANDING ENTREPRENEURSHIP ACT OF 2009

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1842) to amend the Small Business Act to improve the Small Business Administration's entrepreneurial development programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1842

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Expanding Entrepreneurship Act of 2009''.

SEC. 2. EXPANDING ENTREPRENEURSHIP.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) MANAGEMENT AND DIRECTION.—

''(1) PLAN FOR ENTREPRENEURIAL DEVELOPMENT AND JOB CREATION STRATEGY.—The Administrator shall develop and submit to Congress a plan, in consultation with a representative from each of the agency's entrepreneurial development programs, for using the Small Business Administration's entrepreneurial development programs to create jobs during fiscal years 2010 and 2011. The plan shall include the Administration's plan for drawing on existing programs, including Small Business Development Centers, Women's Business Centers, SCORE, Veterans Business Centers, Native American Outreach, and other appropriate programs. The Administrator shall identify a strategy for each Administration region to create or retain jobs through Administration programs. The Administrator shall identify, in consultation with appropriate personnel from entrepreneurial development programs, performance measures and criteria, including job creation, job retention, and job retraining goals, to evaluate the success of the Administration's actions regarding these efforts.

''(2) DATA COLLECTION PROCESS.—The Administrator shall, after notice and opportunity for comment, promulgate a rule to develop and implement a consistent data collection process to cover all entrepreneurial development programs. Such data collection process shall include data relating to job creation, performance, and any other data determined appropriate by the Administrator with respect to the Administration's entrepreneurial development programs.

''(3) COORDINATION AND ALIGNMENT OF SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS.—The Administrator shall submit annually to Congress, in consultation with other Federal departments and agencies as appropriate, a report on opportunities to foster coordination, limit duplication, and improve program delivery for Federal entrepreneurial development programs.

''(4) DATABASE OF ENTREPRENEURIAL DEVELOPMENT SERVICE PROVIDERS.—The Administrator shall, after a period of 60 days for public comment, establish a database of providers of entrepreneurial development services and, make such database available

through the Administration's Web site. The database shall be searchable by industry, geography, and service required.

''(5) COMMUNITY SPECIALIST.—The Administrator shall designate not less than one staff member in each Administration district office as a community specialist who has as their full-time responsibility working with local entrepreneurial development service providers to increase coordination with Federal resources. The Administrator shall develop benchmarks for measuring the performance of community specialists under this subsection.

''(6) ENTREPRENEURIAL DEVELOPMENT PORTAL.—The Administrator shall publish a design for a Web-based portal to provide comprehensive information on the Administration's entrepreneurial development programs. After a period of 60 days for public comment, the Administrator shall establish such portal and—

''(A) integrate under one Web portal, Small Business Development Centers, Women's Business Centers, SCORE, Veterans Business Centers, the Administration's distance learning program, and other programs as appropriate;

''(B) revise the Administration's primary Web site so that the Web portal described in subparagraph (A) is available as a link on the main Web page of the Web site;

''(C) increase consumer-oriented content on the Administration's Web site and focus on promoting access to business solutions, including marketing, financing, and human resources planning;

''(D) establish relevant Web content aggregated by industry segment, stage of business development, level of need, and include referral links to appropriate Administration services, including financing, training and counseling, and procurement assistance; and

''(E) provide style guidelines and links for visitors to the Administration's Web site to be able to comment on and evaluate the materials in terms of their usefulness.

''(7) PILOT PROGRAMS.—The Administrator may not conduct any pilot program for a period of greater than 3 years if the program conflicts with, or uses the resources of, any of the entrepreneurial development programs authorized under section 8(b)(1)(B), 21, 29, 32, or any other provision of this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, entrepreneurial development initiatives, or ED programs, provide critical services for aspiring entrepreneurs seeking to launch a new enterprise. These programs also help established businesses that are trying to expand and create new jobs.

By helping small firms flourish, the SBA's ED services will be vital to sustaining our economic recovery. But for this to happen, the SBA must use its resources effectively. This is especially true during economic downturns. After all, when money is scarce, we want to make sure the taxpayer gets the most job-creating bang for their buck.

We already know that ED initiatives are a wise investment. Every dollar put into these programs returns $2.87 to the U.S. Treasury. The legislation that we are considering today will make these programs even more responsive, so that they better meet the needs of small business owners.

H.R. 1842 will bring enhanced coordination to the SBA's portfolio of ED services. In order for these initiatives to perform at their full potential, we have to know what is working and what could function better. This bill takes important steps in that direction. Requiring the SBA to collect data will provide important insights into the strengths of the ED program and highlight where there is room for improvement.

The bill also instructs the SBA to develop a plan outlining how to use ED initiatives to create new jobs over the next 2 years. Given the current state of the economy, it make sense that the agency focus on using ED to expand employment options. The bill will also reduce duplication between different ED initiatives. By verifying that the SBA's right hand knows what the left hand is doing, we will further leverage the agency's resources and channel more support to small businesses.

Mr. Speaker, this is a good bill. It puts in place some commonsense steps that are badly needed at SBA. Most importantly, this bill will ensure the SBA's programs do a better job of helping businesses. I think all of us can stand behind that goal. I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

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

Mr. Speaker, first I would like to recognize Chairman VELÁZQUEZ for her great leadership and bipartisan fashion on this committee which has a myriad of issues that we address on a daily basis, and I want to thank her for her excellent leadership and providing us a forum to debate these ideas in a fair fashion.

I am proud to support H.R. 1842, the Expanding Entrepreneurship Act of 2009, to assist many fellow small business owners and employees throughout my district in Missouri and throughout the country. Small businesses have generated up to 80 percent of net new jobs annually over the last decade and continue to contribute 38 percent to the gross domestic product. As we try to jumpstart the slumping economy and put people back to work, it only makes sense to provide relief and not more onerous tax hikes to our Nation's most productive job creators.

While this logic has underpinned alternative plans supported by myself and many of my colleagues to boost the economy and ensure growth in the future, it has been all but ignored by the administration and the majority in Congress. At a time when small businesses are struggling to keep their doors open, we must remain ever vigilant in improving the efficacy of entrepreneurial and technical assistance programs. We also need to ensure our small businesses are able to adequately utilize all available resources.

My bill beefs up support services in key entrepreneurial development programs, making these programs more effective and responsive to the needs of small businesses and ensuring that existing programs are being used effectively and duplicative government programs are done away with.

To make these widely used programs more responsive to the needs of small businesses and at no cost to the taxpayers, H.R. 1842 establishes planning standards within these programs, requires maintenance of an entrepreneurial development database, and ensures that someone is available to assist small businesses at all SBA district offices. The bill also requires the SBA to develop a job-creation strategy for 2009–2010.

The bill also expands specific programs, such as small business development centers, women's business centers, and the Service Corps of Retired Executive, or SCORE. These widely used programs are intended to assist entrepreneurs with practical and technical skills needed to help start and sustain a business.

In addition, the bill creates new support programs for veteran-owned and Native American-owned small businesses, improves cross-program coordination to maximize use of program resources, and creates 21st-century online learning initiatives for entrepreneurs.

An investment in entrepreneurial development programs yields strong returns. In 2008, the SBA entrepreneurial development programs helped to generate 73,000 new jobs and bring $7.2 billion into the economy. Some economists have estimated that every dollar invested in these initiatives returns $2.87 to our economy and helps these small businesses thrive.

Since the onset of the credit crisis over 2 years ago, available credit to small businesses and consumers has contracted by trillions of dollars. Without access to credit, small businesses can't grow, can't hire, and too often end up going out of business. That is why I am particularly pleased to support a bill that strengthens small business development centers, one-stop assistance centers for current and prospective small business owners designed to assist small firms in securing capital and credit.

As Louis Celli, CEO of the Northeast Veterans Business Resource Center in Boston, put it at a recent hearing on this same subject, we have the right focus by wanting ''to interweave these programs together and really force everybody to play in the same sandbox.''

And by making entrepreneurial development programs more effective, we can be not only more responsive to small businesses but also be better stewards of taxpayers' dollars.

I urge my colleagues to support the legislation.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1842, as amended.

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

A motion to reconsider was laid on the table.

SMALL BUSINESS EARLY-STAGE INVESTMENT ACT OF 2009

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3738) to amend the Small Business Investment Act of 1958 to establish a program for the Small Business Administration to provide financing to support early stage small businesses in targeted industries, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3738

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Early-Stage Investment Act of 2009''.

SEC. 2. 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.

''(ix) Photonics 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.''.

SEC. 3. 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 Act, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

SEC. 4. 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 SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, like the credit markets, the pipeline for equity financing has become clogged. For many entrepreneurs who are looking to turn a good idea into a profitable, job-creating business, venture capital has traditionally been an important source of financing. In today's economy, that funding often isn't there.

Venture capital funds are on track to invest between $15 billion and $20 billion in new companies this year. That is between $15 billion and $20 billion less than the previous 2 years. This simply means fewer firms are finding the funds they need to get off the ground. Between January and October of this year, there were 1,100 fewer venture capital deals compared to the same period last year.

The legislation offered by Mr. NYE, H.R. 3738, will reverse this troubling trend. Under this bill, the Small Business Administration could begin to act as a partner to private venture capital firms, offering them incentives to help small business startups get off the ground.

Through the creation of this new public-private partnership, the SBA can encourage more venture capital firms to begin investing again. The program will also mean larger blocks of funding will be available to businesses in their early growth stages. Helping early stage startups launch is one of our most powerful tools for generating job opportunities. During economic downturns, when larger companies contract and engage in layoffs, startups go in the opposite direction by growing and creating jobs. These early stage businesses also engage in some of the most promising research areas—like defense, medicine, and renewable energy. Advances in these fields mean new products and new jobs.

Mr. Speaker, after every previous recession, we have found our way back to prosperity thanks to the risk-takers that do not wait around for the economy to bounce back but go out and start creating a new product or new service. That can only happen when investors are ready to help move new ideas from the drawing board to the marketplace.

With this bill, we will help new small businesses launch and start creating new jobs in the short term. I commend the gentleman from Virginia for his work on this legislation. I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

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

Mr. Speaker, today I rise in support of the request to suspend the rules and pass H.R. 3738, a bill to provide early stage seed-capital financing for small businesses, and I would like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this bill to the House floor today.

As I mentioned in a recent floor statement, America needs to stop exporting risk and restart making products that the world desires. Those products are most likely to come from the minds of America's entrepreneurs in such fields as value-added agriculture, biotechnology, renewable energy, and computer software. Nevertheless, startups in these fields are finding it increasingly difficult to find financing. If these enterprises have to rely on expensive debt capital, it will detract from their ability to expand their businesses.

The SBA used to have a program designed to help provide long-term equity capital to start up small businesses. However, this program was overly complex and forced potential participants to wade through a lengthy, maze-like application process.

The bill before us today, H.R. 3738, provides a streamlined process to enable qualified venture capitalists to bootstrap their investment with additional Federal moneys to provide needed equity capital to small businesses. Successful operators will pay back the Federal Government before they take their own profits.

While there is a modest cost to the program, the potential benefits to the economy are quite significant. Some of the best known names in American businesses, including companies like Federal Express, Dell, Intel, Nike, Callaway Golf and Build-A-Bear received assistance through the use of long term equity capital. If H.R. 3738 creates a new Intel, it would certainly pay for itself. More importantly, the program will help America's entrepreneurs, the individual risk-takers who had an idea, and that is what made this country great.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the lead sponsor of this bill, the gentleman from Virginia (Mr. NYE).

Mr. NYE. Mr. Speaker, the financial crisis that led to the current economic downturn has caused our small business credit markets to dry up. There has been much discussion in recent weeks about the difficulty that small firms face in securing affordable credit. Somewhat less attention has been paid to the other side of the capital equation, namely investment.

For early stage businesses, investment from venture capital firms makes more sense than taking out a loan. After all, fledgling businesses typically do not have the cash flow to make regular payments on debt. For these enterprises, investment from venture capital firms is usually a better way to raise capital. These early stage businesses engage in some of the most promising research areas like defense, medicine, and renewable energy. Breakthroughs in these fields mean new products, and more importantly, they mean new jobs.

In my home State of Virginia, we have seen the importance of venture

funding to job growth. Virginia ranks ninth in the Nation for jobs created or saved by venture capital, and over the past 6 years, we have been able to trace the creation of 13,000 Virginia jobs to venture capital investments.

If our economic recovery is going to be sustained, we will need high growth, high-risk firms that will spawn nascent innovative products, break new ground, and hire out-of-work Americans.

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That kind of progress will require investment from venture capital communities.

My bill, the Small Business Early Investment Act of 2009, will help promote a new wave of venture capital investments by creating a new Small Business Early Stage Investment program at the SBA. Under the program, carefully screened companies that invest in new enterprises will be eligible for SBA grants. These grants will match the capital that investors have already raised from the private market.

Once these investments mature and the venture capital companies exit their investments, the SBA will be paid back at the same rate as traditional investors. These grants will go to those who invest in early-stage companies that are doing work in some of our most promising sectors, like alternative energies, biotechnology, and defense technology. These are fields in which we want the United States to maintain its competitive edge. So these grants will not only stimulate growth but will also advance our national priorities.

Mr. Speaker, we all know that entrepreneurs will be central to our economic recovery; however, for these firms to perform their traditional job-creating role, they need capital. The legislation before us would, for the first time, create a program at the SBA that is dedicated to ensuring America's small businesses can access venture capital. This will help new companies get off the ground and early-stage companies fully develop. Most of all, this bill will invest taxpayer dollars wisely by creating new jobs, sparking technological progress, and fostering entrepreneurship.

I want to thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their leadership on the committee and for working with me on this important initiative.

I urge my colleagues to support and pass this bill for our small businesses and for the recovery of our economy.

Mr. GRAVES. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I rise in opposition to the legislation. This bill is one of many we're considering under suspension of the rules that were part of broader pieces of legislation we passed just a few weeks ago.

Members may recall that I offered an amendment to clarify that the grant program established under this program remain free of earmarks. That amendment was hardly controversial. It's passed a number of times, a similar amendment on similar bills. In fact, I think it's been by voice vote six times in the 111th Congress, twice by recorded vote, once in the 110th and again just a few weeks ago. This amendment on this bill earlier passed by a margin of 370–55, yet that language does not appear in the legislation that we're considering today.

Ms. VELÁZQUEZ. Will the gentleman yield?

Mr. FLAKE. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. I don't know what bill you read, but your amendment is part of the bill, so I would invite the gentleman to go back and read the bill.

Mr. FLAKE. I hope I'm mistaken. I hope that it is.

Ms. VELÁZQUEZ. The gentleman is mistaken.

Mr. FLAKE. Thank you. I appreciate that.

On to the broader piece of legislation, this Early Stage Investment program would allow the SBA to provide matching grants to private investment firms when they will use the money to invest in small business. I have to wonder, have to question——

Ms. VELÁZQUEZ. Will the gentleman yield again?

Mr. FLAKE. Yes, I yield.

Ms. VELÁZQUEZ. Page 11, section 3, ''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 act, may be used for a congressional earmark as defined in clause 9(d) of rule XXI of the rules of the House of Representatives.''

Thank you for yielding.

Mr. FLAKE. I thank the gentlewoman and I apologize.

Ms. VELÁZQUEZ. Is it correct that this is your language?

Mr. FLAKE. Yes, that is correct.

Ms. VELÁZQUEZ. Thank you.

Mr. FLAKE. That is my language. I'm pleased to see it is part of the legislation. However, as to the broader bill, I still remain opposed, but I thank the gentlewoman, and I hope that that language remains in all the legislation. Sometimes we have a habit of putting it in, then it goes to conference and the language is removed and it comes back. So I'm glad to be surprised and I'm very happy to be wrong in this case.

As to the broader bill, I think that when we are running a deficit of $1.4 trillion this year and have a debt of somewhere around $11 trillion, it behooves us to look at programs like this and wonder why we are taking taxpayer money. I know the sponsor of the legislation says that it will be invested wisely.

We are basically, as I understand it, using taxpayer money to give to or combine with venture capital money to invest in small business. By definition, if we are moving in with Federal taxpayer money, it's because venture capitalists and others don't see a profit being generated in the future or don't see the need or don't agree that this business model is sound. Yet we are taking taxpayer money and saying we're going to invest it because we know better than the venture capitalists, that somehow Congress, in all of our wisdom, in all of our small business wisdom and business acumen, we know better than venture capitalists which businesses are going to succeed and which ones are not. I think that that thinking is folly.

We in Congress don't have a stellar record when it comes to investing. You could name a number of things starting decades and decades ago where we haven't exactly picked the best winners and losers in the economy. But in this case with the kind of deficit we're running, with the kind of debt that we have, with the unfunded obligations totaling more than $50 trillion out there, to come with new authorization for new money, to invest where venture capitalists dare not tread, with taxpayer money, I think it should frighten us all. And to the extent that this legislation does that, we should reject it.

I should mention, as well, that this is talked about with early investment, but under the legislation only 50 percent of the funding is required to be invested early. Now, I think it would be folly to invest early, late, or anytime with Federal taxpayer money in private business in this fashion, but I think it's a bit of a misnomer even to call it ''early investment'' when only half of the money is required to be invested early in this case.

I hope that we reconsider this. Between now and the end of the year, we're going to be passing a lot of authorization bills like this, and a lot of people will say, well, it's not appropriation. It's not real money. We're just authorizing it. We're just stating goals and ideals. But then come next year or later when we haven't funded this, people will say, hey, we're cutting back or we're cutting funding that has been authorized. The Congress authorized it by a big margin, and this will probably pass by a big margin, and yet when we don't fund it, people will come back and say we haven't funded what we've authorized.

So it is important to make a statement here that it's not the right time, now or anytime, frankly, to use taxpayer money to invest in small business in this fashion, to go where venture capitalists dare not tread, where they will not invest their own money, but we're going to put Federal taxpayer money in this venture.

So with that, I appreciate the gentleman for yielding, and I thank the gentlewoman again. And I appreciate the diligence that you've worked with to keep the language in the legislation. That hasn't always happened, and I appreciate that it is here.

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

Mr. Speaker, I know that he didn't read his language in the bill, but perhaps I might help him understand the bill.

SBA doesn't do any investing in this bill. It doesn't pick winners and losers.

I reserve the balance of my time.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today in support of H.R. 3738, the Small Business Early-Stage Investment Act of 2009, which establishes the Small Business Early-Stage Investment program to provide equity investment finance to small businesses. I support this resolution because I believe that encouraging small business investment is crucial as the United States emerges from the recent economic downturn.

I would like to first thank my colleague, Congressman GLENN NYE, for introducing this valuable legislation. According to the National Bureau of Economic Research (NBER), the United States economy experienced the longest recession since World War II. As described by the Congressional Research Service (CRS), "this recession features the largest decline in output, consumption, and investment . . . of any post-war recession." The tightened credit markets have caused nonresidential investment to decline by 1.7% in the third quarter of 2008, by 21.7% in the fourth quarter of 2008, and by an estimated 37.9% in the first quarter of 2009, as reported by CRS. The impacts of the tightened credit markets and decline in business investment include the possibility of lenders declining to make loans to small businesses that they otherwise would in a more robust economy and small businesses possibly becoming more risk averse, thereby delaying or aborting projects. The difficulty obtaining investment that small businesses face today could lead to delays in new business ventures.

There are certain business sectors that we rely upon for innovation in order to transform our society. The United States is looking to innovation from the energy technology, environmental technology, and clean technology sectors to lead the way in developing technology that will reduce or eliminate climate change factors while maintaining our standard of living. We are looking to the information technology and digital media sectors to help level the educational playing field and open up the world to all students. If we allow these sectors to recover on their own, we could lose precious time for solving these problems.

H.R. 3738 seeks to reverse the negative impacts of the recession and the subsequent decline in investment opportunities for small businesses in critical economic sectors. While there currently exists a Small Business Innovation Research program established to provide small businesses with venture capital for projects in late stages of development, there does not currently exist a program to provide grant funding for early state research. Particularly, the biotechnology and defense technology business sectors require early stage investment to develop innovative technology. H.R. 3738 will help those and other critical sectors gain access to capital in order to drive innovation.

H.R. 3738 will establish a new program to provide equity financing to small businesses in targeted industries with early stage projects. The Small Business Administration (SBA) will be authorized to provide grants to qualified investment companies, determined by the SBA Administrator, under certain criteria. Any firm that applies for funds must have a 1-to-1 match of private funds. Equity firms that apply for these funds must return the funds in full plus 20 percent. While there is a $250 million initial appropriation, the program is predicted to be self-sustaining from the profits of the loan program.

My district is the perfect example of why small businesses are so vital to the nation's economy. Houston's newer and growing economic sub-centers have relied more on small business as their cornerstone than the older Central Business District. According to a report issued by the SBA Office of Advocacy, findings suggest that while small firms support urban economic growth, as development proceeds they grow substantially. In turn, small firm growth plays an important role in urban economic development which is likely to lead to economic growth for the entire local economy. I believe that H.R. 3738 will support the small businesses that sustain Houston's economy.

Ms. VELÁZQUEZ. Mr. Speaker, I urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 3738, as amended.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3082. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3082) "An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. INOUYE, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Mr. REED, Mr. NELSON, Mr. PRYOR, Mr. LEAHY, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. MCCONNELL, Ms. COLLINS, Ms. MURKOWSKI, and Mr. COCHRAN, to be conferees on the part of the Senate.

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

Patrick A. Mulloy of Virginia, for a term beginning January 1, 2010 and expiring December 31, 2011.

William A. Reinsch of Maryland, for a term beginning January 1, 2010 and expiring December 31, 2011.

The message also announced that pursuant to Public Law 95–277, as amended by Public Law 102–246, the Chair, on behalf of the Majority Leader, in consultation with the Republican Leader, appoints the following individuals as members of the Library of Congress Trust Fund Board for five year terms:

Elaine Wynn of Nevada, vice Bernard Rapoport.

Tom Girardi of California, vice Leo Hindery.

SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING ACT

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3014) to amend the Small Business Act to provide loan guarantees for the acquisition of health information technology by eligible professionals in solo and small group practices, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3014

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Health Information Technology Financing Act".

SEC. 2. SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 44 as section 45 and by inserting the following new section after section 43:

"SEC. 44. 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.

''(H) A State-licensed, a State-certified, or a nationally accredited home health care provider.

''(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 7 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.''.

SEC. 3. 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 SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

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 bill under consideration.

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

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of H.R. 3014, important legislation authored by Mrs. DAHLKEMPER to assist our Nation's small health care providers.

The passage of America's Affordable Health Choices Act earlier this month marked a turning point in our journey toward lasting health care reform. That legislation promises to break from the status quo, delivering solutions that not only reduce costs but also increase efficiency. These are changes our current system sorely needs. And, Mr. Speaker, reduced costs and enhanced efficiency are two benefits that health information technology already offers.

In big hospitals across the country, electronic medical records are revolutionizing health care. They are streamlining the flow of data, minimizing errors, and improving communication between medical professionals, and they are doing it all with a click of a mouse. But while HIT offers a myriad of obvious benefits, small medical practices have struggled to adopt this technology. This is because the technology, like most groundbreaking new products, is extraordinarily expensive.

For your average small practice, implementation of HIT runs close to $100,000. As a result, only 13 percent of single-doctor practices have chosen to purchase technology. This bill ensures all medical practices, regardless of size, can afford HIT. To begin, it blunts product and installation costs by making capital more affordable. It also allows small practices to defer loan payments. That way, these practitioners have the flexibility to bring this system online and reap the benefits before having to shoulder the implementation costs.

Access to capital has always been a key concern for small firms even during the best of times. The current trend in tightening credit and restricting lending has compounded that challenge. Like all small businesses, small health practitioners are feeling the pinch of these tightening credit conditions. This is why this bill is so important. Without it, small practices will be unable to afford HIT. And because the vast majority of Americans patronize small practices, countless patients will miss out on the benefits of a streamlined system.

Only days ago, this body took historic action to overhaul our broken health care system. As we continue to work towards lasting reform, HIT will play a critical role. With this bill, we can increase adoption within the small business community, reducing costs and improving quality for all Americans.

Mr. Speaker, this is an important piece of legislation. It is supported by 23 of the most prominent medical organizations, including the American Medical Association, the American Academy of Pediatrics, the American Osteopathic Association, and the American College of Surgeons.

I thank Representative DAHLKEMPER for her work on this bill. I urge my colleagues to vote ''yes.''

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

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

Mr. Speaker, I rise today in support of the request to suspend the rules and pass H.R. 3014, a bill to provide financial assistance in the form of loans to install health information technology systems.

Two weeks ago, there was significant disagreement about the health care reform bill offered by the Democrats. Those concerns included the cost impact on small businesses and whether the bill actually will improve the efficiency and efficacy of the health care system at a time of skyrocketing health insurance premiums. One way to improve the efficiency of the health

care system is for physicians and other providers of health care, such as pharmacists, physical therapists, and providers of durable medical equipment, to install health information technology systems.

□ 1130

Electronic medical records have proven to be an effective tool in reducing medical errors and eliminating unnecessary medical procedures. However, health information technology systems are extremely expensive, particularly for the numerous small businesses such as solo physician practitioners in rural areas to purchase and install such systems.

H.R. 3014 addresses this issue by providing loan guarantees by the Small Business Administration to health care providers that install health information technology systems. The loan process will operate in a manner identical to that of the SBA's 7(a) loan guarantee program. Thus, fees will be charged to borrowers and lenders as they are in the 7(a) loan program.

Testimony before the committee revealed that it takes anywhere from 1 to 3 years for physicians and other health care providers to reach the level of efficiency that they operated with under handwritten systems. Recognizing this, H.R. 3014 authorizes a deferral period in repayment of 1 to 3 years. While there is an additional cost associated with such deferral, this small incentive will pay for itself many times through an increase in efficiency of the health care system without undertaking a government capture of the health care market.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield as much time as she may consume to the lead sponsor of this bill, the gentlelady from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise today in support of the Small Business Health Information Technology Financing Act. This legislation is a vital piece to lowering the health care costs of our country, and a key to making health technology accessible to small business health companies.

While we talk about the high price of health care to hospitals and consumers, we often forget that most doctors and pharmacists work in small groups or as individual health care providers. These small medical businesses are dramatically affected by administrative burdens, which can translate to higher health care costs for their patients.

My legislation creates an affordable path for these providers to make the investment in health information technologies that lower the cost of health care for their patients and for their businesses.

Rural communities, like many of those in my district, often rely on only a few health care providers in the area. These providers—independent pharmacists, doctors and allied health professionals—struggle to continue providing their services when they do not have the infrastructure and support of bigger hospitals or other facilities. Doctors and practitioners with small practices work tirelessly to keep communities healthy at the most basic level, but the costs to do so can be overwhelming.

The Small Business Health Information Technology Financing Act creates a new loan guarantee program at the SBA that would allow these small pharmacies, small doctors and allied professional offices to purchase health information technology that would drastically improve their businesses and potentially lower the costs to patients. The loan guarantee programs provides a 90 percent guarantee on loan amounts up to $350,000 for an individual practitioner and $2 million for a group to purchase cost-saving information technologies which are often too expensive an investment for a small business.

Mr. Speaker, the Small Business Health Information Technology Financing Act will not only lower the administrative costs of health care, it will help bolster small businesses by allowing them access to modern and efficient technologies. My legislation 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 and improve the health of all. I urge my colleagues on both sides of the aisle to support this small business legislation.

Mr. GRAVES. Mr. Speaker, I don't have any other speakers. I would just like to say that I appreciate the chairwoman's work on this bill and incorporating ideas from our side into this bill. As always, the bipartisan work of the committee is very much noticed and I appreciate that.

I would yield back the balance of my time.

Ms. VELÁZQUEZ. I have an additional speaker. I will yield as much time as he may consume to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I thank the gentlelady for yielding, and I want to commend the sponsor of this act before us today.

Mr. Speaker, I rise in strong support of H.R. 3014, the Small Business Health Information Technology Financing Act. As this Congress is moving aggressively to solve our Nation's health care crisis by establishing universal health care, we are going to have to move aggressively also to look at ways of controlling costs. That really is one of the vital reasons why we have to overhaul our Nation's health care system. Health information technology will be a vital part of the effort to both improve quality and cut costs.

But, of course, with this there will be an up-front cost that many doctors, in particular, are going to have to absorb. We have to work aggressively, I believe, to try to support them in this transition to adopt these new health information technologies. Again, many of these doctors are just, if you will, small businesses themselves. Today, the Congress is debating several bills supporting small business.

In order to create jobs we absolutely have to look to small businesses. In many ways they are the backbone of our economy. Certainly in my home State of Rhode Island that's true, with 96 percent of employers being small businesses. My constituents right now are struggling with a heavy burden of 13 percent unemployment in a State whose recession began almost a year earlier than most of its neighbors, and the need for job creation could not be more urgent.

Many of the new jobs we need will be created through new business endeavors, and that's why this legislation and other pieces of small business legislation that we're debating today are so important. By looking at new business models, we will better target the needs of our communities. We need to help our small businesses grow, keep people employed, and train them for new, sustainable jobs. American prosperity clearly depends on the success of small businesses and the innovative spirit of the American people. I'm certainly committed to bringing relief to Main Street and small businesses that are struggling in our State. Certainly, doctors, as I said, many of them are small businesses themselves, and helping them with the up-front cost of adopting this health information technology will assist them to stay in business. And particularly, as we try to grow our primary care system, this will become more and more important.

I commend the gentlelady for introducing the legislation. I am proud to support it, as I am proud to support all of our small businesses and helping them to stay in business and grow jobs.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 3014, as amended.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3791, FIRE GRANTS REAUTHORIZATION ACT OF 2009

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 909 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 909

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. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those 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 to the House with such amendments as may have been adopted. 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 Science and Technology or his 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).

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

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. PINGREE of Maine. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 909.

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

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, House Resolution 909 provides a structured rule for consideration of H.R. 3791, the Fire Grants Reauthorization Act of 2009. The rules waive all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides 1 hour of general debate equally divided and controlled by the Committee on Science and Technology. The rule provides that the amendment in the nature of a substitute recommended by the Science and Technology Committee modified by the amendment printed in part A of the Rules Committee report shall be considered as adopted and shall be considered as read. The rule waives all points of order against the substitute amendment, except those arising under clause 10 of rule XXI. The rule makes in order the amendments printed in part B of the Rules Committee report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The rule makes in order all five of the amendments submitted for consideration. The Chair may not entertain a motion to rise unless offered by the Chair of the Committee on Science and Technology or his designee, and may not entertain a motion to strike the enacting clause.

Mr. Speaker, H.R. 3791 reauthorizes funding for two vital programs that support our local firefighters and our communities: the Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) grant program. These two programs go hand in hand by providing assistance that keeps local fire departments prepared and able to respond, while assuring that each department is adequately staffed to meet the needs of the community. The AFG program provides funding for local fire departments to purchase equipment, vehicles and training, and the SAFER grants program helps local departments maintain and hire firefighters.

The success of both programs has been indisputable and their impacts have been felt in each of our districts. Since 2001, the AFG program has provided over $4.8 billion in funding to local fire departments to purchase emergency response training and equipment. Since 2004, the SAFER program has competitively awarded $700 million to local departments for hiring, recruitment and retention of fire fighters. The effect of both programs can be simply stated. Each dollar saves lives and jobs.

While this funding has been essential, the unmet needs of our local departments remain staggering. In fiscal year 2008, the Federal Emergency Management Agency received over 20,000 applications from fire departments requesting over $3 billion. In the same fiscal year, FEMA also received over 1,000 applications for SAFER grants, requesting over $500 million. The National Fire Protection Association estimates that 65 percent of fire departments in the United States do not have enough portable radios to equip all firefighters, and that 36 percent of all fire departments involved in emergency medical responses do not have enough adequately trained personnel to respond to these emergencies.

The numbers speak for themselves. During these tough economic times, the needs of our local fire departments have been exacerbated and local resources have been stretched to the breaking point. Communities in rural areas, which have always been strapped for resources and struggled to compete for Federal funds, have been hit exceptionally hard by this economic downturn.

□ 1145

In Portland, Maine, one of the more urban areas that I represent, nine firefighters in the Portland region were recently laid off due to significant budget cuts. But the local unions stepped up and unanimously stood up to support their laid-off colleagues out of their own pay checks.

While this is a great example of people pulling together during tough times, and it may exemplify part of what we admire about first responders, this is simply an unacceptable solution. The Federal Government has no higher charge than to provide for the common protection and the common good of its citizens and to support this work at the local level. It is time to reinvest in our emergency responders and renew our commitment to these critical programs.

This funding is also critical in rural towns across the country. Raymond, Maine, in my district, for example, is a town of less than 5,000 residents and a fire department that is mostly made up of volunteers. In 2008 when they realized that their SCBAs, self-contained breathing apparatus, on all of their trucks were outdated and didn't meet the current requirements, they turned to this program. And thanks to a $150,000 grant, Raymond, Maine, was able to purchase the equipment they so desperately needed. Stories like this are now more common because of the SAFER program.

The safety of our homes and our neighborhoods has never been a partisan issue, and the bravery and service of our local fire departments has never been in question. This is clearly demonstrated by the broad bipartisan support for this bill and the strong endorsements from the International Association of Firefighters and the National Volunteer Fire Council.

I look forward to the passage of this important legislation, and I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I thank my friend from North Haven for yielding me the customary 30 minutes, and I yield myself such time as I might consume.

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

Mr. DREIER. Mr. Speaker, my Rules Committee colleague has pointed at the fact that this is a bipartisan measure. Dealing with issues of firefighting obviously transcend partisanship in every way. And this is a very, very important measure that will, in fact, have, I suspect, unanimous support here on the House floor. She has outlined appropriately the two grant programs, the Assistance to Firefighters program which will provide $12.2 billion, and the SAFER program which will provide $1 billion in assistance. And I believe that this is a measure which is critically important as we look at the challenges of the Federal Government's role in dealing with firefighting.

Mr. Speaker, this past August 26 was a devastating day in southern California history. We saw the largest fire in Los Angeles County history burn 160,000 acres. It was a horrible, horrible time, because above all of it, we lost two courageous firefighters, Captain Ted Hall and Specialist Arnie Quinones. And when one thinks about where it is that we are going on this issue, it is critical that we do every single thing that we can for the brave men and women who are firefighters.

And, Mr. Speaker, I think it's important for us to never forget what it is that happened in Los Angeles or in other fires. There was a memorial service that was held at Dodgers Stadium several weeks ago. And I was struck at that service with the fact that firefighters stood up and said that the one thing that continues to happen is that while the populace at large may have a tendency to forget these things, firefighters never, ever forget their own. And that is why there is a redoubling of the commitment to the spouses, the children and other family members of Captain Ted Hall and Specialist Arnie Quinones.

This program is important, and it has a Federal component, I believe, in large part due to the fact that the area that burned just above La Canada, California, is an area that consists of the Angeles National Forest, which is Federal land. So I hope very much that we are able to proceed in a bipartisan way in dealing with this issue.

If you think about the sacrifice that is made, on average 75,000 firefighters are injured every single year, and on average 100 firefighters are killed every single year as they are proceeding with their very, very important work. That is why this program will, I believe, go a long way towards diminishing the loss of life and the threat to those people and at the same time diminish the threat of fire overall.

Now, Mr. Speaker, as important as this issue is, and my friend from North Haven has pointed to the fact that it is bipartisan, I believe this measure should be considered under either suspension of the rules, because while the five amendments that were offered were made in order, I'm convinced that under the able leadership of the committee of jurisdiction, there could have been an agreement that would have allowed this to come up with 20 minutes of debate. Just as the last measures that we have considered were considered under suspension of the rules, this very easily could have. But since it's not, it obviously should be considered under an open amendment process.

Now it's very sad that we have gone through this entire Congress, this entire Congress without a single open rule. And that is, I think, a very, very unfortunate thing. It is a step forward that every amendment submitted upstairs to the Rules Committee was made in order. But why not consider it under an open amendment process which would allow any rank-and-file Member to stand up and offer an amendment to this legislation?

So I also have to say that the amount of time that we are expending on this is, I believe, not necessary in light of the fact that as important as it is, it enjoys strong bipartisan support, as both of us have said.

I believe what the American people want us to be doing here, Mr. Speaker, is focusing on jobs, jobs, jobs. We all know that when the stimulus package, the $787 billion stimulus package passed, President Obama said that its passage would ensure that we would not see an unemployment rate that would exceed 8 percent.

We all know that today, tragically, the unemployment rate is at 10.2 percent. In my State of California, it's 12.2 percent. In some of the areas that I represent around Los Angeles, it's up over 14 percent. And that's why what we should be doing is focusing on issues that will create jobs so that those individuals who are losing their homes and losing their small businesses are not going to continue to suffer.

Now what should we be doing? At this moment, President Obama is in Seoul, South Korea. And we know that denuclearizing the Korean peninsula is obviously a high priority. But just as was discussed when President Obama was in Beijing, similarly in Seoul, the priority issue being discussed is the U.S.-Korea free trade agreement.

Now there are a lot of people, Mr. Speaker, who say, why, when you're dealing with economic difficulties would you possibly consider embarking on a free-trade agreement? Well, guess what? There are very important reasons. The main reason is that it's one of the most important ways that we can create jobs right here in the United States of America.

Let's take just a moment, and I wish we were debating this agreement which has been completed, similarly the Colombia and the Panama agreements have been completed which would be job creators right here in the United States. Automobiles, the automobile industry is hurting in the United States, and we know that there is this massive disparity between the number of automobiles going from the United States of America being sold in Korea, that number is actually just under 10,000, and the number of Korean automobiles that are sold in the United States; 700,000 Korean automobiles are purchased by Americans.

Now I think everyone should have a right to buy the best quality product at the lowest possible price, but I believe we should do everything that we can to have an opportunity to create more jobs here in the United States of America in the automobile industry and every other industry that is tied to that, by creating a market opening, a market-opening vehicle for us in South Korea.

Now, people ask, well, why would you want to do an agreement that would make that happen? The reason is very simple. The tariff is higher on U.S. automobiles going into South Korea than it is on Korean vehicles coming into the United States by and large. And even more important than that, Mr. Speaker, there is a tax and regulatory structure that exists in South Korea that prevents us from being able to sell those cars. So, again, fewer than 10,000 American-made automobiles are sold in South Korea today; and we purchase 700,000 cars and trucks from there.

So what should we do? We should pass this free-trade agreement, pass this free-trade agreement which will create jobs right here in the United States of America and, I believe, go a long way towards dealing with the devastating 10.2 percent unemployment rate that we have. We can, we can implement job-creating economic growth policies. Unfortunately, based on the track record that we've seen over this past year, we haven't. So people are hurting. It's very important for us to pass this legislation which could be considered either under suspension of the rules or under an open amendment process, which unfortunately it isn't; and we could spend our time passing policies that will help the American worker.

With that, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I want to thank my colleague for all of the many topics he brought up this morning. I'm sure he and I will have another time when we get to discuss the trade issues in this country. And I also appreciate that there will be time in our committee to talk about the issues around amendments and open rules.

I will say that there are job components, particularly in this bill when I brought up the firefighters in Portland, Maine, who had recently lost their jobs and are now helping some of their brethren with their own paychecks. I know that funding through this helps many of our firefighters to maintain their service. I do want to also say, I know we all extended our sympathy at the time, but I appreciated that you spoke to us about the extreme fire issues in your district. And I also want

to send my sympathies to those firefighters who are lost and their families. And I know that was a perilous time.

I appreciate the fact that while I represent a very rural district, even in your urban district, we have very many similarities of issues that we have to deal with.

I would now like to yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentlewoman for the time, and I thank her for her leadership on behalf of our firefighters and on behalf of all those out there who are fighting for jobs and for her leadership in taking us to a place today to bring this bill to the floor.

I rise today in support of H.R. 3791, the Fire Grants Reauthorization Act. Our communities desperately need this bill. We need to be able to keep our firefighters on the job and keep our constituents and communities safe. So this is all about jobs and the safety and well-being of those whom we are so honored to represent.

I'm pleased, too, with many of the changes that have been made to the Firefighters Grant programs, that H.R. 3791 sets aside specific percentages of the assistance to firefighter grants for career fire departments, combination departments and volunteer fire departments.

Currently, there is no statutory language guaranteeing professional fire departments a minimum percentage of funding. So I'm also pleased that we are including economic hardship waiver language in this bill. This language will, for the first time, work to address some of the devastating effects we have seen in this recession. It will allow that the local matching fund requirements be waived also. It allows the requirement that departments use the SAFER grants to supplement, rather than replace, local funds to be waived. It allows the requirement that departments use the funds to hire additional firefighters rather than retain existing personnel to be waived.

That's what we're passing today, and that is what we passed earlier in the year. However, I'm deeply concerned that the SAFER grant guidance recently released by the Department of Homeland Security does not reflect congressional intent or the sacrifices made by local fire departments in some significant ways.

This bill makes it clear that our intent is to allow SAFER grants to be used to retain firefighters, as well, during the worst recession since the Great Depression. Many firefighters in my congressional district and across the country have made very difficult decisions to take pay cuts and make other sacrifices to avoid layoffs—for now. But their shared sacrifice may work against them when applying for these grants under the current guidelines. And it's my opinion and it is our intent, congressional intent, that they should not be penalized from accessing these grants that can keep them working.

□ 1200

Our firefighters sacrifice so much for our safety and should not be punished for sacrificing during the recession to stay on the job to protect our communities and one another.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I was sorry my friend from North Haven didn't want to yield to me. I was simply going to tell her that I completely concurred with her argument that the job creation that will focus on firefighters is a very, very important thing, and I support that.

Ms. PINGREE of Maine. Will the gentleman yield?

Mr. DREIER. Of course. I'm always happy to yield to my friend.

Ms. PINGREE of Maine. I just want to say to my good friend from California, I apologize for not yielding earlier, and I appreciate your comments.

Mr. DREIER. Let me say that the notion of discussing a wide range of issues as I did, talking about the critical importance of the Assistance to Firefighters Grant Program of $1.2 billion and the SAFER Program of an additional billion dollars, is critical—and we support that. We support that very enthusiastically. But President Obama is at this point in Korea, and that is what led me to talk about the importance of our dealing with job creation.

As I talk to my constituents, Mr. Speaker—jobs, jobs, jobs—that is the message that continues to come through loudly and clearly. And the notion of expanding private-sector jobs is something that I believe we should be encouraging through improved tax and regulatory policy, bringing about marginal rate reduction, decreasing the regulatory burden and, Mr. Speaker, opening up new opportunities for U.S. workers here in the United States of America, which is exactly what is being said to President Obama as he meets in Korea at this moment with their leadership, with President Lee and others. And so I think that we need to have our attention in this Congress focused on the priority that the American people have.

Firefighting is very, very important. But, again, this measure will pass—if not unanimously, nearly unanimously—and it will do so, and I hope get the resources to ensure that we never have the loss of life, as I said, of Captain Hall and Specialist Quinones, and others. But I know from having spoken to their families, Mr. Speaker, that they believe that it's absolutely essential for us to encourage private-sector job creation and economic growth, and that's why I'm talking about this priority that needs to be addressed here.

Mr. Speaker, I'm going to urge my colleagues to defeat the previous question as we move ahead. Why? Because the issue of reading legislation is another very, very important one that is before us. There is a bipartisan proposal launched by Messrs. BAIRD and CULBERSON, supported by Mr. DENT and others, a bipartisan measure which will allow us to, if we defeat the previous question and debate that measure, which calls for 72 hours for the reading of legislation before we bring it to the floor.

I suspect that my colleague from North Haven has heard, just as I, that the American people believe that we should read legislation before it comes to the House floor. Right now, we regularly waive the 72-hour, 3-day layover requirement.

So, Mr. Speaker, I'm going to urge my colleagues to defeat the previous question. It will not in any way impinge on our ability to move ahead and pass this very important legislation dealing with firefighting. At the same time, it will do something else that the American people have been asking us, and that is to read, review, and consider legislation in a very deliberative manner, which is exactly what the framers of our Constitution wanted us to do.

With that, I reserve the balance of my time.

Ms. PINGREE of Maine. At this moment I have no other speakers. I would inquire whether the gentleman is ready to yield back his time.

Mr. DREIER. Let me yield myself such time as I might consume to close by simply saying this is very good and important legislation. It needs to pass. It's being considered, unbelievably, under a structured amendment process. It enjoys strong bipartisan support and should pass with that.

I think we should be focusing our attention, as I said, on job creation and economic growth, which is what the American people want us to be spending our time doing here rather than taking a long period of time to debate an issue on which we all agree.

So I urge my colleagues to vote ''no'' on the previous question so that we can consider the bipartisan Baird-Culberson language that would allow us to read legislation before it's considered here over the 72-hour period of time.

If by chance—if by chance—the previous question is not defeated and we don't have an opportunity to debate that very important legislation that will allow us to have the 3-day layover, I will urge my colleagues to vote ''no'' on the rule so that we can come back with an open amendment process, which is another very, very important part of the transparency message which should be coming through.

AMENDMENT TO H. RES. 909 OFFERED BY MR. DREIER

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

SEC. 3. 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.

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

Ms. PINGREE of Maine. I thank my colleague for co-managing this rule. I appreciate his concerns about jobs. I know it's a top priority for our caucus and one we will be talking about in the coming weeks and days. I want to finish my remarks by focusing on the important contribution of firefighters.

Mr. Speaker, the fire service in this country is being asked to do more than ever before—from hazmat response and safety planning for schools to EMT duties and homeland security responsibilities. These days, fire departments do much more than spray water on burning buildings. Or, as one of my firefighter friends says, much more than ''putting the wet stuff on the red stuff.'' These increased responsibilities are why these programs are so vitally important.

My home State of Maine has used these programs to great success. During fiscal year 2008, Maine received almost $5 million in AFG funding and close to $1 million in SAFER grants. But these numbers alone do not tell the whole story. The real success of these programs is told through the stories of those whose lives have been saved and those whose jobs have been preserved.

In 2005, a Maine fire department received an AFG grant to purchase smoke alarms and install those in homes that did not meet the level of protection recommended by the National Fire Protection Association. Just 2 months after the local fire department began installing the smoke alarms, firefighters were called to a house where smoke had been detected in the basement. The family of six living in the home was awakened by a smoke alarm and they were able to escape before any of them suffered a serious injury. The smoke alarm had been bought and installed with funding from the AFG program.

The town of Saco, Maine, recently used these programs to install an exhaust system for the fire station so the building doesn't fill up with diesel exhaust every time the fire trucks start up. And the town of Brunswick, a community facing the challenges of a Navy base closure, the department was able to hire critically needed firefighters thanks to a SAFER grant.

But, Mr. Speaker, I think some of the real success stories lie in our rural communities, communities often staffed by volunteer fire departments. Just like bigger communities, those small-town fire departments are being asked to do more, but acquiring the equipment they need is often beyond the scope of small-town municipal budgets. Through these programs, small-town volunteer fire departments in my State have been able to acquire the turnout coats, the breathing apparatus, and the hazmat suits to do the job effectively and safely.

Mr. Speaker, I am a proud cosponsor of this bill and I will continue to be a strong supporter of the men and women who put their lives on the line to keep our businesses, our homes, and our communities safe.

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

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

The SPEAKER pro tempore (Mr. JACKSON of Illinois). 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. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. PINGREE of Maine. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 214

Resolved by the House or Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 19, 2009, or Friday, November 20, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 1, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 20, 2009, through Wednesday, November 25, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 30, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the

House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Concurrent Resolution 214 will be followed by 5-minute votes on ordering the previous question on House Resolution 909; and adoption of House Resolution 909, if ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 166, not voting 25, as follows:

[Roll No. 896]

YEAS—243

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

NAYS—166

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carney
Carter
Cassidy
Castle
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Paulsen
Pence
Petri
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
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—25

Barrett (SC)
Bilirakis
Blunt
Bright
Brown (SC)
Cantor
Capuano
Cooper
Costa
Crowley
Deal (GA)
Dingell
Garamendi
Gerlach
Gutierrez
Honda
Maloney
Murphy, Tim
Pitts
Rothman (NJ)
Salazar
Sullivan
Tanner
Wexler
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1237

Messrs. WITTMAN, CAMPBELL, Mrs. CAPITO, Ms. KOSMAS, Messrs. ARCURI, and CASSIDY changed their vote from ''yea'' to ''nay.''

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

So the concurrent 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:

Mr. BRIGHT. Mr. Speaker, on rollcall No. 896, had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 3791, FIRE GRANTS REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 909, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 174, not voting 18, as follows:

[Roll No. 897]

YEAS—242

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
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
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
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)

Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
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
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu

NAYS—174

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-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
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)
Kucinich
Lamborn
Lance
Latham
LaTourette
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
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
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—18

Barrett (SC)
Brown (SC)
Cao
Capuano
Cooper
Costa
Crowley
Deal (GA)
Dingell
Gerlach
Murphy, Tim
Pitts
Rangel
Rothman (NJ)
Sullivan
Tanner
Wexler
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes left to vote.

□ 1244

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 245, nays 173, not voting 16, as follows:

[Roll No. 898]

YEAS—245

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

NAYS—173

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
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)
Lamborn
Lance
Latham
LaTourette
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
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
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—16

Barrett (SC)
Brown (SC)
Capuano
Costa
Crowley
Deal (GA)
Dingell
Gerlach
Gordon (TN)
Granger
Murphy, Tim
Rothman (NJ)
Serrano
Tanner
Wexler
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1251

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.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on November 18th, 2009, I was absent for three rollcall votes because I was attending the funeral of a family member. If I had been here, I would have voted: "yes" on rollcall vote 896; "yes" on rollcall vote 897; and "yes" on rollcall vote 898.

PERSONAL EXPLANATION

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall Nos. 896, 897, and 898 I was unavoidably detained.

Had I been present I would have voted "nay" on rollcall No. 896; "nay" on rollcall No. 897; and "nay" on rollcall No. 898.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. CONYERS, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 111–341) on the resolution (H. Res. 871) directing the Attorney General to transmit to the House of Representatives certain documents, records, memos, correspondence, and other communications regarding medical malpractice reform, which was referred to the House Calendar and ordered to be printed.

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

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 874.

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

There was no objection.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3791.

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

There was no objection.

FIRE GRANTS REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 909 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. 3791.

□ 1254

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. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Tennessee.

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

Mr. Chairman, I rise today in support of H.R. 3791, the Fire Grants Reauthorization Act of 2009. This bill reauthorizes the Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) program. Over the past 9 years, these programs have provided over $5 billion to purchase firefighting equipment and training, and for communities to hire additional firefighters. This Federal support for public safety is even more important in this tough economy as local officials struggle to provide services in the face of decreasing budgets.

The provisions in this bill make several changes to the program to enable more fire departments to apply for grants, and to ensure that the programs can benefit all types of communities, from small towns to our largest cities.

As part of this, the bill apportions the AFG funding between the career, volunteer, and combination fire departments according to a formula that authorizes a minimum of 25 percent of each year's total AFG dollars for each type of department.

The bill also authorizes the director to waive matching funds, budget maintenance requirements and other requirements for fire departments facing exceptional economic hardships. It further lowers the matching requirement for AFG and modifies the matching structure of SAFER to make it easier for communities to plan for the commitment of a SAFER grant.

The Science Committee heard testimony from fire service experts in July that, particularly in this economy, the current matching requirements dissuaded some departments from applying. These provisions enable those fire departments with the most need to apply.

Finally, H.R. 3791 also increases the amount of money larger jurisdictions may apply for under the AFG program. These amounts better reflect the needs of larger metropolitan areas as well as fire departments that have been consolidated to provide unified coverage to a large area.

H.R. 3791 is the product of much hard work by the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council, the National Fire Protection Association, and the Congressional Fire Services Institute. It has been endorsed by all of these groups. This bill has bipartisan support and passed out of the Science and Technology Committee by voice vote.

I would like to once again thank Mr. MITCHELL for sponsoring this important legislation. I would also like to recognize the efforts of our subcommittee chairman, Mr. WU, in getting the policy right in this bill and working to get a consensus piece of legislation. I also want to thank Mr. PASCRELL of New Jersey for being the father of the origination of these bills, as well as Majority Leader STENY HOYER for bringing all of the parties together and working together to get a good bill out.

Finally, I would like to recognize the staff who have been integral in crafting this legislation: Meghan Housewright and Mike Quear on the majority staff, and Dan Byers on the minority staff.

We have some amendments today. I look forward to working with my colleagues today to make a good bill better.

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

Mr. SMITH of Nebraska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3791, the Fire Grants Reauthorization Act of 2009. This bill reauthorizes both the Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) program, which both provide much-needed assistance to fire departments across the Nation.

As we learned through our committee work on this bill, and as I have heard firsthand in discussions with fire chiefs and firefighters in my district, the AFG program is frequently cited as a ''life safer'' and the only means by which many departments can acquire up-to-date equipment and training—which requires a significant portion of their budget—for their firefighters.

This is particularly true in rural areas such as my district in rural Nebraska, where many communities rely upon all-volunteer departments to respond to fires and other emergencies. The equipment needed to fight fires and save lives and property is costly, and required for departments to meet certain minimum response capabilities regardless of whether they are protecting a community of a few hundred people or a large city of a few hundred thousand people. As such, firefighter grants have proven absolutely vital for rural and volunteer fire departments, which have small tax bases and the least ability to acquire such equipment.

□ 1300

The bill before us today makes several modest changes to the AFG and SAFER programs, reflecting a compromise reached by the leading national fire service organizations who worked closely with the Science and Technology Committee to develop this legislation. I support these changes and the underlying reauthorization effort, and I want to call attention to two in particular which I offered as amendments during committee consideration

of this bill. They are intended to support the ability of smaller combination and volunteer departments to successfully compete for and receive AFG grants and to emphasize the AFG program should be a funding priority generally.

The first amendment added language to the bill clarifying in awarding grants competitively, FEMA must consider a broad range of factors related to a fire department's ability to respond to hazards, not just the size of the population a department protects but also other factors such as its geographic response area, hazard vulnerability, or financial situation. This addition does not make any changes to the underlying AFG program but, rather, explicitly codifies FEMA's existing practice.

Second, I was pleased to incorporate amendment language in committee calling attention to the dramatic decline in funding for the AFG program over the last 5 years and emphasize restoring it should be a priority.

The AFG program is authorized in this legislation at $1 billion a year; however, its actual appropriated funding has never reached that amount and, in fact, has steadily declined in recent years. In fiscal year 2003, $750 million was appropriated for AFG. Since this time, funding has steadily declined. Last year it was $565 million, and this year the Obama administration requested only $390 million. This represents a 48 percent decline since fiscal year 2003. Given the importance of AFG to helping fire departments around the country meet minimum response requirements, especially those in rural areas with limited tax bases, this trend is troubling and should be reversed.

I was pleased our colleagues in the majority accepted these amendments, and I appreciate the chairman's work. I thank them for working closely with me and the leading national fire service organizations to develop an agreeable compromise under which we could move this reauthorization forward.

I urge Members to support passage of this bill, and I hope for and expect a continued smooth process as we do go forward.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 4 minutes to the author of the bill, the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I rise today in strong support of H.R. 3791, the Fire Grants Reauthorization Act of 2009.

Firefighters are often the first and the last to leave an emergency scene. Whether it's putting out a house fire or wildfire or responding to terrorist attacks or a car accident, we depend upon firefighters every day.

But firefighters also depend on us. They depend on the public and their elected officials to make sure they have the resources, equipment, and training they need for their jobs. Without those tools, we put them and all of us at unnecessary risk.

H.R. 3791 reauthorizes the Assistance to Firefighters Grant program, or AFG, and the Staffing for Adequate Fire and Emergency Response program, or SAFER. This bill also makes several key improvements to those programs to assist the cities and towns in Arizona and across the country which are facing major budget shortfalls and cuts in services.

Since the AFG program was established in 2000, this program has provided more than $5 billion directly to fire departments through competitive award grants. These FIRE grants have also provided critical support to Arizona's fire departments. Between 2005 and 2008, Arizona received 165 AFG grants for a total of approximately $22.5 million. These grants are made available to local fire departments to purchase response equipment, training, and fire trucks. The AFG program also supports fire prevention and safety grants, which are used for smoke detectors, fire prevention education, and research to reduce the causes of fire-related injuries and death. The SAFER program provides competitively awarded funds for the hiring, recruiting, and retention of firefighting personnel.

Over the past 4 years, this program has provided nearly $700 million to local fire departments nationally, and Arizona has received 26 SAFER grants for a total of approximately $16 million. This funding is especially critical during these difficult economic times.

Based on testimony that the Science and Technology Committee heard from fire service representatives, H.R. 3791 makes several key improvements to this legislation.

First of all, this bill will change the matching requirements to enable fire departments with the greatest need to take advantage of the programs. The bill sets the matching requirement for the Assistance to Firefighters Grant program from 20 percent to 10 percent, with fire departments serving populations under 20,000 paying a 5 percent match. This greatly benefits rural and less urban areas.

H.R. 3791 also modifies the matching requirements for the SAFER program. Based on the recommendations of fire service organizations, reflecting the hardships faced by our State and local governments, SAFER will require instead a 20 percent match for each of 3 years.

This bill also gives the administrator the authority to waive the matching requirements for both programs in case of exceptional economic hardship. Such waivers may also be given for the programs' budget maintenance requirements and SAFER provisions that restrict the funding to hiring only additional firefighters, rather than retaining current firefighters. This is a necessary step at a time when fire departments in many areas of the country are confronted with the prospect of laying off firefighters.

This bill is the result of a consensus among the fire service organizations, including the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, the National Volunteer Fire Council, and the Congressional Fire Services Institute.

I would like to take a moment to thank Chairman GORDON, Chairman WU, and the Science and Technology Committee for their tireless work on this legislation. In particular, I would like to thank Meghan Housewright, Mike Quear, Louis Finkel, and Lori Pepper for their hard work. I would also like to thank the majority leader, Mr. HOYER, and Congressman PASCRELL for their leadership on this important issue.

I urge my colleagues to support this legislation that provides vital resources to our Nation's firefighters. During these tough economic times, this support is crucial to our public safety.

Mr. SMITH of Nebraska. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise in support of H.R. 3791, the Fire Grants Reauthorization bill.

As a longtime supporter of firefighters and a cosponsor of this bill, I'm very happy we are considering this important and timely legislation to help our firefighters and our fire departments across the country.

Whether it's a fire, a vehicle crash, a dangerous spill, or even a terrorist attack, our firefighters, men and women, put their lives on the line in almost every emergency situation they come across. The least we can do is to ensure that they have the equipment needed to do their jobs without exposing themselves to unnecessary risk.

Today we have the opportunity to improve two FIRE grant programs: the Assistance to Firefighters Grant program, which provides the departments access to proper training and equipment; and the SAFER program that helps fire departments hire new firefighters.

No time is more important than now to reauthorize the FIRE grant programs. It should be no surprise when I say that the economic downturn that has adversely affected everyone has also hit our fire departments hard. With local tax revenue on a steady decline, fire stations across the country and at home in Illinois are feeling far greater pressure to do more with less. H.R. 3791 will help our frontline responders meet their basic firefighting and emergency medical responsibilities with additional resources for staffing, training, and equipment. In passing this important legislation today, we improve the safety of our communities and that of the men and women who keep us safe.

Mr. Chairman, I urge our colleagues to support H.R. 3791.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1 minute to the majority leader, as I said earlier, the person who really was the sheriff in bringing everybody together for this bill, and we thank him for it.

Mr. HOYER. I thank the gentleman from Tennessee (Mr. GORDON), who does such an extraordinary job of leading the committee. I thank Mr. SMITH for his leadership. I also want to thank DAVID WU, the chairman of the subcommittee, for his leadership. All of them have joined together to get this bill to the floor. And I would be remiss if I did not acknowledge their contribution, because this bill, the genesis of it, was really with Mr. PASCRELL of New Jersey, who worked so many years ago to work with the Senate in generating this idea so that it came back to the House, but he was the godfather, if you will, of this piece of legislation. I want to acknowledge his presence here and thank him for his leadership. And I certainly want to thank Mr. MITCHELL, Congressman MITCHELL, who has been so critical in getting this bill to this point in time. He is an extraordinarily able Member of the Congress, and the firefighters throughout our country I know are appreciative of his efforts on this bill.

Every day, Mr. Chairman, we and our families live under the blanket of protection provided by America's firefighters, both career and volunteer, men and women who are willing to risk their lives to safeguard us, our loved ones, and our property. We may not often think about those sacrifices but every firefighter does.

Last year, more than 100 of them died in the line of duty, and tens of thousands more sustained injuries. To honor those sacrifices and to make our communities safer places to live, Congress has worked to become a partner with the fire departments across the Nation. Today we can reaffirm that commitment by reauthorizing two successful grant programs for firefighters: FIRE and SAFER.

I also want to mention a former fire chief from Pennsylvania who was also critically important in working on this legislation. He's no longer a Member of this body, Curt Weldon, a Member of the other side of the aisle. He and I cochaired the Fire Service Caucus for over 15 years. His leadership was critical in moving us towards the partnership of which I have just spoken between the Congress and the emergency responders throughout our country, career and volunteer.

This bill reauthorizes both programs through fiscal year 2014, pledging a total of $2.2 billion per year to our firefighters. The FIRE grant program authorizes $1 billion per year for state-of-the-art fire equipment, up-to-date training, and fire prevention programs. These competitive grants will benefit career, volunteer, and combination fire departments throughout the country. I know the chairman and subcommittee Chair have already spoken of what it will do, but I wanted to add as well State training academies and volunteer EMS departments, so critical to our emergency response strategies and team.

The SAFER grant program ensures that our community firehouses never have to sit empty: Its $1.2 billion per year will ensure 24-hour staffing at eligible departments so that there are always firefighters on duty in case of emergency. In fact, of course, it is the firefighters and emergency medical response teams that are usually the first on the scene at almost any disaster. It is therefore critical that they be available during a 24-hour, 7-day-a-week schedule. It also commits money each year to help volunteer departments recruit and retain new members.

Since FIRE's inception in 2000 and SAFER's in 2004, these programs have won support from Democrats and Republicans alike. This is truly a bipartisan effort on behalf of our communities. Our respect for firefighters and our commitment to get them the tools and training they need has transcended party lines, as it should have, and I hope today it will be no different and I know it will be no different.

I want to commend my colleagues HARRY MITCHELL and BILL PASCRELL, as I said, the father of the FIRE grants program, for their leadership on this issue, as well as Chairman GORDON and Chairman WU and my fellow Fire Caucus co-Chairs PETER KING, ROB ANDREWS, and JO ANN EMERSON.

I urge all of my colleagues to vote to reauthorize these grants and carry forward this successful and vital partnership.

Mr. SMITH of Nebraska. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman from Nebraska for yielding this time.

I agree with everything the majority leader just said. You know, the firefighters of this country are not only protectors of us from a domestic standpoint; they are leaders in the war against terrorism.

We all remember what happened at 9/11 when so many firefighters gave their lives to try to protect those people who died in the Twin Towers in New York City. And we should not forget that because there is the threat of terrorism every single day in this country, and the frontline fighters, in addition to the policemen, are the firefighters. They're the ones that are going to have to rush in to protect people and save lives in the event that we have another tragedy like 9/11.

So I'd just like to say in the short time I have here today we need to give them every single tool they need. This is one area of government that's absolutely essential, and the firefighters of this country need to know the Congress of the United States is behind them 100 percent.

□ 1315

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1 minute to the gentlelady from Texas, a former member of the Science and Technology Committee, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman, and I thank him for his leadership. I rise to support H.R. 3791 and the $1 billion for the AFG per year, and the $1.2 billion for the SAFER. In my community, over the last 3 months we've had 17 fires in Heights and Shady Acres, putting firefighters in jeopardy and threatening lives. This legislation is enormously important, in that it allows cities over 2.5 million to get grants up to $9 million. I would be looking forward or like to look forward to work with the chairman to establish a study to determine the propensity of serial fire instigators, if you will, threatening the lives of firefighters, and I'd like to be able to work with the chairman on this crucial issue of providing a study so that we can emphasize these grants going to fight against serial fires.

I yield to the gentleman from Tennessee.

Mr. GORDON of Tennessee. My friend from Texas raises a valid point and an excellent point. You can be well assured that we will continue to work with you through this, through the conference process to bring your legitimate points to light.

Ms. JACKSON-LEE of Texas. Our community is in jeopardy, and this will be an important step for them. As a member of the Fire Caucus and Homeland Security, I rise to support the bill and thank you for working with me to help those in need in Houston, Texas.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WU), the chairman of the subcommittee.

Mr. WU. Mr. Chairman, I rise in strong support of this legislation, which reauthorizes the AFG and SAFER grant programs. These important programs help keep firefighters and the public safe, and I want to commend Chairman GORDON's leadership in bringing this crucial legislation to the floor today, Mr. MITCHELL's contributions to this legislation, Mr. HOYER for his crucial role in bringing this legislation to the floor, and Mr. PASCRELL for originating the legislation 9 years ago and carrying this bill for many years.

Over the past 9 years, the AFG program has provided nearly $5 billion in competitive awards to help local fire departments purchase equipment, training and other crucial resources. This program has played a vital role in improving the readiness and capabilities of fire departments across the country.

Despite the program's success so far, an alarming number of local fire departments remain without adequate training and equipment. The AFG program helps address crucial shortfalls, and this bill will further empower the Federal Government to assist local fire

departments as they improve their capabilities. AFG also supports fire prevention and safety grants, which help provide smoke detectors, fire prevention education, and research to reduce the causes of fire and fire-related injury and death. Three thousand Americans die every year in fires. We have made progress, and I'm proud of the progress the Science and Technology Committee has made in advancing the goals of the FIRE grant program.

This bill also reauthorizes the SAFER program, which provides funding to help fire departments maintain adequate staffing levels. Through the SAFER program, the Federal Government has provided nearly $700 million to local fire departments in the past 4 years, funding that is especially crucial during the current economic downturn. And I have to note that the changes in matching requirements are especially helpful in these hard economic times.

At a time when many local governments are facing major budget shortfalls and cuts in services, Federal support to fire departments is crucial to public safety. It is particularly important in Oregon, where the unemployment rate is at about 11½ percent. The bill is an important step forward in our efforts to protect communities across the country and the firefighters who serve them. I'm particularly proud of my subcommittee's work on this very important piece of legislation.

For more than 6 months it has worked with multiple fire service organizations to identify opportunities to improve the AFG and SAFER grant programs, culminating in hearings held earlier this year. In that context, I want to especially thank Meghan Housewright for her hard work in this field. The bill addresses the needs and priorities identified by fire service experts, and I'm grateful for the cooperation of the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council and the National Fire Protection Association and the Congressional Fire Services Institute. Your ability to come together on this legislation made our job much, much easier.

This bill improves both the SAFER and the AFG programs by ensuring that fire departments with the greatest need will be able to apply for funding. The bill also provides for an equitable balance in the distribution of grant funding, ensuring that funding will benefit communities, both large and small.

I would like to thank the ranking member of the Technology and Innovation Subcommittee, Mr. SMITH, for working closely with me. I would also like to thank the fire service organizations for their hard work in crafting this bill. I urge my colleagues to support this important legislation.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I want to thank Chairman THOMPSON and Chairman OBERSTAR for working with me to get this important bill to the floor.

I would like to insert an exchange of committee correspondence in the RECORD at this time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, November 7, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R. 3791, the ''Fire Grants Reauthorization Act of 2009,'' introduced on October 13, 2009. This legislation was initially referred to the Committee on Science and Technology and sequentially referred to the Committee on Homeland Security on November 6, 2009.

In the interest of permitting this important legislation to proceed expeditiously to floor consideration, I am willing to waive further consideration of H.R. 3791. I do so with the understanding that waiving further consideration of the bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during floor consideration of this bill.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, November 7, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, House of Representatives, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your letter regarding H.R. 3791, the Fire Grants Reauthorization Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Homeland Security. I acknowledge that by waiving rights to further consideration of H.R. 3791, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3791. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 12, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 3791, the ''Fire Grants Reauthorization Act of 2009''.

H.R. 3791 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3791.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 3791 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 3791 and in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.
Chairiman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, November 12, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your November 12, 2009 letter regarding H.R. 3791, the Fire Grants Reauthorization Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Transportation and Infrastructure. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Transportation and Infrastructure has jurisdiction in H.R. 3791. A copy of our letters will be placed in the Committee report on H.R. 3791 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

I would like to now yield 3 minutes to the gentleman from Mississippi and chairman of the Homeland Security Committee, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Chairman, I'd like to thank Chairman GORDON, Chairman WU and Mr. MITCHELL for working to move this important legislation. Every Member of this body represents a community that is secured by a firehouse. But in recent times, too many fire stations have had to short change their own training or community fire awareness programs just to stay operational.

Today, we have the opportunity to reaffirm our support for our hometown first responders by supporting H.R. 3791, the Fire Grants Reauthorization Act of 2009. This legislation seeks to enhance and improve two of FEMA's programs that directly award grants on a competitive basis to local fire stations and departments. This critical reauthorization will help ensure that departments large and small, volunteer and career, can continue to provide lifesaving services, including fire prevention and safety programs.

As a former volunteer firefighter, I'd like to thank Mr. PASCRELL, the gentleman from New Jersey, the father of the Assistance to Firefighter Grants program, for working to help pioneer the original program and working diligently to help produce this legislation. The so-called AFG grant and the SAFER grant programs provide funding directly to local fire departments so they can purchase needed equipment, conduct fire awareness and prevention service activities, insure that personnel are well trained for all of the duties, assignments as required for certification. And, in the case of SAFER, recruit and hire and retain firefighters without bureaucratic delays.

This bill also authorizes an additional $9.8 billion in funding for these vital programs. Mr. Chairman, within the AFG program, this bill revises grant allocations so that career volunteer and combination fire departments will have access to equal slices of the available grant dollar pie.

Mr. Chairman, I'd also like to say that during these tough economic times, many communities across America are being forced to cut back on public service. Cutbacks to public services should be avoided at all costs. Again, Mr. Chairman, the International Association of Fire Chiefs, Congressional Fire Service Institute, International Association of Volunteer Fire Fighters, National Volunteer Fire Council, National Fire Protection Association, all these organizations support this legislation.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I now yield 2 minutes to the Chairman of the Transportation Committee, the gentleman from Minnesota, Chairman OBERSTAR, and I want to once again thank him for helping bring this bill to the floor.

Mr. OBERSTAR. Mr. Chairman, I do thank Chairman GORDON for the splendid work that his committee has done and the cooperation that we've had with the Committee on Science and Technology and that of the Committee on Homeland Security with the gentleman from Mississippi (Mr. THOMPSON). We've worked very well together and very diligently to bring this very important Fire Grants Reauthorization Act to the House floor.

Many fire departments in my district point with great pride and with gratitude to the fire trucks, the breathing equipment, the protective clothing, the radios, the other technology they have received through this valuable program. These are small grants, often just $2,500 to maybe a quarter of a million dollars for a new fire truck, but desperately needed in small communities and rural areas, replacing equipment, often more than 40 years old, or new gear to combat new issues such as fires at meth labs in the countryside or as we call it, the back woods of Northern Minnesota. The fire department needs that equipment, whether to combat a house fire or a chemical spill or a fire in the center of small communities.

The FIRE grants program goes back to the year 2000 and predates the horrific events of September 11. It was never intended to be a terrorism preparedness program, but the Department of Homeland Security made it one. And in recent years, I've been concerned by reports, and I've met with the small fire departments that didn't receive a grant because they could not show a specific connection to terrorism.

Our terror in Northern Minnesota is fire. Our terror is blizzards, tornados, floods. Those are the things that we need, and we need to be prepared for.

The CHAIR. The time of the gentleman has expired.

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

Mr. OBERSTAR. There are a lot of organizations that support this legislation. I just want to mention Pete Makowski, my district staff person in Northern Minnesota who is a volunteer firefighter who has introduced me to these issues and to these concerns, has brought me together with the volunteer fire departments in my district. And I just want to say, the pleasure, the joy, the pride that those volunteer firefighters have in getting this small bit of assistance is overwhelming to me. I am so pleased that we have in this legislation very clear language that these small firefighting organizations do not have to show that they're combating weapons of mass destruction.

The CHAIR. The time of the gentleman has again expired.

Mr. SMITH of Nebraska. I would yield 30 seconds more to the Chairman of the Transportation Committee if he wishes to continue.

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

I'm sure that the gentleman has the same experience with small volunteer firefighters who have to hire a grant application writer to fill out forms this thick. That's absurd. I think we changed that in this legislation and we take away this need to show a connection with terrorism. Our terror is fire. That's all we need to be prepared for.

Mr. SMITH of Nebraska. Mr. Chairman, I would also add briefly that, for right now, that the demands on volunteer fire departments are far greater than the population might reflect, especially when we talk about public lands and the susceptibility to fire in the midst of drought and other things as well.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I thank my friend from Nebraska for his courtesy to Mr. OBERSTAR. I would request of the Chairman, what time is left for each side?

The CHAIR. The gentleman from Tennessee has 11½ minutes remaining. The gentleman from Nebraska has 22½ minutes remaining.

Mr. SMITH of Nebraska. I reserve the balance of my time.

□ 1330

Mr. GORDON of Tennessee. Mr. Chairman, as has been pointed out earlier, I'm not sure whether it's the godfather or the grandfather of the FIRE Grants program, Mr. PASCRELL from New Jersey. He is here, and he is recognized for 3 minutes.

Mr. PASCRELL. I want to thank Chairman BART GORDON; Subcommittee Chairman DAVE WU; Mr. MITCHELL; Chairman THOMPSON; and my friend who is not here today on the other side, PETER KING. They all deserve recognition as partners in this quest to get people's attention on the most neglected side of the public safety equation, our firefighters.

This legislation, we think, is unique. We had a difficult time in the beginning when were writing this legislation. It took about 2½ years. We had about enough people to fit in a telephone booth. And then we brought the firefighters to Washington, and all of a sudden, we had over 280 sponsors.

In the 106th Congress, prior to, the former speaker just pointed out, 9/11, that FIRE Act passed. It had bipartisan support. There was no Federal support for our brave firefighters, be they career or volunteer. They were working with outdated equipment. In some places in the country, they had to push the equipment to the fire, literally. They couldn't get the necessary training in order to provide the best protection for their local communities.

The one thing we made sure we took care of is that there would not be a differential, there would not be a firewall, so to speak, between the volunteers and the career. If you look at the grants of the first 5 or 6 years, there is an over-preponderance of volunteer departments, because we did not want to make this what so many bills in the past had been.

And I might add, Mr. Chairman, this money goes directly to the communities, no skimming, no nonsense: $6.5

billion, both of these bills, the SAFER bill, which deals with our personnel, in 9 years, over $15 billion requested. We are far from even close to responding to the needs that existed before 9/11.

This legislation, in its ranking and review, the FIRE Grants program itself received the second highest rating of any program in the Department of Homeland Security. The only agency that beat it out by one percentage point was the Secret Service.

Since the inception of the FIRE and SAFER grants, the programs have provided over, as I said, $6.5 billion for our local communities. And the point I want to make here is that the FIRE Grants programs are as vital and necessary today as they were in 2000.

The CHAIR. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman 1 additional minute.

Mr. PASCRELL. I have always said that real homeland security starts on the streets of our local towns and not in the hallways of Washington. I truly believe these FIRE grants awarded to local municipalities are key to our homeland security infrastructure. Today we move a great step toward furthering that commitment.

And just today, Mr. Chairman, on the west lawn outside the Capitol, firefighters, police officers and construction workers who responded at 9/11 gathered to hear what the Congress was going to do to respond to what had happened at 9/11. We salute them. We've had two major studies from Mount Sinai Hospital in New York. The ''all clear'' should not have been given to these people who worked in hazardous situations. We can again down the road to pass legislation to help these guys and gals that have suffered the consequences of their responding mostly, voluntarily.

I thank all of those who participated today.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Chairman, I rise today in support of the Fire Grants Reauthorization Act of 2009. From cities on Colorado's front range to small towns on the eastern plains, firefighters and other emergency personnel are the first to respond to everything from traffic accidents to wildfires. These brave men and women dedicate their lives to helping people and protecting their communities.

More than three-quarters of the fire departments in Colorado's Fourth District are mostly or entirely volunteer run. In addition to full-time jobs and families, these men and women devote their time and energy to help the small rural communities in which they live, often at great risk to themselves. In my district, last year, three brave volunteers lost their lives in the line of duty. Captain Shane Stewart, Fire Chief Terry DeVore and Firefighter John Schwartz, Jr., lost their lives while fighting to keep their rural communities safe.

Mr. Chairman, it is with the memory of these men who gave everything to defend their neighbors and communities that I am proud to stand here today as a cosponsor of the Fire Grants Reauthorization Act. I encourage all of my colleagues to support this important reauthorization, because these grant programs help support the operations of all fire departments, urban and rural, career and volunteer, and protect the lives of the men and women who selflessly serve to protect their communities.

The CHAIR. The gentleman from Tennessee has 6 minutes remaining. The gentleman from Nebraska has 22½ minutes remaining.

Mr. SMITH of Nebraska. I reserve the balance of my time.

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

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, this spring my office was approached by two fire chiefs with the same problem. Chief Casson of the Cottonwood Fire Department and Chief Moore of the Clarkdale Fire Department both explained that for their small departments, SAFER grants can make all the difference in whether they have the number of firefighters on staff required to keep their communities safe.

With the economic downturn, SAFER has become more important than ever, but falling tax revenues make meeting the matching requirement difficult. This has happened to small fire departments across the Nation. Many have even returned the grants they were awarded.

This is why I introduced H.R. 2759, which would waive the cost-sharing requirement for the most recent grant cycle, helping departments hire the staff they need during this tough time. While my legislation is not specifically contained within this act, I am glad that this bill significantly improves the SAFER program to help departments with these conditions.

This act reduces the overall cost-share requirement for departments and, more importantly, allows the director to waive this requirement in the case of economic hardship. Therefore, in the future, the departments with the greatest need should be able to take advantage of this program.

Mr. Chairman, will you work with me to ensure that the SAFER works as intended, helps the departments most in need, and addresses the concerns of small, rural fire departments?

Mr. GORDON of Tennessee. Will the gentlewoman yield?

Mrs. KIRKPATRICK of Arizona. I yield to the chairman.

Mr. GORDON of Tennessee. I would like to thank the gentlewoman for her efforts with the SAFER program and her support for the bill.

You raise a very good point that fire departments in many communities are struggling with shrinking budgets. Some of these struggling communities do have SAFER grants. I would be happy to work with you on this issue as we work to enact this legislation into law.

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

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to a very active member of our committee, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I rise in strong support of the Fire Grants Reauthorization Act of 2009.

It has been almost 10 years since the Cerro Grande fire ripped through thousands of acres in my district in northern New Mexico with devastating effect for the wildlife, the environment and the people in its path. Drought conditions and high temperatures contributed to the size of this fire, while dry winds accelerated its path through Los Alamos. Each year, fires plague our communities. They hurt people. They devastate communities. They devastate families. But when we can come together and make sure that we are working to provide support for our local fire departments, for our first responders and for those that put their lives on the line every day, we are able to make a difference.

These FIRE grants will provide volunteer and career fire departments across the country with vital funding to increase firefighting capabilities, better respond to medical emergencies, handle natural disasters and operate more effectively.

Supporting local fire departments is more important now than ever before. Now that States are facing many budgetary shortfalls, it has become increasingly difficult for local governments to maintain the equipment and training necessary.

Mr. Chairman, as we came down today, I was reminded of a chief in New Mexico who lost his life responding to a fire about a week after he had just gotten word that he had received a grant for the fire district to replace the truck that broke down in the midst of a range fire that he lost his life in. These grants make a difference in people's lives. To his wife, to his spouse, that fought so hard with us in New Mexico to get a fire fund in place to be able to help us out locally, I commend my colleagues here, the chairman, Mr. PASCRELL for making this happen, and for believing in firefighters and for making sure that we in Congress are doing our part to get funding to them.

The CHAIR. The gentleman from Tennessee has 2 minutes remaining and has the right to close.

Mr. SMITH of Nebraska. Mr. Chairman, I would inquire of the committee chairman how much time he is looking to need, perhaps.

Mr. GORDON of Tennessee. You are courteous to ask. I think we have marshaled it just right. We have 2 more minutes and one speaker.

Mr. SMITH of Nebraska. I would yield 2 minutes to the chairman if he would wish to use that.

Mr. GORDON of Tennessee. Again, I thank you for the courtesy. I believe we are going to be able to do it, but thank you very much.

Mr. SMITH of Nebraska. I would reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I would yield 1½ minutes to my friend from St. Louis, Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Thank you, Mr. Chairman, and the gentleman from Nebraska for managing this today.

On behalf of the firefighters, the amazing firefighters that serve my constituents in Missouri, I rise today in strong support of the Fire Grants Reauthorization Act of 2009. H.R. 3791 reauthorizes and improves the FIRE and SAFER Grant programs which assist firefighters, first responders and local communities in my home State of Missouri and nationwide with the equipment, training, and personnel needed to protect the public.

In these difficult economic times, it is imperative that we provide local fire departments around the country the needed equipment, training and staffing for both full-time and volunteer firefighters, urban and rural, to quickly respond to emergencies.

This legislation will reduce the grantee matching requirement at a time when many jurisdictions are finding it increasingly difficult or impossible to maintain equipment, training, and personnel. FIRE grants will provide funding to hire additional personnel, modify facilities, and obtain protective gear and other resources to respond to fire and related hazards.

I'm pleased to be a cosponsor of this legislation and to have joined my colleagues on the Science and Technology Committee to bring it to the floor. I now urge the full House to support and pass the Fire Grants Reauthorization Act of 2009.

Mr. SMITH of Nebraska. I would reserve the balance of my time.

Mr. GORDON of Tennessee. I will use the remainder of my time to close, so if the gentleman would like to close.

Mr. SMITH of Nebraska. Thank you, Mr. Chairman. I will be very brief. We were expecting some other Members here. But I will say that I appreciate the process that we have gone through this. It involved quite a bit of discussion early on at the subcommittee level and full committee level. I'm grateful that the chairman considered amendments from our side so that we can meet the public safety needs of our country. It's not just about my district, it's not just about certain districts, but the entire country. I'm grateful to be a part of this process, and I will say it does work.

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

Mr. GORDON of Tennessee. Mr. Chairman, in quick closing, I want to concur with Mr. SMITH's remarks, thanking him for his cooperation. This has been a good subcommittee, committee process. It has been bipartisan. And because of that, we have a good bill.

Ms. RICHARDSON. Mr. Chair, as a member of the Committee on Homeland Security and an original co-sponsor, I rise in strong support of H.R. 3791, the Fire Grants Reauthorization Act of 2009, which reauthorizes for five years $1 billion per year for FEMA's Assistance to Firefighters Grants (AFG) program and reauthorizes $1.2 billion for the Staffing for Adequate Fire and Emergency Response (SAFER) program.

This increase in federal support for the nation's fire departments is especially important in this tough economy as local officials struggle to provide critical services—including public safety services—in the face of declining revenues and decreasing budgets.

I thank Chairman GORDON and my colleague, Congressman MITCHELL of Arizona, for their hard work in shepherding this critical legislation to the floor today.

We all remember the wildfires from this summer that hit my home state of California especially hard. Over 160,000 acres were destroyed in the "Station Fire," the most in the history of Los Angeles County. But not only did people lose their homes in this terrible tragedy, two firefighters lost their lives as well. Incidents like these underscore the importance of providing firefighters with the best possible equipment and training to perform their dangerous jobs. And that is probably the most important reason of all for passing H.R. 3791, the Fire Grants Reauthorization Act of 2009.

Mr. Chair, I support H.R. 3791 because it:

Provides a fairer distribution of FIRE Grant funding among fire departments by setting a 25 percent distribution of the appropriated funds among the categories of career, volunteer and combination fire departments;

Lowers matching and maintenance of expenditure requirements and authorizes the FEMA Administrator to waive or reduce such requirements for applicants facing demonstrated economic hardship;

Raises the limit on FIRE Grant awards to $9 million for jurisdictions based on population so that large urban areas with population more than 2.5 million like the one I represent.

Makes the SAFER Grant program more accessible to fire departments by making it a three-year program with a 20 percent match.

Raises the maximum amount for individual Fire Prevention and Safety Grants to $1.5 million.

Mr. Chair, in the last nine years the Assistance to Firefighters Grant (AFG) program, or FIRE grant program, has aided thousands of fire departments nationwide by providing more than $5 billion in federal aid for critically-needed training, equipment, health and wellness programs and other fire service needs.

The Staffing for Adequate Fire and Emergency Response or "SAFER" program has provided nearly $700 million to fire departments to help hire and retain firefighters since its creation in 2004.

Yet, despite the success of the programs, effectiveness has been curtailed by the uneven distribution of grants among jurisdictions of varying sizes. Statutory restrictions have inadvertently hampered larger fire departments that protect the majority of the population from receiving much-needed federal assistance. As a result, the majority of FIRE Grant funds currently are being spent to protect a relatively small portion of the population. H.R. 3791 corrects this imbalance by targeting more funding to larger fire departments in the more populous jurisdictions.

Mr. Chair, H.R. 3791 is the product of bipartisan cooperation and is broadly supported by the firefighting community because it strikes an equitable balance in the distribution of the grants so that the funding can benefit all types of communities and ensures that fire departments with the greatest need can apply for and receive funding in amounts sufficient to address their real needs. That is why this legislation is broadly supported by the firefighting and fire prevention community, including the following major organizations: the International Association of Fire Chiefs, the National Fire Protection Association, the National Volunteer Fire Council, the International Association of Fire Fighters, the International Association of Arson Investigators, and the Congressional Fire Services Institute.

Mr. Chair, H.R. 3791 is good for our firefighters. It is good for our local governments. It is good for the nation and good for my district. I am proud to be an original co-sponsor of the critical legislation and urge my colleagues to join me in voting for its passage.

Mr. DINGELL. Mr. Chair, I rise today to support H.R. 3791, the Fire Grants Reauthorization Act. This act reauthorizes the Assistance to Firefighters Grant, AFG, program and the Staffing for Adequate Fire and Emergency Response, SAFER, grant program. These two successful programs provide critical support for our Nation's fire departments and Emergency Medical Services, EMS, organizations, thus enabling our firefighters and emergency personnel to adequately respond to fire emergencies in our communities.

H.R. 3791 authorizes $1 billion per year for the AFG program for fiscal years, FY, 2010 through 2014 and $1.2 billion per year for the SAFER program for FY 2010 through FY 2014. The AFG program, created in 2000, provides grants to local fire departments and related EMS organizations to provide them needed equipment, training, vehicles and other resources. The SAFER, created in 2004, program provides grants to local fire departments to increase their staffing and deployment capabilities.

Both programs have proven highly successful. In 2003, the U.S. Department of Agriculture's Leadership Development Academy Execptive Potential Program independent assessment of the AFG program concluded it was "highly effective in improving the readiness and capabilities of firefighters across the nation." Since that time, the program has received high marks from Department of Homeland Security, DHS, Inspector General as well as the Bush Administration's budgetary program evaluation tool. And since 2004, the SAFER program has been ensuring that our local fire departments can provide 24-hour staffing to so that they can respond to our communities during emergencies.

Unfortunately, during times of economic hardship, public safety budgets are often hard hit. Thus, the importance of continued Federal support for these programs cannot be underestimated. That is why this legislation lowers

the matching requirement from 20 percent to 10 percent for the AFG program and allows the DHS to waive cost share requirements for the SAFER program in times of economic hardship.

In addition, H.R. 3791 ensures that funding to our career and volunteer fire departments is equitable by requiring that AFG funds are apportioned in the following way: 25 percent to career fire departments, 25 percent to combination fire departments, and 25 percent to volunteer fire departments, 10 percent for open competition among all types of fire departments, and the remaining 15 percent for certain other important functions, including ire prevention and safety grants.

Mr. Chair, the fire grants program has directly benefited the 15th Congressional District of Michigan, including Frenchtown Township, Ypsilanti, Monroe, Woodhaven, Flat Rock, Romulus, and many other communities I have the honor of representing. Clearly, these programs are a boon to other communities across our country. That is why I strongly urge my colleagues to join me in voting "yes" on H.R. 3791.

Mr. KING of New York. Mr. Chair, I rise to express my support for H.R. 3791, the Fire Grants Reauthorization Act of 2009. The Fire and SAFER grant programs reauthorized by this bill are highly effective and vitally important programs which provide much-needed support to fire departments and emergency responders across the country.

As chairman of the Congressional Fire Services Caucus and ranking member of the Homeland Security Committee, I strongly support reauthorization of these two grant programs. First responders rely on Fire grants for the training, vehicles, and equipment that are necessary to keep our communities safe, while SAFER grants provide the necessary funds to hire and train new firefighters and to help recruit and train volunteer firefighters.

In 2008 alone, the Fire grant program received $3.2 billion in requests for grants, which highlights a serious need in the firefighter and first responder community for more resources. I continue to support strong funding for both the Fire and SAFER programs. I am pleased that H.R. 3791 authorizes $1 billion annually for the Fire program and approximately $1.2 billion annually for the SAFER program over the next 5 years.

The Fiscal Year 2010 Homeland Security Appropriations Act that passed the House in June provided double the amount of funding for the SAFER program over last year. However, I am disappointed that the final funding level approved by Congress for the Fire grant program in Fiscal Year 2010 is $175 million less than last year's funding for that program. Both of these programs merit robust funding.

The bill under consideration today incorporates the unified recommendations of the major fire service organizations that represent volunteer, career, and combination fire departments across the country.

For example, this bill adds an "economic hardship waiver" for the Fire grant program for fire departments that are unable to meet certain matching requirements or budget requirements. In addition, the bill adds an economic hardship waiver to allow fire departments to retain staff with SAFER grant funds whom they would otherwise have to lay off in these difficult economic times. This bill also allots 10 percent of Fire grants to the Fire Prevention and Safety program, which is up from 5 percent in previous years.

I hope that both the Fire and SAFER grant programs will see continued support from this administration and the Democratic leadership.

I urge my colleagues to support passage of this important bill.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 111–340, shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 3791

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fire Grants Reauthorization Act of 2009''.

SEC. 2. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM REAUTHORIZATION.

(a) IN GENERAL.—Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Director may—

''(A) make grants on a competitive basis directly to fire departments of a State, in consultation with the chief executive of the State, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards;

''(B) make grants on a competitive basis directly to State fire training academies, in consultation with the chief executive of the State, in accordance with paragraph (11)(C);

''(C) provide assistance for fire prevention and firefighter safety research and development programs and fire prevention or fire safety programs and activities in accordance with paragraph (4); and

''(D) provide assistance for volunteer, non-fire service EMS and rescue organizations for the purpose of paragraph (3)(F).

''(2) ADMINISTRATIVE ASSISTANCE.—The Director shall establish specific criteria for the selection of recipients of assistance under this section and shall provide grant-writing assistance to applicants.

''(3) USE OF FIRE DEPARTMENT GRANT FUNDS.—The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds for one or more of the following purposes:

''(A) To hire additional firefighting personnel.

''(B) To train firefighting personnel in firefighting, emergency medical services and other emergency response (including response to a terrorism incident or use of a weapon of mass destruction), arson prevention and detection, maritime firefighting, or the handling of hazardous materials or to train firefighting personnel to provide any of the training described in this subparagraph.

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify fire and building inspectors employed by a fire department or serving as a volunteer building inspector with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

''(F) To fund emergency medical services provided by fire departments and volunteer, non-fire service EMS and rescue organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks.

''(H) To acquire additional firefighting equipment, including equipment for communications, monitoring, and response to a terrorism incident or use of a weapon of mass destruction.

''(I) To acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration and other personal protective equipment for firefighting personnel, including protective equipment to respond to a terrorism incident or the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To enforce fire codes and standards.

''(L) To fund fire prevention programs.

''(M) To educate the public about arson prevention and detection.

''(N) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(4) FIRE PREVENTION AND FIREFIGHTER SAFETY RESEARCH AND DEVELOPMENT PROGRAMS.—

''(A) IN GENERAL.—For each fiscal year, the Director shall use not less than 10 percent of the funds made available under subsection (e)—

''(i) to make grants to fire departments for the purpose described in paragraph (3)(L);

''(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are not fire departments but—

''(I) that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and that partner with fire departments, for the purpose of carrying out such programs and activities;

''(II) engage in fire- and life safety-related activities as a primary purpose or function, for the purpose of carrying out fire prevention or fire safety programs and activities; or

''(III) that are recognized for their experience and expertise with respect to firefighter research and development programs, for the purpose of carrying out research on fire prevention or fire safety programs and activities or to improve firefighter health and life safety; and

''(iii) if the Director determines that it is necessary, to make grants or enter into contracts in accordance with subsection (c).

''(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to high risk groups from fire, as well as research programs that demonstrate the potential to improve firefighter safety.

''(C) GRANT LIMITATION.—A grant under this paragraph shall not exceed $1,500,000 for a fiscal year.

''(D) LIMITATION.—None of the funds made available under this paragraph may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

''(5) APPLICATION.—The Director may provide assistance to a fire department or organization (including a State fire training academy) under this subsection only if the fire department or organization seeking the assistance submits to the Director an application that meets the following requirements:

''(A) FORM.—The application shall be in such form as the Director may require.

''(B) INFORMATION.—The application shall include the following information:

''(i) Information that demonstrates the financial need of the applicant for the assistance for which applied.

''(ii) An analysis of the costs and benefits, with respect to public safety, of the use of the assistance.

''(iii) An agreement to provide information to the national fire incident reporting system for the period covered by the assistance.

''(iv) A list of other sources of Federal funding received by the applicant.

''(v) Any other information that the Director may require.

''(C) UNNECESSARY DUPLICATION.—The Director, in coordination with the Secretary of Homeland Security, shall use the list provided under subparagraph (B)(iv) to prevent the unnecessary duplication of grant funds.

''(6) MATCHING REQUIREMENT.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and paragraph (8), the Director may provide assistance under this subsection only if the applicant for such assistance agrees to match 10 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

''(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.

''(C) FIRE PREVENTION AND FIREFIGHTER SAFETY GRANTS EXCEPTION.—There shall be no matching requirement for a grant described in paragraph (4).

''(7) MAINTENANCE OF EXPENDITURES.—Subject to paragraph (8), the Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above 80 percent of the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the assistance will be received.

''(8) ECONOMIC HARDSHIP WAIVER.—

''(A) IN GENERAL.—In exceptional circumstances, the Director may waive or reduce the matching requirement under paragraph (6) and the maintenance of expenditures requirement under paragraph (7) for applicants facing demonstrated economic hardship.

''(B) CRITERIA DEVELOPMENT.—The criteria under which the Director may waive or reduce such requirements shall be developed in consultation with individuals who are—

''(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(C) PUBLIC AVAILABILITY.—The Director shall make the criteria developed under subparagraph (B) publicly available.

''(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—

''(A) IN GENERAL.—Of the amounts made available under subsection (e), the Director shall ensure that grants under paragraph (1)(A) for a fiscal year are allocated, to the extent that there are eligible applicants to carry out the activities under paragraph (3), as follows:

''(i) 25 percent shall be made available to career fire departments.

''(ii) 25 percent shall be made available to volunteer fire departments.

''(iii) 25 percent shall be made available to combination fire departments.

''(B) EVALUATION CRITERIA.—

''(i) IN GENERAL.—In awarding grants under paragraph (1)(A), the Director shall, within each category of applicants under subparagraph (A), consider a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as population served, geographic response area, hazard vulnerability, call volume, financial situation, and need for training or equipment.

''(ii) HIGH POPULATION AND INCIDENT RESPONSE.—In considering such factors under clause (i), applicants serving areas with high population and with a high number of incidents requiring a response shall receive a higher level of consideration.

''(iii) PROHIBITED BASIS FOR DENIAL.—In considering such factors under clause (i), the Director may not deny a grant to an applicant solely based on such applicant failing to demonstrate that the grant will be used to prepare for or respond to a terrorism incident or use of a weapon of mass destruction.

''(C) REMAINDER.—Of the amounts made available under subsection (e) that are not allocated for use and awarded under subparagraph (A) or designated for use under any other provision of this section, the Director shall provide for an open competition for grants among career fire departments, volunteer fire departments, and combination fire departments to carry out the activities under paragraph (3).

''(10) REPORT TO THE DIRECTOR.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

''(11) GRANT LIMITATIONS.—

''(A) RECIPIENT LIMITATIONS.—A grant recipient under paragraph (1)(A)—

''(i) that serves a jurisdiction with 100,000 people or less may not receive grants in excess of $1,000,000 for any fiscal year;

''(ii) that serves a jurisdiction with more than 100,000 people but less than 500,000 people may not receive grants in excess of $2,000,000 for any fiscal year;

''(iii) that serves a jurisdiction with 500,000 people or more but less than 1,000,000 people may not receive grants in excess of $3,000,000 for any fiscal year;

''(iv) that serves a jurisdiction with 1,000,000 people or more but less than 2,500,000 people may not receive grants in excess of $6,000,000 for any fiscal year; and

''(v) that serves a jurisdiction with 2,500,000 people or more may not receive grants in excess of $9,000,000 for any fiscal year.

The Director may award grants in excess of the limitations provided in clauses (i), (ii), (iii), and (iv) if the Director determines that extraordinary need for assistance by a jurisdiction warrants a waiver.

''(B) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—Not more than 25 percent of the funds appropriated to provide grants under this section for a fiscal year may be used to assist grant recipients to purchase vehicles, as authorized by paragraph (3)(G).

''(C) STATE FIRE TRAINING ACADEMIES.—

''(i) IN GENERAL.—In accordance with clause (ii), the Director shall award not more than 3 percent of the amounts made available under subsection (e) for a fiscal year for grants under this subsection for State fire training academies.

''(ii) LIMITATION.—The Director shall—

''(I) award not more than 1 grant under this subparagraph per State in a fiscal year;

''(II) limit the amount of a grant to a State fire training academy to less than or equal to$1,000,000 in each fiscal year; and

''(III) ensure that any grant awarded to a State fire training academy shall be used for the purposes described in paragraphs 3(G), 3(H), or 3(I).

''(D) REQUIREMENTS FOR GRANTS FOR EMERGENCY MEDICAL SERVICES.—The Director shall award not more than 2 percent of the amounts made available under subsection (e) for a fiscal year to volunteer, non-fire service EMS and rescue organizations for the purposes described in paragraph (3)(F).

''(E) APPLICATION OF SELECTION CRITERIA TO GRANT APPLICATIONS FROM VOLUNTEER, NON-FIRE SERVICE EMS AND RESCUE ORGANIZATIONS.—In reviewing applications submitted by volunteer, non-fire service EMS and rescue organizations, the Director shall consider the extent to which other sources of Federal funding are available to provide the assistance requested in such grant applications.

''(F) CONSENSUS STANDARDS.—

''(i) IN GENERAL.—Any grant amounts used to obtain training under this section shall be limited to training that complies with applicable national voluntary consensus standards (if applicable national voluntary consensus standards have been established), unless a waiver has been granted under clause (ii).

''(ii) WAIVER.—

''(I) EXPLANATION FOR NON-STANDARD TRAINING.—If an applicant for a grant seeks to use the assistance provided under the grant to obtain training that does not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such training will serve the needs of the applicant better than training that does meet or exceed such standards.

''(II) PROCEDURES.—In making a determination whether or not to waive the requirement under clause (i) with respect to a specific standard, the Director shall, to the greatest extent practicable—

''(aa) consult with other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

''(bb) take into consideration the explanation provided by the applicant under subclause (I); and

''(cc) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant, particularly if meeting the standard would impose additional costs.

''(III) ADDITIONAL REQUESTS.—Applicants that apply for a grant under the terms of subclause (I) may include a second grant request in the application to be considered by the Director in the event that the Director does not approve the primary grant request on the grounds of the training not meeting applicable voluntary consensus standards.

''(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.

''(13) ANNUAL MEETING.—The Director shall convene an annual meeting of individuals who are members of national fire service organizations and are recognized for expertise in firefighting or emergency medical services provided by fire services, and who are not employees of the Federal Government, for the purpose of recommending criteria for awarding grants under this section for the next fiscal year and any necessary administrative changes to the grant program.

''(14) GUIDELINES.—

''(A) IN GENERAL.—Each year, prior to ''accepting any application for a grant under each program'' under this section, the Director shall publish in the Federal Register—

''(i) guidelines that describe the process for applying for grants and the criteria for awarding grants;

''(ii) an explanation of any differences between the guidelines and the recommendations made pursuant to paragraph (13); and

''(iii) the criteria developed under paragraph (8) which the Director will use to evaluate applicants for waivers from program requirements.

''(B) SPECIFIC REQUIREMENT.—The criteria for awarding grants under paragraph (1)(A) shall include the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

''(15) PEER REVIEW.—The Director, after consultation with national fire service organizations, shall appoint fire service personnel to

conduct peer review of applications received under paragraph (5). In making grants under this section, the Director shall consider the results of such peer review evaluations.

''(16) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities under paragraphs (13) and (15).

''(17) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, rule, regulation, or guidance, for purposes of receiving assistance under this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(b) AUDITS.—A recipient of a grant under this section shall be subject to audits to ensure that the grant proceeds are expended for the intended purposes and that the grant recipient complies with the requirements of paragraphs (6) and (7) of subsection (a) unless the Director has granted a waiver under subsection (a)(8).

''(c) FIRE SAFETY RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director may make a grant under subsection (a)(4)(A)(iii) to an institution of higher education, a national fire service organization, or a national fire safety organization to establish and operate a fire safety research center.

''(2) OBJECTIVES.—A grant received under this subsection shall be used by such an institution or organization to advance significantly the Nation's ability to reduce the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

''(3) LIMITATION.—The Director may establish no more than 3 fire safety research centers. An institution of higher education, a national fire service organization, or a national fire safety organization may not directly receive a grant under this section for a fiscal year for more than 1 fire safety research center.

''(4) APPLICATION.—In order to be eligible to receive a fire safety research center grant, an institution of higher education, a national fire service organization, or a national fire safety organization shall submit to the Director an application that is in such form and contains such information and assurances as the Director may require.

''(5) GENERAL SELECTION CRITERIA.—The Director shall select each recipient of a grant under this subsection through a competitive process on the basis of the following:

''(A) The demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities.

''(B) The capability of the recipient to provide leadership in making national contributions to fire safety.

''(C) The recipient's ability to disseminate the results of fire safety research.

''(D) The strategic plan the recipient proposes to carry out under the grant.

''(6) CONSIDERATION.—The Director shall give special consideration under paragraph (5) to an applicant for a grant that consists of a partnership between a national fire service organization or a national fire safety organization and at least 1 of the following:

''(A) An institution of higher education.

''(B) A minority-serving institution (defined as an eligible institution under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

''(7) RESEARCH NEEDS.—Within 90 days after the date of enactment of the Fire Grants Reauthorization Act of 2009, the Director shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs. The results of the workshop shall be made public, and the Director shall consider such results in making awards under this section.

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a firefighting department that has an all professional force of firefighting personnel.

''(2) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a firefighting department that has a combined force of professional and volunteer firefighting personnel.

''(3) DIRECTOR.—The term 'Director' means the Director, acting through the Administrator.

''(4) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(6) VOLUNTEER, NON-FIRE SERVICE EMS AND RESCUE ORGANIZATION.—The term 'volunteer, non-fire service EMS and rescue organization' means a public or private nonprofit emergency medical services organization that—

''(A) is not affiliated with a hospital;

''(B) does not serve a geographic area in which the Director finds that emergency medical services are adequately provided by a fire department; and

''(C) is staffed primarily by volunteers.

''(7) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a firefighting department that has an all volunteer force of firefighting personnel.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated for the purposes of this section $1,000,000,000 for each of the fiscal years 2010 through 2014.

''(2) ADMINISTRATIVE EXPENSES.—

''(A) IN GENERAL.—Of the funds appropriated pursuant to paragraph (1) for a fiscal year, the Director may use not more than 3 percent of the funds to cover salaries and expenses and other administrative costs incurred by the Director to make grants and provide assistance under this section.

''(B) FORMULA.—The Director shall subtract the amount to be used for subparagraph (A) from the amount appropriated pursuant to paragraph (1) before making any allocations or apportioning any funds under subsections (a) or (c).''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) from fiscal years 2003 through 2008—

(A) the funding appropriated for activities under section 33 of the Federal Fire Prevention and Control Act of 1974 declined by approximately 30 percent; and

(B) the number of fire departments receiving awards declined by nearly 40 percent, while the number of applicants increased, resulting in a reduction in applicant success rates from over 43 percent to just 25 percent;

(2) the House-passed conference report for the Department of Homeland Security Appropriations Act, 2010 appropriates $390 million for activities under such section 33, a decrease of over 30 percent below that provided in fiscal year 2009;

(3) declining funding reduces the Director's ability to successfully carry out the primary purpose of such section, which is to protect the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards; and

(4) halting and reversing the decline in appropriations to ensure a high level of funding for the activities under such section 33 should be a top priority.

SEC. 3. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM REAUTHORIZATION.

Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is amended to read as follows:

''SEC. 34. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM.

''(a) EXPANDED AUTHORITY TO MAKE GRANTS.—

''(1) HIRING GRANTS.—

''(A) IN GENERAL.—The Director shall make grants directly to career, volunteer, and combination fire departments, in consultation with the chief executive of the State in which the applicant is located, for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards and to fulfill traditional missions of fire departments that antedate the creation of the Department of Homeland Security.

''(B) REQUIREMENTS.—

''(i) DURATION AND USE.—Grants made under this paragraph shall be for 3 years and shall be used for programs to hire new, additional firefighters.

''(ii) RETENTION.—Grant recipients are required to commit to retaining for at least the entire 3 years of the grant period those firefighters hired under this paragraph.

''(iii) MAXIMUM.—The portion of the cost of hiring firefighters provided by a grant under this paragraph may not exceed 80 percent of such cost for each fiscal year.

''(C) PREFERENCE.—In awarding grants under this subsection, the Director may give preferential consideration to applications that involve a non-Federal contribution exceeding the minimums under subparagraph (B)(iii).

''(D) TECHNICAL ASSISTANCE.—The Director may provide technical assistance to States, units of local government, Indian tribal governments, and other public entities in furtherance of the purposes of this section.

''(E) VOLUNTEER ACTIVITIES ALLOWED.—Notwithstanding any other provision of law, any firefighter hired with funds provided under this subsection shall not be discriminated against for, or be prohibited from, engaging in volunteer activities in another jurisdiction during off-duty hours.

''(F) COMPETITIVE BASIS.—The Director shall award all grants under this section on a competitive basis through a neutral peer review process.

''(G) SET ASIDE.—

''(i) IN GENERAL.—At the beginning of the fiscal year, the Director shall set aside 10 percent of the funds made available for carrying out this paragraph for departments with majority volunteer or all volunteer personnel.

''(ii) TRANSFER.—After awards have been made, if less than 10 percent of the funds made available for carrying out this paragraph are not awarded to departments with majority volunteer or all volunteer personnel, the Director shall transfer from funds made available for carrying out this paragraph to funds made available for carrying out paragraph (2) an amount equal to the difference between the amount that is provided to such fire departments and 10 percent.

''(2) RECRUITMENT AND RETENTION GRANTS.—

''(A) IN GENERAL.—In addition to any amounts transferred under paragraph (1)(G)(ii), the Director shall direct at least 10 percent of the total amount of funds made available under this section annually to a competitive grant program for the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response.

''(B) ELIGIBILITY.—Eligible entities shall include volunteer or combination fire departments and organizations on a local, statewide, or national basis that represent the interests of volunteer firefighters.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—No grant may be made under this section unless an application has been submitted to, and approved by, the Director.

''(2) CONTENTS.—An application for a grant under this section shall be submitted in such form and contain such information and assurances as the Director may prescribe.

''(3) REQUIREMENTS.—At a minimum, each application for a grant under this section shall—

''(A) explain the applicant's inability to address the need without Federal assistance;

''(B) in the case of a grant under subsection (a)(1), explain how the applicant plans to meet the requirements of subparagraphs (B)(ii) and (E) of such subsection;

''(C) specify long-term plans for retaining firefighters following the conclusion of Federal support provided under this section; and

''(D) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within firefighting.

''(c) LIMITATION ON USE OF FUNDS.—

''(1) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section to fire departments for salaries and benefits to hire new, additional firefighters shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

''(2) REPLACEMENT FUNDING PROHIBITED.—No grant shall be awarded pursuant to this section to a municipality or other recipient whose annual budget at the time of the application for fire-related programs and emergency response has been reduced below 80 percent of the average funding level in the 3 years prior to the date of application.

''(3) INDIAN COST-SHARE.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing firefighting functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.

''(d) WAIVER.—In exceptional circumstances, the Director may waive the requirements of subsections (a)(1)(B)(ii), (a)(1)(B)(iii), (c)(1), and (c)(2) if the Director determines that the jurisdiction is facing demonstrated economic hardship in accordance with section 33(a)(8).

''(e) PERFORMANCE EVALUATION.—The Director may require a grant recipient to submit any information the Director considers reasonably necessary to evaluate the program.

''(f) SUNSET; REPORTS.—

''(1) SUNSET.—The authority under this section to make grants shall lapse at the end of the 10-year period that begins on the date of enactment of the Fire Grants Reauthorization Act of 2009.

''(2) REPORT.—Not later than 6 years after such date of enactment, the Director shall submit to Congress a report concerning the experience with, and effectiveness of, such grants in meeting the objectives of this section. The report may include any recommendations the Director may have for amendments to this section and related provisions of law.

''(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Director determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under this section, the Director may revoke or suspend funding of that grant, in whole or in part.

''(h) ACCESS TO DOCUMENTS.—

''(1) IN GENERAL.—The Director shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this section.

''(2) APPLICATION.—Paragraph (1) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

''(i) DEFINITIONS.—In this section, the term—

''(1) 'Director' means the Director, acting through the Administrator;

''(2) 'firefighter' has the meaning given the term 'employee in fire protection activities' under section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)); and

''(3) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of carrying out this section $1,194,000,000 for each of the fiscal years 2010 through 2014.''.

SEC. 4. STUDY AND REPORT.

(a) STUDY AND REPORT ON ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.—

(1) STUDY.—The Administrator of the United States Fire Administration, in conjunction with the National Fire Protection Association, shall conduct a study to—

(A) define the current roles and activities associated with the fire services on a national, State, regional, and local level;

(B) identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) conduct an assessment to identify gaps between what fire departments currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) measure the impact of the grant program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in—

(i) meeting the needs of the fire services identified in the report submitted to Congress under section 3603(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005; and

(ii) filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to ''Congress'' a report on the findings of the study described in paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the United States Fire Administration a total of $300,000 for fiscal years 2010 and 2011 to carry out subsection (a).

The CHAIR. No amendment to that amendment in the nature of a substitute shall be 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 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.

AMENDMENT NO. 1 OFFERED BY MS. TITUS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–340.

Ms. TITUS. 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:

Amendment No. 1 offered by Ms. TITUS:

Page 6, after line 19, insert the following:

''(O) To acquire equipment designed to reduce the amount of water used in firefighting or training firefighting personnel.

The CHAIR. Pursuant to House Resolution 909, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

□ 1345

Ms. TITUS. I yield myself such time as I may consume.

Mr. Chairman, I rise today with an amendment to H.R. 3791, the Fire Grants Reauthorization Act of 2009. I'd like to first thank Chairmen GORDON and THOMPSON for their work on this important legislation and Chairwoman SLAUGHTER for making my amendment in order. I appreciate their willingness to work with me on this important issue.

The Fire Grants Reauthorization Act of 2009 will provide much needed funding for fire departments across the United States. Since 2001, the Fire Grants Program has provided more than $5 billion to local fire departments to help them fund the purchase of equipment, train firefighters, and hire additional personnel.

In all of our districts, local governments are struggling with their budgets. So these grants are especially important now to help ensure that fire departments all across the country are able to access the resources they need and provide the critical services that we all depend on.

My amendment to this important legislation is simple. It allows fire departments to apply for grant funding to purchase equipment that is designed to reduce water usage in fighting fires or in training to fight fires. This important expansion will provide fire departments the opportunity to purchase pieces of equipment that are not only effective in fighting fires, but are also efficient in water usage. By allowing and encouraging these purchases, we are helping fire departments not only fight fires in a safer way, but also in a way that uses less water. Preserving this valuable resource without diminishing firefighting safety and capability makes purchases by our local governments doubly beneficial.

In my congressional district in southern Nevada, like in many desert communities, water is a valued, precious commodity. As such, it is also our most significant limited resource. Accordingly, State and local management officials and citizens, especially in the West, are constantly working to meet the water demands of a growing population of residents and tourists. This provision will help them in that effort to improve the efficiency of water usage techniques and technology.

In preparing this amendment, I reached out to our local fire chief, Chief Steve Smith of the Clark County Fire Department. He informed me that with the right equipment, the amount of water used to fight a typical fire can be reduced by almost 80 percent. Not only does this technology reduce the amount of water required to extinguish a fire, it also limits structural damage, the threat of the fire rekindling, and runoff of dangerous chemicals into our local sewer systems.

For all of these reasons, I urge the passage of this amendment. It will save water, enhance firefighting abilities, protect property, and limit potential damage in the aftermath of fires.

I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. SMITH of Nebraska. This amendment, as the sponsor indicated, would allow grant funds under the AFG program to require equipment designed to reduce the amount of water used in firefighting or training. This amendment certainly makes sense, particularly in arid regions, which may be prone to fires and where water sources are often scarce.

I support this amendment.

I reserve the balance of my time.

Ms. TITUS. Mr. Chairman, at this time I would like to yield to the chairman of the committee, the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. I just want to thank the gentlelady for this amendment. I think it demonstrates why having greater consultation makes a better bill. You bring unique expertise. We've got a lot more water in Tennessee than you have in Nevada. So thank you for this good amendment.

Mr. SMITH of Nebraska. I yield back the balance of my time.

Ms. TITUS. I'd just like to again thank the chairman and the ranking member for their support of this and urge its passage to help save water while fighting fires.

The CHAIR. The question is on the amendment offered by the gentlewoman from Nevada (Ms. TITUS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111–340.

Mr. PERLMUTTER. Mr. Chair, I have an amendment at the desk that was made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PERLMUTTER:

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

SEC. 5. NATIONAL VOLUNTARY CONSENSUS STANDARDS.

(a) SURVEY BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Task Force established under subsection (b), shall begin to conduct a survey of each career fire department, volunteer fire department, and combination fire department located in the United States in order to ascertain whether each fire department is in compliance with the national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness.

(2) CONTENTS.—In carrying out the survey, the Secretary shall ascertain, for each fire department in the United States, the rates of compliance with each such standard of—

(A) career fire departments, volunteer fire departments, and combination fire departments;

(B) fire departments located in communities of varying sizes; and

(C) fire departments in each of the States.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a summary of the findings of the survey required under paragraph (1), including the rates of compliance under the categories specified under subparagraphs (A), (B), and (C) of paragraph (2).

(b) ESTABLISHMENT OF TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this section referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall appoint members of the Task Force from among the general public and shall include—

(i) representatives of national organizations representing firefighters and fire chiefs;

(ii) individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community; and

(iii) other individuals as the Secretary determines to be appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other departments and agencies of the United States that have an interest in the fire service to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary to conduct the survey required under subsection (a); and

(B) develop a plan to enhance firefighter safety by increasing fire department compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness, including by—

(i) reviewing and evaluating the report required under subsection (a) to determine the extent of and barriers to achieving compliance with national voluntary consensus standards among fire departments; and

(ii) considering ways in which the Federal Government, States, and localities can promote or encourage fire departments to comply with national voluntary consensus standards.

(4) REPORT TO CONGRESS.—Not later than 6 months after the date on which the Secretary submits the report required under subsection (a)(3), the Task Force shall submit to Congress and the Secretary a report containing the findings and recommendations of the Task Force together with the plan described in paragraph (3)(B).

(c) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this section that are defined in sections 4, 33, or 34 of the Federal Fire Prevention and Control Act of 1974 shall have the meaning given such terms in such Act.

(2) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—For the purposes of this section, the term ''national voluntary consensus standards'' means the latest edition of the national voluntary consensus standards for firefighter and fire department staffing, training, safe operations, personal protective equipment, and fitness available on the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2013.

The CHAIR. Pursuant to House Resolution 909, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. I want to start by thanking my friend, BART GORDON; DAVID WU; Ranking Member RALPH HALL; HARRY MITCHELL; and my friend, ADRIAN SMITH, for their leadership on this bill. They have put together a strong bill which every Member should feel proud of supporting when they speak to their local firefighters.

Members should be proud this legislation gives those local firefighters the resources they need to best keep their communities safe and secure. Members should be proud that the training, protective equipment, and personnel this bill provides could potentially save the lives of those very firefighters. My amendment will, I believe, make this bill even better.

Every year, roughly 100 firefighters die in the line duty. This is a tragedy, and each one of those brave men and women is a hero for their sacrifice. But we think some of these deaths were preventable, so we must act. Studies have shown that all too often a contributing factor in their deaths was failure to comply with national voluntary consensus standards. These national voluntary standards are developed over years of collaboration and debate within the National Fire Protection Association, which I will call the NFPA.

As the independent experts on fire policy, the NFPA has developed these standards for over a hundred years to keep communities and the firefighters who protect them safe, yet the Federal Government does not have a thorough understanding of how fire departments follow various NFPA standards. We in the Congress dedicate a great deal of

time and resources to help our fire departments, but we cannot gauge our overall effectiveness without knowing where we are successful and where we fall short.

My amendment authorizes the U.S. Fire Administration to conduct a first-of-its-kind survey of our Nation's fire departments to measure how well they are adhering to these safety standards. Once the study is complete, a task force of industry stakeholders will make recommendations to Congress on the methods to increase compliance. Especially in the post 9/11 world, where firefighters play a vital role in our homeland security, a stronger emergency response capability means a weakened threat of terrorist attack.

I should add that this amendment is nearly identical to my bill, the Firefighter Fatality Reduction Act. That bill has broad, bipartisan support of 31 Members from rural, urban, and suburban districts. It is supported by the International Association of Firefighters, the International Association of Fire Chiefs, and the National Fire Protection Association.

This amendment is simple. These safety standards can save firefighters' lives. Let us study how well our fire services are using these standards and bring in an industry task force to think creatively about ways to boost compliance. It's good for our firefighters, it's good for our local communities, and it's good for homeland security.

With that, I reserve the balance of my time.

Mr. SMITH of Nebraska. I rise to claim time in opposition to the amendment, although I do not oppose it.

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Nebraska. I would like to ask the gentleman from Colorado to enter into a colloquy regarding his amendment—a clarification.

Mr. PERLMUTTER. Yes.

Mr. SMITH of Nebraska. Thank you. I appreciate that. I thank the gentleman for offering the amendment to assess fire department readiness through a survey of compliance with national voluntary consensus standards for staffing, training, equipment, and other factors important to a department's ability to respond to hazards. I do support the amendment but would like to seek clarification for the RECORD regarding the gentleman's intent on two aspects of this amendment.

First, I recognize the value of improved data regarding fire department compliance with response standards, and I agree that we should aspire to help the fire service achieve higher compliance rates. However, I think it is important to note that a lack of compliance with these standards does not necessarily indicate a problem on the part of the department or local municipality.

There are over 25,000 fire departments in the United States, all working under unique circumstances with respect to local hazards, populations, mutual aid agreements, operating budgets, and so on. In many cases, it simply does not make sense for departments to be in full compliance with what the Federal Government would consider full compliance with these standards based on their individual circumstances, particularly in rural areas where resources are very limited.

For these reasons, I would hope that the task force established by this amendment considers these practical barriers to standards compliance in making recommendations to Congress regarding how best to improve standards compliance. I would just ask the gentleman if he would agree with this interpretation.

Mr. PERLMUTTER. I thank my friend from Nebraska. And yes, I entirely agree with him. According to the most recent U.S. Fire Administration fire department census, my own State of Colorado has 323 fire departments. Of those, 35 are career departments, 165 are volunteer departments, and 123 are combination. Each has it own needs, faces its own threats, and relies on different funding streams.

The recent downturn in the economy has hurt fire departments all across the country. So, of course, the task force established in this amendment should reflect the differences among the three types of departments and the challenges that they face.

As written, my amendment would include on the task force ''representatives of national organizations representing firefighters and fire chiefs.'' It is a reasonable implication that volunteer firefighters are included on the task force, and I will work with the gentleman to ensure that this is the case. Although needs of each fire department are unique, I do feel there are several areas of general agreement among them, which is precisely why I propose to establish this task force. As I said, I agree with the gentleman and his concerns.

Mr. SMITH of Nebraska. I thank the gentleman from Colorado. Second, while the cost of the study called for in the gentleman's amendment is not precisely known at this time, it may be a significant undertaking. Accordingly, I hope that it is the gentleman's intent that the funding for this study, which is authorized by the Secretary of Homeland Security, not come out of the core budget for either of these grant programs or the budget of the U.S. Fire Administration.

Does the gentleman agree with this interpretation?

Mr. PERLMUTTER. Again, I agree with my friend. First, I'd like to note this survey is an undertaking which I intend to do similarly to the U.S. Fire Administration's periodic census, which determines the number of fire departments in the Nation, as well as the number of firefighters. The census is done by mail, and I would expect this survey to be done similarly or even electronically to save on costs.

To the specific point about funding, I believe FIRE and SAFER funds are best used going to fire departments. I also believe the U.S. Fire Administration is cash-strapped. This year's Homeland Security Appropriations Act funded it at $45.6 billion. If I were an appropriator, I would have doubled that figure.

To avoid funding this provision through the grants themselves or the USFA, I have an additional authorization of appropriation from outside those funds. I wish to continue to work with the gentleman to perfect and clarify this intent.

I thank the gentleman from Nebraska and give him notice now to be aware of my Colorado Buffaloes next week. We aren't going to a bowl game this year, but our bowl game is against the University of Nebraska—and we will win.

Mr. SMITH of Nebraska. I thank the gentleman from Colorado for his graciousness, with I guess just one exception. But I appreciate the confidence he shows in his college football team.

I yield back the balance of my time.

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

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

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

Mr. SMITH of Nebraska. 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 Colorado will be postponed.

□ 1400

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIR (Mr. SERRANO). It is now in order to consider amendment No. 3 printed in part B of House Report 111–340.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 3.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FLAKE:

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

SEC. 5. PROHIBITION ON EARMARKS.

None of the funds appropriated to carry out the amendments made by this Act may be used for a congressional earmark as defined in clause 9, of Rule XXI of the rules of the House of Representatives of the 111th Congress.

The Acting CHAIR. Pursuant to House Resolution 909, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This amendment would simply prohibit the Assistance to Firefighters Grant program and the SAFER grant

program from ever being used as vehicles for earmarking. As my colleagues are likely aware, I have offered a similar amendment several times this year. It's been adopted this year six times by voice vote and again by a roll call vote at least once.

As before, H.R. 3791 stipulates that the grant programs it authorizes are to be run on a competitive basis or on some basis based on need. While we have language prohibiting earmarking in there somewhat, this may seem redundant, but we all know that just because grant programs are labeled competitive doesn't mean that they won't be vehicles for earmarking.

In fact, we've had in some other programs, like FEMA's Pre-Disaster Mitigation program, that's a competitive grant program designed to save lives and reduce property damage by providing funds for hazard mitigation planning, acquisitions, and relocation of structures out of the flood plain; unfortunately, that program, although it's supposed to be competitive, has been completely earmarked, like 100 percent of the funds have been earmarked. We want to prevent that from happening here.

If we're going to establish a grant program and call it a competitive program, we need to ensure that it is, indeed, competitive. That's what this amendment seeks to do.

With that, I reserve the balance of my time.

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

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

There was no objection.

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

I have no objections to this amendment. I want to point out that the underlying programs or competitive grant programs are peer reviewed by members of the fire service.

I yield back the balance of my time.

Mr. FLAKE. I yield 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Chairman, I rise in support of this amendment. The Assistance to Firefighters Grants (AFG) and SAFER grant program have not been subject to earmarking and, instead, have been awarded to the applicants which are determined to have the greatest need. This process of awarding grants based on merit has proven effective for this program. Allowing these funds to be allocated through earmarking would pit those districts in need against those with the most powerful Members of Congress. I believe this would be a disservice to the American taxpayer. Mr. FLAKE's amendment will ensure that the funding, which we are authorizing here today for the grant programs for firefighters, continues to be allocated through a competitive process based on need.

I urge my colleagues to support this amendment.

Mr. FLAKE. I thank the chairman of the subcommittee and also the ranking minority member for supporting the amendment.

I yield back the balance of my time.

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

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

Mr. GORDON of Tennessee. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. HOLDEN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–340.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOLDEN:

Page 24, strike line 18 and all that follows through page 25, line 3 and insert the following:

''(6) VOLUNTEER, NON-FIRE SERVICE EMS AND RESCUE ORGANIZATION.—

''(A) IN GENERAL.—The term 'volunteer, non-fire service EMS and rescue organization' means a public or private nonprofit emergency medical services organization that—

''(i) is not affiliated with a hospital;

''(ii) does not serve a geographic area in which the Director finds that emergency medical services are adequately provided by a fire department; and

''(iii) is staffed primarily by volunteers.

''(B) INCLUSION.—Such term includes a river rescue organization if such organization otherwise meets the definition in subparagraph (A).

Page 25, after line 7, insert the following:

''(8) RIVER RESCUE ORGANIZATION.—The term 'river rescue organization' means an organization that provides emergency search and rescue services to a person affected by a flood, a water-related accident, or another disaster for which services, including water rescue and patrol, dive rescue and recovery, emergency first response, flood recovery, or fire and rescue services on the water, are required.

The Acting CHAIR. Pursuant to House Resolution 909, the gentleman from Pennsylvania (Mr. HOLDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. HOLDEN. Thank you.

First of all, Mr. Chairman, I would like to congratulate and thank Chairman GORDON and the gentleman from Nebraska for their hard work on this important piece of legislation. It has been tremendously successful all across the country and in the Commonwealth of Pennsylvania and in my congressional district.

Mr. Chairman, the purpose of my amendment is to allow river rescue associations to participate in the grant program under the Volunteer, Non-Fire Service EMS and Rescue Organizations section of the reauthorization.

Mr. Chairman, this situation was brought to my attention by Mr. Steve Ketterer of the Harrisburg River Rescue Association, which is the capital city of the Commonwealth of Pennsylvania and the largest city in my congressional district. It sits on the Susquehanna River, and the Harrisburg River Rescue Association does a tremendous job all year long, not just in flooding situations, performing rescue operations on the Susquehanna River. They have applied repeatedly to this program for a grant and have been determined to be ineligible. My amendment simply would make river rescue associations eligible under the Volunteer, Non-Fire Service EMS and Rescue Organizations section of the bill.

At the direction of the chairman and his staff, we have reached out and have had consultation with the International Association of Fire Fighters and the National Volunteer Fire Council. Both groups are satisfied with the amendment making river rescue eligible under the rescue organization section of the bill and felt it did not harm either the intention or the compromise of the bill. This would not take any funding from firefighters. This makes them eligible for funding under the EMS funding.

So I would encourage adoption of the amendment and reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to the amendment.

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

There was no objection.

Mr. SMITH of Nebraska. Mr. Chairman, this amendment would simply clarify that river rescue organizations will be eligible to apply for a grant under the program authorized by the bill. I have no objections to this amendment.

I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–340.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CARDOZA:

Page 12, line 24, insert ''including unemployment rate of the area being served'' after ''financial situation''.

The Acting CHAIR. Pursuant to House Resolution 909, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, my district in California has been especially hard hit by the current economic crisis. Even if nationwide indicators begin to reveal a healthier national economy in the coming months, it is clear that my district and others in California's Central Valley region will suffer from severe economic underdevelopment for years to come. The 18th Congressional District's struggling economy is the reason I continue to try to use every available opportunity to push for amendments and legislation that will spur job creation and economic development and provide relief to the hardest-hit communities in the country. The Bureau of Labor Statistics ranks the metro area of Merced, Modesto, and Stockton with some of the highest unemployment rates in the Nation. All three are above 15 percent, and all three well above the national unemployment rate of 10.2 percent.

My amendment simply provides a little more direction during the grant writing process by including unemployment rates in the criteria used to evaluate these various grant applications. This will provide a little extra help to communities like Los Banos and Merced to maintain and improve their fire protection services. These and many other cities in my district and across the country have critical needs that they cannot meet under the current financial stress that they are having. Instead of hiring additional personnel and boosting employment, they are forced to lay off valuable employees and risk the safety of their communities.

I ask my colleagues on both sides of the aisle to support this commonsense amendment.

I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I rise to claim time in opposition to the amendment. Although I am not necessarily opposed to this, I do have some concerns.

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

There was no objection.

Mr. SMITH of Nebraska. Thank you, Mr. Chairman.

This amendment would require that local unemployment rates be considered as a factor in awarding grants to fire departments. While I understand the current state of the economy should make this a concern in bills we consider, the Fire grant program has, since its inception 8 years ago, awarded grants competitively based upon the potential of the applicant's proposal to enhance a fire department's ability to respond to fires and related hazards. I am somewhat concerned that this change may result in an upset in the delicate balance of consideration that has been achieved over the years.

The factors used by FEMA in evaluating these proposals have been carefully developed and refined in consultation with national fire service organizations. They include, for example, a department's geographic response area, its population served, unique hazard vulnerabilities, and its budgetary situation. All of these factors directly impact the department's ability to respond to hazards and, thus, are appropriate criteria.

I believe the gentleman's amendment is well intentioned, but I am concerned that the unemployment rate of the locality a department protects is simply not directly related to fire hazards or the department's ability to respond to them. While a fire department's operating budget could potentially be indirectly impacted by a poor local economy that impacts tax revenues, this factor is already explicitly noted in the legislation based on need.

Further, I would caution generally against the practice of Congress dictating the specific criteria to be used by FEMA in making awards. This bill codifies consideration of high-level factors that were developed by the fire service and are currently used by FEMA, but it does not attempt to incorporate new ones based on particular interests. If we begin to open up this program to congressional direction of this sort, we risk adding a level of prescription that could transform the current highly competitive process to one driven by interests unrelated to the needs of the fire service.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Chairman, I will respond to my friend and colleague that we have taken and watered this language down so that it applies to all areas. Severe unemployment is only one of many criteria that can be considered and only when the situation is a desperate situation.

We talked about our area in central California being the Katrina of California where we have such devastating consequences that we may not be able to meet some of our fire needs in our communities as they just collapsed financially. So if we find situations where we're not meeting the fire protection needs of those communities, we think that it's very important. This has just become one of many criteria in evaluating these grants. Not the sole criteria, not the most important criteria, but certainly to allow those individuals who are making the decisions to just take this into consideration. That's the purpose of my amendment.

The communities of Merced and Los Banos, in particular, have contacted my office, indicating that this is something they feel is a necessary imperative. But I can imagine cities across the country—Miami, Detroit, other places—where they may find themselves in similar kinds of economic situations. It might be your State by the time this bill becomes law.

So I would just say that I think it's something that is important for everyone to have as a capability to be taken into consideration. It's not something that will override the other considerations that the gentleman has outlined.

I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I certainly want to be sensitive to the economic conditions that hit some parts of the country harder than others, and I want to be mindful of the wise use of resources at the Federal level. I don't want to get into other policies that might impact our economy in any a very negative way. I don't have enough time to do that right now. But I certainly hope that we can arrive at good policy decisions today and down the road so that we don't stand in the way of the wise use of government and taxpayer resources.

I yield back the balance of my time.

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

The amendment was agreed to.

Mr. GORDON of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. SERRANO, 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. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes, had come to no resolution thereon.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

WELCOMING INDIAN PRIME MINISTER MANMOHAN SINGH

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 890) welcoming the Prime Minister of the Republic of India, His Excellency Dr. Manmohan Singh, to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 890

Whereas the Republic of India achieved its independence from the British Empire on

August 15, 1947, and has since maintained a democratic system of government;

Whereas from April 16 to May 13, India conducted the world's largest democratic election, which returned Prime Minister Singh to power;

Whereas India's relationship with the United States has deepened in past years and encompasses cooperation on matters relating to international security, world trade, technology, science, and health;

Whereas the relationship between the United States and India has great potential to promote stability, democracy, prosperity, and peace throughout the world and enhance the ability of both countries to work together to provide global leadership in areas of mutual concern and interest;

Whereas the Prime Minister of India, His Excellency Dr. Manmohan Singh, has helped shape India's economic policies to permit the expansion of a market economy, which has led to greater economic prosperity for India and the growth of a middle class;

Whereas Americans of Indian origin have made diverse and numerous contributions to the United States; and

Whereas Prime Minister Singh has accepted an invitation by the United States to make an official visit to Washington, DC, and is the honoree of President Barack Obama's first State Dinner: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the maturating of the relationship between the United States and the Republic of India, exemplified by the current official visit of the Prime Minister of India, His Excellency Dr. Manmohan Singh;

(2) looks forward to continuing progress in the relationship between the United States and India; and

(3) welcomes Prime Minister Singh to the United States.

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution and of the U.S.-India relationship. Next week, the Prime Minister of India, Manmohan Singh, will come to Washington for a State visit, and I am pleased that with this resolution, the House will offer him its own welcome.

Prime Minister Singh has worked hard to improve our already strong ties and has courageously already taken political risks for our bilateral relationship that few others would venture. But when the Prime Minister put his government and his career on the line, it wasn't for us, though his victory has certainly proved to be to our advantage. No, Prime Minister Singh took his chances for India, for its future and for the fulfillment of that country's enormous potential.

And our partnership is built on this foundation: that India's rise as a great power in Asia and as a global player advances critical American interests ranging from the promotion of democracy and democratic values, to improving stability and security throughout all parts of Asia.

We do not fear a growing India for one simple reason: India's values are our values. India is a real democracy with real institutions that are subordinate to the rule of law. India, though ready to defend itself, doesn't start wars or harbor terrorists. India, though as fastidious as any state about protecting its sovereignty, can be relied upon to keep its word once committed to a treaty or an international agreement. India struggles to preserve its tradition of religious, cultural, and ethnic pluralism. India safeguards sensitive technologies. India fights terrorism.

We do not see ourselves when we look at India, though this Nation has benefited immensely from Indians who have become Americans. India is vastly larger in population, vastly older in history, and vastly more complex culturally with some 2,000 ethnicities and 29 major languages.

We do see similarities. We do see a nation committed to lifting itself by its own means. We do see a nation open to the world, and we do see a nation committed to the same vision of peace and security that has guided our own Nation.

There are, as to be expected, differences between us. Some of them—and I would note particularly the issue of Iran—are very serious. But as nations committed to a relationship of equals, a relationship of mutual benefit and mutual respect, I believe we can work through our differences and achieve enormous progress in many areas of our mutual concern.

I am delighted that Prime Minister Singh, a man who is one in a billion, is returning to the United States, and I am proud of the House today in offering him such a well-deserved and warm welcome.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 890, a measure welcoming the Prime Minister of India, His Excellency Dr. Manmohan Singh, to the United States. I am pleased to be a cosponsor of this timely resolution which recognizes the forthcoming visit by India's distinguished and universally accepted and respected Prime Minister to the United States.

This will be the first official visit by a foreign head of government during this administration. And, Mr. Speaker, that makes it wholly appropriate that Prime Minister Singh and India be accorded this wonderful honor.

Without doubt, the high status accorded to his visit reflects India's growing global role and its increasingly comprehensive relationship with our country, the United States. Implicitly, however, the pomp and the circumstance associated with his visit also reflect the extraordinary contribution of Indian Americans to solidify our people-to-people relationship and all of the dynamism that they have brought to our diverse and vibrant society.

In any regard, the Congress fully shares with the executive branch a deep commitment to strengthening our partnership with India and to expand our cooperation on a wide range of bilateral and global issues. These opportunities for mutual cooperation range from global security to economic growth, trade promotion, human development, and the expansion of our two-knowledge societies, and also nuclear nonproliferation, and protection of the environment.

Mr. Speaker, it is altogether fitting that we should honor the Indian-American relations as strong as they are and ever closer every day and the visit of Prime Minister Singh by adopting this thoughtful resolution.

I urge its support, and I reserve the balance of our time.

Mr. ACKERMAN. Mr. Speaker, I am delighted to yield 2½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I want to raise my voice in strong support for H. Res. 890, a resolution introduced to welcome Prime Minister Manmohan Singh, to the United States. As co-Chair of the caucus on Indian and Indian Americans, I extend our hand in friendship to our close friend and strategic ally in South Central Asia. I've known Prime Minister Manmohan Singh since he was the finance minister in 1990 who really brought about the Indian miracle.

The President has chosen to recognize the close ties between our nations by honoring India with its first official State dinner at the White House next week, and I look forward to participating.

In the 21st century, the world's oldest and largest democracies have much to share and learn from each other. Over the years, I visited India 22 times, but perhaps the most memorable visit came this year as a part of the congressional delegation with John Lewis.

We were there to commemorate the 50th anniversary of the historic visit to India by Dr. Martin Luther King, Jr., and his wife. At the end of the visit, Dr. King said, ''The choice today is no longer between violence and nonviolence; it is either nonviolence or nonexistence.'' That truth is self-evident today.

Both India and the United States must deepen our ties—even if we respect different cultures—if we are to make this a safer and better world. And we are up to the challenge. The

Prime Minister has made significant economic progress for the people of India and that has resulted in new business opportunities for American companies and U.S. jobs. In Seattle, the heart of my congressional district, Boeing builds airplanes for a major customer, Air India. That is just one of the examples of the business ties that bind us together.

We also cooperate in science, technology, trade, and education. All of this draws us together in countless ways.

Recently, I joined Her Excellency, Meera Shankar, the Ambassador of India, for the unveiling of a statue of Gandhi at the King County Public Library. And last weekend in Seattle, we celebrated the festival of Diwali.

In the 21st century, the Internet has removed the borders that separated nations, but it will take people to unite us into one world. That is what makes a State visit like this so important. Leaders working in good faith on behalf of the people can bridge any divide no matter how wide and deep. As Nelson Mandela in South Africa once said, ''It always seems impossible until it's done.''

This resolution is a down payment on the future, and I urge my colleagues to support it.

Ms. ROS-LEHTINEN. I would like to reserve, Mr. Speaker.

Mr. ACKERMAN. Mr. Speaker, it's now my pleasure to yield to the distinguished gentleman from Maryland (Mr. HOYER), the majority leader of the House, 1 elastic minute.

Mr. HOYER. I thank my friend, Mr. ACKERMAN, for yielding, and I thank the ranking member, Ms. ROS-LEHTINEN, for bringing this resolution to the floor.

Next week, as has been said, President Obama will be hosting the first State dinner of his administration, and the guest of honor, appropriately, will be the Prime Minister of the Republic of India, Dr. Manmohan Singh.

Prime Minister Singh visits America at a time when the relationship between our two nations is as strong as it has ever been. In India we see a vital partner on issues of national security to world trade. We see a nation that confronts many of the threats that challenge America, from terrorism to global warming. We see an emerging economic power with a growing middle class. And though our nations are separated by distance, language, and culture, we recognize in one another the democratic values we share; and of course we have a language in common as well, as well as common values, despite its great size and diversity.

And for those who may not know, India will soon be not only the largest democracy, but the most populous nation in the world.

India has remained a democracy since its independence more than 60 years ago. And this year, Prime Minister Singh was returned to power in the world's largest democratic election. In fact, India made him the first Prime Minister since Nehru to return to office after completing a full term, a truly remarkable accomplishment.

All of us should be proud, and I know we are, to host the leader of one of America's most vital allies. On behalf of the House of Representatives, Speaker PELOSI, and all of us on both sides of the aisle, and Mr. BOEHNER, I am pleased to have this opportunity to welcome Prime Minister Singh to the United States and rise in strong support of this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank the sponsor of this measure, Mr. MCDERMOTT, and the gentleman from California (Mr. ROYCE) for providing us with an opportunity to recognize this ever-growing tie in the relationship between our democratic nations and to welcome, in an official way, Prime Minister Singh.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H. Res. 890, which welcomes the Prime Minister of the Republic of India, His Excellency Dr. Manmohan Singh, to the United States, and commends the maturation of the U.S.-India relationship.

That relationship has made remarkable strides in the past 2 decades. And one of the critical elements helping launch our improved ties was the series of economic reforms India initiated in 1991, reforms developed and implemented under the leadership of then Finance Minister, Dr. Singh.

With his rise to Prime Minister in 2004, Dr. Singh provided the leadership required for his country to strike the landmark U.S.-India Civil Nuclear Cooperation Initiative with us, a deal that facilitates nuclear cooperation and offers the bilateral relationship a major strategic opportunity.

After his party's victory in this year's general elections, Dr. Singh became the first full-term Indian Prime Minister to be returned to power since 1962. The particularly strong electoral mandate he received in the recent election is testament to his accomplishment. It also offers our two countries a chance to move our partnership to an even higher level, better positioning us to advance solutions to the key regional and global challenges we confront, from pandemic disease, to the proliferation of weapons of mass destruction, climate change, and poverty.

Reflecting India's emergence as a major international player and the importance of the U.S.-India relationship, the Prime Minister's visit here next week will be the first official state visit by any foreign dignitary to the Obama White House.

The Prime Minister should know that the United States Congress values his leadership and our bilateral partnership just as much as the new Administration, and so I urge my colleagues to join me in supporting H. Res. 890.

Mr. ROYCE. Mr. Speaker, I rise in support of this resolution. I want to thank Mr. MCDERMOTT, my cochairman of the India Caucus.

Indian Prime Minister Singh's visit to Washington for an official visit is an important signal of deepening relations between the United States and India. His visit sends a signal to the Indian people that their country is a valued partner. This resolution recognizes this relationship—its past successes, and hopes for its future.

Significantly, Prime Minister Singh's visit will come almost to the day of the horrific terrorist attacks on Mumbai carried out by Islamist militants. On that day 163 people were cut down in a bloody rampage. Our thoughts will be with Indian people on that anniversary.

Mr. Speaker, over the past decade, relations between the U.S. and India have undergone a renaissance. Prime Minister Singh has done much to bring the United States and India together, but perhaps nothing more consequential than signing the landmark civil nuclear cooperation agreement between the two countries.

Indian officials have told me about their ambitious plans to expand nuclear power. India needs additional electricity to fuel its growing economy and nuclear energy is a clean source. With this deal, the Indian nuclear industry is overcoming the international restrictions that have curtailed it since 1974, to reach its full potential. India will still rely on other energy sources, but it is smart policy for any country to diversify. We in the U.S. should learn that lesson. We are expecting U.S. companies to be part of the Indian nuclear industry. We should give them more opportunities at home too.

Official visits should lead to concrete policy improvements. If this relationship is to move ahead, progress must be made on trade. Right now, the signs aren't good. Both countries need to get serious on advancing trade, or we'll both lose.

The U.S.-India relationship has made great strides, but progress can't be taken for granted. We have many common interests: economics, counter-terrorism, energy. While President Obama was in China this week, India is another very important country. The India Caucus will be watching next week's visit in hopes that specific advances will be made.

Ms. ROS-LEHTINEN. I urge unanimous support for this measure, and I yield back the balance of my time.

Mr. ACKERMAN. I thank the gentlelady for her support and endorsement of the resolution and her wonderful comments; and we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 890.

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

A motion to reconsider was laid on the table.

□ 1430

RECOGNIZING ANNIVERSARY OF THE VELVET REVOLUTION IN CZECHOSLOVAKIA

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 212) expressing the sense of Congress on the occasion of the 20th anniversary of historic events in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and reaffirming the bonds of friendship and cooperation between the United States

and the Slovak and Czech Republics, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 212

Whereas, on September 3, 1918, the United States Government recognized the Czecho-Slovak National Council as the official Government of Czechoslovakia;

Whereas, on October 28, 1918, the peoples of the present day Czech Republic and the present day Slovak Republic proclaimed their independence in the common state of the Republic of Czechoslovakia;

Whereas between 1939 and 1945, Nazi Germany annexed part of Bohemia, set up a fascist ''protectorate'' in the rest of Bohemia and in Moravia, and installed a puppet fascist government in Slovakia;

Whereas, on November 17, 1939, in response to widespread student demonstrations, Czech institutions of higher learning were closed by the Nazis, many students were taken to concentration camps, and 9 representatives of the student movement were executed;

Whereas the Moscow-directed Communists took over the Government of Czechoslovakia in February 1948;

Whereas troops from Warsaw Pact countries invaded Czechoslovakia in August 1968, ousted the reformist leadership of Alexander Dubcek, and restored a hard-line communist regime;

Whereas, on November 17, 1989, the brutal break up of a student demonstration commemorating the 50th anniversary of the execution of Czech student leaders and the closure of universities by the Nazis triggered the explosion of mass discontent that launched the Velvet Revolution, which was characterized by reliance on nonviolence and open public discourse;

Whereas the peoples of Czechoslovakia overthrew 40 years of totalitarian communist rule in order to rebuild a democratic society;

Whereas, since November 17, 1989, the people of the Slovak Republic and the Czech Republic have established vibrant, pluralistic, democratic political systems based upon freedom of speech, a free press, free and fair open elections, the rule of law, and other democratic principles and practices;

Whereas the people of the United States, the Slovak Republic, and the Czech Republic have maintained a special relationship based on shared democratic values, common interests, and the strong bonds of friendship, mutual respect, and close cooperation; and

Whereas the people of the United States have an affinity with the peoples of the Slovak Republic and the Czech Republic and regard them as trusted and important partners and allies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 20th anniversary of the historic events in Central and Eastern Europe that brought about the collapse of the communist regimes and the fall of the Iron Curtain;

(2) commemorates, with the Slovak Republic and the Czech Republic, the 20th anniversary of the Velvet Revolution in Czechoslovakia, which underscores the significance and value of reclaimed freedom and the dignity of individual citizens;

(3) commends the peoples of the Slovak Republic and the Czech Republic for their remarkable achievements over the past 20 years in building free, democratic, and prosperous societies;

(4) appreciates the contribution of the Slovak Republic and the Czech Republic as members of the North Atlantic Treaty Organization and the European Union to the promotion and defense of common values of freedom, democracy, and liberty around the world;

(5) reaffirms the bonds of friendship and close cooperation that have existed between the United States and the Slovak Republic and the Czech Republic; and

(6) extends the warmest congratulations and best wishes to the people of the Slovak Republic and the people of the Czech Republic for a peaceful, prosperous, and successful future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the concurrent resolution.

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

There was no objection.

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

I thank my good friend, the gentleman from Florida (Mr. MICA) for introducing this important resolution that recognizes the historic events in Czechoslovakia in 1989 and enables Congress to reaffirm its strong friendship and support for the people of the Slovak Republic and the Czech Republic.

Twenty years ago, on November 17, communist riot police broke up a peaceful pro-democracy demonstration in Prague, brutally beating many of the student protesters.

Rather than silencing the students, however, these violent reprisals led to an avalanche of protests between November 17 and December 29 that ultimately led to the fall of the Communist Party in Czechoslovakia.

In the days after the initial protest, a pro-human rights group, known as Charter 77, united with other groups to become the Civic Forum, a strong voice calling for reform, civil liberties, and rights for all citizens.

Led by dissent playwright Vaclav Havel, the Civic Forum succeeded in forcing the communist government to resign, paving the way for Havel's election on December 29 as the President of Czechoslovakia.

Known around the world as the Velvet Revolution, these historic events further cemented the collapse of the communist regimes throughout Central and Eastern Europe, and helped to precipitate the end of the Cold War.

In June 1990, Czechoslovakia held its first democratic election since 1946, bringing into power its first completely noncommunist government in over 40 years. In the 20 years since these momentous events, the Czech Republic and the Slovak Republic have become strong, vibrant democracies, close NATO allies, and staunch friends of the United States.

They continue to contribute to international peace efforts, including by providing troops and assistance under NATO command in Afghanistan.

Millions of Americans trace their roots to these two great nations, and the United States is strengthened by their rich cultural heritage and their many significant achievements and contributions.

Mr. Speaker, this resolution acknowledges and commemorates the Velvet Revolution in Czechoslovakia 20 years ago this month. It also reaffirms the bonds of friendship and cooperation between the United States and the Czech Republic.

I urge all of our colleagues to support this important resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 212, which commemorates the 20th anniversary of the historic events that took place in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and also reaffirms the bonds of friendship, the bonds of cooperation between the United States and the Slovak and Czech Republics.

I would like to thank my friend and Florida colleague, and my fellow ranking member, Mr. MICA, for introducing this important and timely resolution.

Mr. Speaker, in 1989, the world witnessed momentous events in which the people of Eastern and Central Europe broke the chains of their communist oppressors. Among the many important events which took place, the trade union Solidarity won its historic victory in Poland; 2 million people living in Latvia, Lithuania, and Estonia linked hands to form a human chain almost 400 miles long in a peaceful protest against Soviet rule; and the Berlin Wall fell.

A prominent place among the events of 1989 is held by the so-called Velvet Revolution, which rose spontaneously from protests in Czechoslovakia that led directly to free and democratic elections in that country. That revolution, in what was then Czechoslovakia, began on November 17, 1989, as a peaceful student demonstration to commemorate the murder of Czech students by the occupying Nazi forces 50 years earlier. But riot police severely beat many of these peaceful protesters. Yet the demonstrations grew, and they continued, eventually leading to the abolishment of the communist hold on power and the election of Vaclav Havel, a dissident critic of the communist regime, to the presidency of Czechoslovakia.

After their subsequent peaceful decision to become independent states, the Czech Republic and the Slovak Republic have flourished, establishing free

and democratic societies, and becoming members of the NATO alliance and the European Union.

As a political refugee from Cuba's communist regime, Mr. Speaker, I view the events that took place in Europe in 1989 as a source of tremendous inspiration. They truly provided me with the hope that the freedoms now enjoyed in Central and Eastern Europe will soon reach the oppressed people of Cuba, where a brutal communist dictatorship still rules. As its fellow Communists did in Eastern Europe, until they were overthrown by their oppressed people, the Cuban communist regime engages in gross violations of human rights and fundamental freedoms; detains, tortures and disappears anyone who disagrees or dares to challenge the regime; engages in corrupt activities that enrich its leaders; conducts espionage against the United States and its citizens; and engages in activities that threaten U.S. security interests and global peace and stability.

Still, we can and we must hope that the events of 1989 show us what the future could hold for Cuba, and hopefully soon. I would like to again thank my good friend and colleague, Congressman MICA, for introducing this important and so timely resolution. I strongly support its passage. I urge my colleagues to do the same.

I reserve the balance of my time.

Mr. ACKERMAN. I continue to reserve.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA), the ranking member of the Committee on Transportation and Infrastructure and the author of this important resolution.

Mr. MICA. Mr. Speaker, I have to thank the ranking member, Ms. ROS-LEHTINEN, for having this resolution come before the House this afternoon, as well as Mr. ACKERMAN and Mr. BERMAN, and I thank the staff on both sides of the aisle.

I have been here 17 years, and I have never had a resolution with my name on it. This is an historic occasion. It is historic for me personally for several reasons. First, I have never had a resolution with my name on it; and, secondly, because of my personal ethnic background. Many people know the name John Mica and think it is Italian. And actually, my mother's side is Italian, but Mica is not an Italian name; it is a Slovak, a Czech-Slovak name. John Mica, my great-grandfather, came to the United States about 100 years ago this year, a century ago, and settled in upstate New York.

Some of you know, the Mica family has a unique place in the history of the Congress. My brother, Dan Mica, was a Member of Congress from 1978 to 1988, some 10 years. He was a Democrat Member, and I am a Republican Member. We are the only brothers to serve since 1889 from different political parties. Maybe that is part of our rich Slovak American, Italian American heritage. But it is kind of neat to bring this resolution.

I would venture to say most Americans probably even today couldn't find the Slovak Republic or the Czech Republic on a map. But there are, as Mr. ACKERMAN pointed out, millions of Americans, many in Congress, too, who have roots and heritage with what is today the Czech Republic and the Slovak Republic.

The Czech and Slovak people for centuries, actually millennia, lived under somebody else's rule or oppression. I appreciate the comments of the ranking member, Ms. ROS-LEHTINEN. She and her family only lost their country for the last half a century or so; but these people in Europe, some of my ancestors lost their freedom and independence and were dominated by someone else for millennia. Maybe that is why they appreciated so much the opportunity, some 20 years ago, when students came out in commemoration of a slaughter that had taken place some half century before; 20 years ago yesterday they came out into the streets of Prague, led by students.

I have to tell you, that sounds like not much, but I have been there. The first time I traveled to what was Czechoslovakia was in the 1960s, and then again in the 1980s. I went through the barbed wire, the dogs, and the landmined areas to get to the area where my grandparents came from. When I got there, everything was gray. Everything was dark. It was one of the most depressing things I had ever seen. People when they walked down the street would not look you in the eye; they looked down. The repression under several regimes, under the Communist, was one of the worst in the world and the worst in Europe. The economic situation was deplorable. The rape of the beautiful landscape of Czechoslovakia—the Communists polluted the streams and destroyed the landscape and the economy.

Before that, they had the misfortune of being dominated by the Nazis. I saw some villages where they took the Jews out, and nobody still lived there. They loaded them into boxcars and they loaded them into trucks and trucked them off, and in 1980, no one lived in those homes, because they had taken the people and destroyed them and their lives. All that was left was the vacant houses. I still remember that.

These people, led by students 20 years ago, came out into the street. After the students came out, then the average citizens came out. They came out by the tens of thousands, and they filled the streets. They basically said they had had enough.

And you know, people weren't killed in 1989. There weren't the killings that they had had over their history. That is why it is called the Velvet Revolution. Most people don't understand that. But in the Czech Republic and the Slovak Republic, they had had enough. And within no time at all, they had cast their communist bonds aside.

One of the most incredible experiences I have ever had, I wasn't a Member of Congress, but I sat up in the gallery across from me as a citizen, and I heard Vaclav Havel, the just-elected President of the Czechoslovakia Republic, Mr. Speaker, come up and speak from just below where you are, and I will never forget his words. Here are his words, The last time they arrested me on October 27 last year, I didn't know whether it was for 2 days or for 2 years.

Here was someone who had been in jail just weeks and months before speaking before the House of Representatives in a joint session. He went on to say, Today, less than 4 months later, I am speaking to you as the representative of a country that has set out on the road to democracy, a country where there is complete freedom of speech, which is getting ready for free elections and which wants to create a prosperous market economy and its own foreign policy.

He said that to us here.

□ 1445

So thank you for bringing this resolution up to commemorate the Velvet Revolution. Thank you for recognizing that people, no matter how much you repress them, whether it's in Cuba, whether it's in Myanmar or Burma, as they call it, whether it's in China, Tibet, somewhere in the heart of mankind is a quest, a yearning to be free and independent. And that's what this resolution today recognizes is that 20 years ago people stepped up and they'd had enough. They wanted to be free. And they have turned into two of the most incredible allies, the Czech Republic and the Slovak Republic, great economies, some of the strongest of the former Eastern bloc, productive citizens, incredible citizens, and not only of their country but of the world community, and great allies to the United States.

So I thank you for allowing me to have the opportunity along with many of my colleagues to bring to the floor this special resolution with that little name on it.

And for those who were interested in linguistics, ''Mica'' there its pronounced ''Meecha.'' It has a caret over, like, the ''c.''

I'm very proud to have this resolution offered today in the House in commemoration of my grandparents and those that came before them and those who on the 17th of November 1989 and today we celebrate the 20th anniversary of that occasion yesterday to recognize their freedom.

Ms. ROS-LEHTINEN. Will the gentleman yield?

Mr. MICA. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. I congratulate you for this resolution. It speaks to the heart of every freedom-loving American in this Chamber, which is each and every one of us. So, Mr. ''Meecha,'' I believe that we should have a roll call

vote because a legislative virgin no more.

Mr. MICA. Thank you. And I think that would be very fitting, too, to show the people again and the House and the Senate that have their roots there and across the great country that we remember all they did to become free and independent.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, it's now my pleasure to yield 4 minutes to the gentleman from Minnesota, the distinguished chairman, JIM OBERSTAR.

Mr. OBERSTAR. I thank the distinguished Chair, Mr. ACKERMAN, for the time and compliment my colleague.

Hvala lepa, moj Slovaski prijatelj, and we're all together. What I said simply was thank you. And I'm Slovene, you're Slovak, and we're all together in the spirit of the Slovak peoples yearning for freedom after conquest by foreign powers, domination by other governments, subjection to cultures and language of other peoples. I recall my grandmother who emigrated from Sodrazica in Slovenia telling me that in her youth they were required in the morning to study in German because it was the Austro-Hungarian empire, and only in the afternoon could they speak their native language, Slovene.

This sense of Congress on the occasion of the 20th anniversary particularly of the Velvet Revolution in Czechoslovakia is one that we must pay attention to, that we must address. As the distinguished gentleman from Florida so warmly, thoughtfully, with deep spirit, a deep personal sense of understanding so well expressed, the freedom that peoples of formerly Eastern Europe felt in their heart, the courage they took, the courage it took for them to stand up against oppression.

It's not just the Velvet Revolution. A hundred sixty-one years ago was the great Prague Revolution. The Prague Spring of 1848 when the people of this great historic cultural center, Prague, marched to the streets, led by the students, to proclaim a time of freedom and democracy and liberty and opening and were suppressed.

In 1939, the Nazis closed the Czech institutions of higher learning and those of the Slovak people as well. Many were sent off to concentration camps. Student leaders were executed. And 50 years later, students again led the way. On November 17, they took to the streets to mark the anniversary of the execution of Czech student leaders and the closure of universities by the Nazis. The government used violence once again to move in, break up this peaceful gathering of students.

So we have the Prague Spring, the 1939 suppression, the Velvet Revolution, suppression once again. Those 42 days of the Prague-Velvet Revolution were momentous, popular demonstrations, public outpouring, people taking to the streets.

But by December 10, the Czechoslovak President Gustav Husak appointed the first largely noncommunist government since 1948. And in 1990, Czechoslovakia held its first democratic elections and then split into both the Czech Republic and the Slovak Republic.

It has very special meaning for me both at the Prague Spring, the 1939 events, closing of the universities and the Prague student Velvet Revolution. In 1956, I was a student at the College of Europe in Brugge, Belgium.

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

Mr. ACKERMAN. I'm happy to yield an additional minute.

Mr. OBERSTAR. I was a student at the College of Europe in Brugge, Belgium, when Hungarian students took to the streets to rise up against the Soviet occupation and oppression of their homeland, and they too were suppressed brutally as tanks rolled down the street and machine-gunned students. We were only 600 miles away from those momentous events in Brugge, Belgium. And students of the College of Europe organized a grand bal des etudiants du College de L'Europe, raised a scholarship to bring a Hungarian student to the College of Europe to study with us. And when he arrived, we asked him, What was your first reaction on coming into the West? And his comment was, The ability to walk up to a policeman on a street corner and ask direction without fear of being put in prison.

That's what freedom means. So simple. That's what the gentleman from Florida was talking about. That's what this resolution recognizes. A revolution is not simply a continuous movement in one direction to come back where you started but an opportunity to change direction and move the human spirit ahead, and that is what we recognize in this 20th anniversary recognition of the Velvet Revolution.

Mr. ACKERMAN. Mr. Speaker, I'm pleased at this time to yield 3 minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I'm rising today in strong support of House Concurrent Resolution 212.

Twenty years ago this week, the brutal crackdown occurred on the student-led demonstration in Prague. The students were commemorating the 50th anniversary of the execution of Czech student leaders and closure of universities by the Nazis, it turned out, would be silenced no longer by the repressive Soviet-backed regime. A mere 8 days after the fall of the Berlin Wall, they set events in motion which would culminate in the dissolution of the politburo and which would lead to the peaceful establishment of independent Czech and Slovak states in 1993.

As a son of a Slovakian immigrant, these bonds that join us together are so strong. I can remember in the midst of my 30-year naval career going over to see Czechoslovakia in the mid 1980s. Lots of top secret clearances and special access programs I had, and I had to get special permission to go there, but I wanted to see my father's hometown.

I went through Prague. What a city. So beautiful that the movie ''Amadeus'' about the great composer Mozart was filmed there because it was kept so whole in its beauty as Vienna had been. And then to Bratislava and the small village outside where my father grew up. I spoke English, not Slovak, so we conversed. And I had a wonderful dinner and evening and breakfast the next day. And to this day, I'm still not sure they were my relatives. But what a great homecoming I felt I had in that land. I think that's because the backbone of revolutions, both of theirs and ours, was against the greatest empires of the time. A mere spontaneous gathering in the case of Slovakia, like ours, but theirs was of workers, students, and common citizens, not unlike ours, able to shrug off decades of Soviet oppression.

When enough people realize their God-given right to liberty is within reach, they just can't be stopped. Victor Hugo, that great chronicler of revolution, said it best: ''Nothing can resist an idea whose time has come.''

I can remember the evening in Bratislava walking to the border and overlooking the barbed wires into Austria, and the man I walked there with said, ''Some day.''

If there is anything to be called a march of history, it must be this struggle between power and justice, between violence and the endurance of human dignity, the steady triumph of those who meet brute force with the power of a self-evident ideal. Justice, the prerequisite to equality.

Americans of Slovakian descent, such as football player Chuck Bednarik; Tom Ridge, former Governor of my home State of Pennsylvania; Andy Warhol; Stefan Banic, inventor of the parachute; the inventor of the radio, Jozef Murgas; Paul Newman; Michael Strank, the one who raised the American flag on Iwo Jima, have contributed greatly through their wonderful thread in this great national security fabric of the United States of America to our future. I'm proud to honor them today for the revolution so similar to ours.

Mr. ACKERMAN. Mr. Speaker, I would like to note at this time that all of us here in the House bask in the obvious and well-felt pride that has been expressed especially from our Czech and Slovak colleagues that are here. Congratulations to them as well as in a few moments we pass this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 212, as amended.

The question was taken.

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

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FIRE GRANTS REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 909 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3791.

□ 1459

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 further consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose earlier today, amendment No. 5 printed in part B of House Report 111–340 by the gentleman from California (Mr. CARDOZA) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111–340 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PERLMUTTER of Colorado.

Amendment No. 3 by Mr. FLAKE of Arizona.

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

AMENDMENT NO. 2 OFFERED BY MR. PERLMUTTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER) 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 358, noes 75, not voting 7, as follows:

[Roll No. 899]

AYES—358

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Giffords
Gingrey (GA)
Gonzalez
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
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
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)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—75

Akin
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Buyer
Campbell
Cantor
Carter
Chaffetz
Conaway
Deal (GA)
Dreier
Duncan
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Hensarling
Hoekstra
Inglis
Issa
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Lamborn
Lewis (CA)
Linder
LoBiondo
Lummis
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McClintock
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Poe (TX)
Price (GA)
Radanovich
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Souder
Stearns
Sullivan
Thornberry
Walden
Westmoreland
Wilson (SC)
Wittman

NOT VOTING—7

Barrett (SC)
Brown (SC)
Faleomavaega
Gerlach
Moore (WI)
Rothman (NJ)
Tanner

□ 1529

Messrs. WALDEN, DEAL of Georgia, RYAN of Wisconsin, CANTOR, GOODLATTE, BOOZMAN, WITTMAN, CHAFFETZ, BUYER, MANZULLO, HOEKSTRA, DREIER, STEARNS, SIMPSON, BACHUS and LoBIONDO and Mrs. McMORRIS RODGERS changed their vote from ''aye'' to ''no.''

Mr. NEAL of Massachusetts and Ms. FALLIN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

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

The vote was taken by electronic device, and there were—ayes 371, noes 63, not voting 6, as follows:

[Roll No. 900]

AYES—371

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
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 (TX)
Braley (IA)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Linder
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
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)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Owens
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—63

Abercrombie
Becerra
Berman
Bordallo
Brady (PA)
Brown, Corrine
Carson (IN)
Clyburn
Cohen
Costello
Cummings
Delahunt
DeLauro
Doyle
Farr
Fattah
Filner
Fudge
Garamendi
Grijalva
Hall (NY)
Hare
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Lee (CA)
Lewis (CA)
Lewis (GA)
Lipinski
McDermott
Moore (WI)
Moran (VA)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pastor (AZ)
Paul
Payne
Price (NC)
Rahall
Roybal-Allard
Ruppersberger
Ryan (OH)
Sherman
Sires
Thompson (CA)
Thompson (MS)
Towns
Wasserman Schultz
Waters
Watson
Watt
Woolsey

NOT VOTING—6

Barrett (SC)
Brown (SC)
Faleomavaega
Gerlach
Rothman (NJ)
Tanner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1538

Ms. ROYBAL-ALLARD, Messrs. NEAL of Massachusetts, PASTOR of Arizona, and CARSON of Indiana changed their vote from ''aye'' to ''no.''

Mrs. LUMMIS changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

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

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CUELLAR) having assumed the chair, Mr. SERRANO, 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. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes, pursuant to House Resolution 909, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 31, not voting 8, as follows:

[Roll No. 901]

YEAS—395

Abercrombie
Ackerman
Aderholt
Adler (NJ)
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)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
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
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
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 (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
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)
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
Sullivan
Sutton
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—31

Akin
Bishop (UT)
Broun (GA)
Campbell
Carter
Chaffetz
Coffman (CO)
Conaway
Culberson
Flake
Franks (AZ)
Hensarling
Herger
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Linder
Lummis
Mack
McClintock
Mica
Neugebauer
Paul
Royce
Sensenbrenner
Shadegg
Thornberry

NOT VOTING—8

Barrett (SC)
Brown (SC)
Gerlach
Hill
Neal (MA)
Rothman (NJ)
Stupak
Tanner

□ 1556

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. COHEN. Mr. Speaker, I ask for unanimous consent to withdraw my name as a cosponsor of H. Res. 648.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. TERRY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 648.

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

There was no objection.

HONORING THE 25TH ANNIVERSARY OF REV. JESSE JACKSON'S PRESIDENTIAL CAMPAIGN

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

Mr. COHEN. This morning during 1-minutes, 15 Members of the Democratic Caucus honored Rev. Jesse Jackson on the 25th anniversary of his Presidential run. He was the first African American male to run for President, and his contributions to our society cannot be overstated. He has a long career in civil rights work, and his leadership in forming the Rainbow Coalition is well known to all Americans.

It is important to note his place on the world stage, a role in which he has been an effective leader, negotiator, and voice for America around the world. Rev. Jackson's skills have been applied to international relations in Syria, where he freed Navy Lieutenant Robert Goodman in 1983. President Reagan recognized Rev. Jackson's essential contribution by hosting Rev. Jackson and Lieutenant Goodman at the White House. In 1984, Rev. Jackson negotiated the release of 22 Americans held in Cuba.

Although Rev. Jackson declined an opportunity to become Ambassador to South Africa because he wanted to help his son Congressman Jesse Jackson, Jr., seek election—which he did, as he was elected to this body in 1996—President Clinton had requested he be named Ambassador. He, instead, named him a special envoy for democracy in 1997. Subsequently, Jesse Jackson met with Kenyan President Daniel arap Moi to promote free and fair elections in Kenya. In 1999, he was in Kosovo and negotiated the release of three POWs.

Jesse Jackson's career on the international stage has been spectacular, and his place in history is assured. His passion, his dedication, and his continuing influence for change are hallmarks of his life. We need look no further than today's tribute to him when a group of House pages, a Rainbow Coalition themselves, excitedly sought to have their picture taken with the Reverend Jackson and did, after he finished his appearance here in the gallery and listening to the 1-minutes this morning.

I join my fellow House Members in recognizing this 25th anniversary of the Presidential run of Rev. Jesse Jackson and appreciate what he's done for our Nation.

HONORING RYAN DILLON DURING NATIONAL EPILEPSY AWARENESS MONTH

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

Mrs. EMERSON. Mr. Speaker, I stand here today to tell you about Ryan Dillon, a remarkable young man from Missouri's Eighth Congressional District, which I represent.

As a teenager, Ryan was highly active in school and clubs when, one day while brushing his teeth, his world went black. Ryan had had a seizure. Ryan went on to Westminster College in Fulton, Missouri, where he majored in political science. At Westminster, Ryan remained politically active, became vice president of the Student Government Association, and was elected Homecoming King during the fall of his senior year. All the while, he hid his epilepsy from his peers.

Epilepsy is one of the most common disorders of the nervous system. It affects people of all ages, races, and ethnic backgrounds. More than 3 million Americans of all ages are living with epilepsy, and every year, 200,000 Americans will develop seizures and epilepsy for the first time. Epilepsy can develop at any time of life, especially in early childhood and old age. It's a neurological condition that makes people susceptible to seizures.

Ryan is now 25 and serves as a congressional aide. He hopes to use his experiences and influence to raise awareness. As November is designated National Epilepsy Awareness Month, I am honored to help Ryan promote his message for increased research, awareness, and education to openly work toward a cure.

□ 1600

AMERICA'S LIFE LINE FOUNDATION

(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. Mr. Speaker, I rise today to recognize the America's Life Line Foundation, a local nonprofit committed to serving our south Florida community. As part of its many activities, this caring group provides assistance to the many members of our Armed Forces and their families. Their upcoming event, Tribute to Our

Troops, will be on December 12 at the Kendall Hotel to honor the men and women who continue to preserve our freedom with service to this great Nation.

This event will help make the holidays a little bit brighter for our military families. I applaud everyone who is a volunteer at America's Life Line Foundation for their continuing efforts, especially for the members of this worthy organization who motivate and inspire our community to patriotism and action during this season of giving.

I encourage everyone in south Florida to join America's Life Line Foundation at their tribute to our troops event in December.

CONGRATULATIONS TO OCALA RECYCLING

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

Mr. STEARNS. Mr. Speaker, I rise today to congratulate the Ocala Recycling Company, which is located in my home town of Ocala, Florida, for becoming the first RIOS certified scrap recycling facility in the world. RIOS, which stands for Recycling Industry Operating Standard, was developed by the Institute of Scrap Recycling Industries and is an integrated standard encompassing environmental and health and safety controls into one streamlined management system.

Since 1988, Ocala Recycling's 34-acre facility has recycled everything from bottles and paper to automobiles and even washing machines. Each month, Ocala Recycling collects more than 16,000 tons of recycled goods. This unique honor and certification demonstrates the ongoing commitment of Ocala Recycling to recycle and process quality products in an efficient, safe, and environmentally responsible manner in a manufacturing environment.

THE REALITY OF THE FORUM ON JOBS AND ECONOMIC GROWTH

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

Mr. BURTON of Indiana. Mr. Speaker, the Associated Press reported that President Barack Obama says creating jobs is not the goal of the upcoming White House forum on jobs and economic growth. The President told NBC News on Wednesday that the purpose of the December 3 summit is to figure out how to encourage hiring by businesses still reluctant to do so.

Businesses are being taxed too much. And I'll tell you, if I were talking to the President, I would say, Mr. President, if you want to create jobs, cut government spending, cut taxes, and not raise taxes. It's the wrong thing to do in this economic climate.

GUANTANAMO TERRORISTS IN NEW YORK

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

Mr. DUNCAN. Mr. Speaker, people all over the Nation are upset and angry about five of the Guantanamo terrorists being scheduled for trial in New York.

This is happening only because President Obama issued an executive order in the early days of his administration stopping the military tribunal process. The Congress, both House and Senate, voted by large margins in 2006 to try these terrorists by military tribunals.

This could have been done in Guantanamo, but President Obama overruled Congress by his executive order and the Defense and Justice Departments then started the process of bringing the terrorists to trial in this country. This will result in very large legal and security expenses that would not have been necessary if these men were tried at Guantanamo.

To try all of these terrorists here—the first five and others later—creates a very unnecessary security risk for untold numbers of people.

I hope President Obama will listen to the outcry of the American people and not continue to insist that all of these terrorists be tried in the United States. The families of our victims deserve better.

HONORING CAPTAIN WILLIAM ECKER

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

Mr. ROONEY. Mr. Speaker, I rise today to honor the life of Captain William B. Ecker of Punta Gorda, Florida, in my district, who passed away earlier this month. Captain Ecker flew combat missions in the Pacific during World War II, serving 32 years in the United States Navy. Most notably on October 23, 1962, Ecker led low-level sorties over Cuba collecting photographic evidence of the Soviet missiles fueling vehicles and other related equipment.

Flying the F–8 Crusader, Captain Ecker was able to fly at lower altitudes than the U–2 spy plans. At the lower level, Ecker took close-up pictures of a site near the town of San Cristobal in western Cuba proving without a doubt that Soviet missiles were in Cuba.

Captain Ecker received the Distinguished Flying Cross for his quick and risky flights over Cuba. The unit Ecker commanded, VFP–62, received the first peacetime Navy Unit Commendation in history by President John F. Kennedy.

Captain Ecker leaves behind his wife, Kit, of 62 years and his two sons, Richard and David, and a Nation grateful for his distinguished service.

SYSTEMIC REGULATORY EXPANSION BILL

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

Mr. KINGSTON. Mr. Speaker, you know, last year without a single vote from anyone in Congress, the Federal Reserve spent $29 billion bailing out Bear Stearns and then $85 billion to bail out AIG, which has now gone to about $140 billion.

Now, if that is not bad enough, the House Banking Committee wants to codify that authority. That's right: they want to give the Federal Reserve and the FDIC permanent bailout authority so that anyone who comes around that they call a systemic risk can now get permanent TARP money without having to come back to Congress for our scrutiny.

What does this lead to? Well, number one, the Federal Reserve is in charge of monetary policy, not bailouts. It will take the eye off the monetary policy, and if you think the economy is going great now, think what happens when the Federal Reserve is even more distracted.

It will also lead to unfair competitive advantage because if you're too big to fail, that means you can do anything you want to and compete against regular banks who won't get the bailout money. So it is an unfair competitive advantage.

And, finally, it will increase the moral risk, that is to say, you can make crazy loans because you know good old Uncle Sugar is going to stand behind you and bail you out time and time again after your fiscal irresponsibility.

This is a bad bill. This is a bad idea. We need to vote ''no'' on this systemic regulatory expansion bill.

HONORING THE REVEREND JESSE JACKSON

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

Mr. PAYNE. Mr. Speaker, I rise today to pay tribute to Rev. Jesse Jackson who is celebrating his 25th anniversary of active civil rights activities.

As we all know, Rev. Jackson was born in South Carolina and began his activities in civil rights at an early age. He became a confidant to the late Rev. Dr. Martin Luther King and was one of the leading advocates for peace and justice in this Nation.

His successful run for President had America spellbound when he addressed the House. He started Operation Bread Basket, then the Rainbow Coalition. And I would just like for all of us to pay tribute to a great American, Rev. Jesse Jackson and thank him for coming to New Jersey for my election back in the 1980s.

NEW YORKERS ARE BEING USED IN TERRORIST TRIALS

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

Mr. GOHMERT. Mr. Speaker, our Attorney General intends to bring self-confessed terrorists to the most densely populated area in America. I know we have friends from New York that think this is a grand idea. They don't realize they're being used. We even have friends from New York who say, Bring these terrorists to New York; we want to try them so we can look them in the eye and sentence them to death.

Well, coming from a judge, a former judge, who has looked people in the eye and sentenced them to death, I know something about it. They're being used.

Once those terrorists set foot on New York—probably not before—the change of venue motion will be filed and people's comments like that—''we want to try them, then put them to death''—those will be used in support of the motion to change venue. They are not likely to be tried there with or without the terrorist activity and the threats and all that will follow. It is a bad idea. I hope cooler minds will prevail so they get the punishment they deserve.

SPECIAL ORDERS

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

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

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

DESERT RAT

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

Mr. POE of Texas. Mr. Speaker, yesterday the United Nations had an update on the government of the tiny tyrant in the desert of Iran. The U.N. nuclear watchdog agency, the International Atomic Energy Agency, or the IAEA, has released their new report on Iran's nuclear site. This facility, called Fordo, is being built inside a mountain near the religious city Qom. The IAEA concluded the facility had no relevance to any alleged civilian power program.

Western analysts say Fordo's small size will only allow enrichment of small amounts of uranium enough to make a nuclear bomb, but not enough to fuel a nuclear power station. Are we surprised with this finding.

The IAEA said in its report that Iran was not able to convince them that they weren't hiding other nuclear sites. Well, imagine that.

The Government of Iran sponsors acts of terrorism all over the world. Now this thuggish government seeks to threaten the world with nuclear holocaust. For 30 years, Iran has used terrorism, assassination squads, and hostages as their foreign policy.

And, Mr. Speaker, just look at the way this government treats its own people. The people of Iran live in fear of their own government and their own President. Iranian state television yesterday reported that five Iranian citizens were sentenced to death for peaceably protesting the fraudulent Presidential elections in June. That's right. They got the death penalty for exercising the human right to peaceably assemble. And in this Third World country, the death penalty rules the day.

Further, Mr. Speaker, the world witnessed earlier this year how the government even murdered its own people in the streets who peacefully protested the Presidential elections that were rigged by Ahmadinejad.

□ 1615

The cries of the murdered are from the blood of the Iranian freedom patriots who want freedom in their own country. More than 100 prominent opposition leaders in Iran are now being tried for peacefully protesting. Brave men and women of Iran who refuse to be trampled by the tiny tyrant, Ahmadinejad.

The United States should stand with the people of Iran that oppose this illegitimate reign of terror by their government and by their president. The government of Iran is the threat to world peace, especially peace in the Middle East. The sanctions that have been imposed by the U.N. and other Nations on Iran have failed to get the attention of the desert rat, Ahmadinejad. He continues to build his nuclear weapons. He continues to build intercontinental ballistic missiles so that he can fire those nuclear weapons. He continues to finance terrorist groups like Hezbollah and Hamas. He continues to meddle in the lawful affairs of Iraq, including supporting assaults and assassinations against the Iranian people that are in Camp Ashraf.

He sends aid and comfort to al Qaeda and to the Taliban in Afghanistan that war against American troops and NATO troops. The key to world peace and peace in Iran is a regime change sponsored by the freedom-loving citizens of Iran. Those noble citizens who have now become the enemy of their own government deserve our support and our encouragement here in America.

Mr. Speaker, deep down in the soul of every person who ever has been or ever will be born is the spark for freedom. The sons of liberty and the daughters of democracy in Iran have in their hearts that spark for liberty, and they will not be quenched by the tiny tyrant of Iran.

It is imperative that the United States recognize the true threat to world peace, Ahmadinejad, and that we as a Nation and that we as a people stand shoulder to shoulder with the good folks of Iran, the citizens of Iran that want a change in their government.

And that's just the way it is.

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

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

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.)

FLORIDA'S FISHERMEN NEED OUR HELP

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. Mr. Speaker, I have been to the floor of this Chamber on several occasions to discuss the tremendous economic hardships being shouldered by the residents of my congressional district of south Florida. This evening I would like to highlight the men and women of Florida's commercial and recreational fishing industries, and their efforts to weather this economic storm.

Mr. Speaker, Florida's recreational fishing industry is the largest in the Nation. Its economic impact to our State is to the tune of $5.3 billion, and more than 5,400 jobs are generated by this industry. Similarly, Florida's commercial fishing industry is nearly 13,000 strong and contributes a staggering $1.2 billion to our economy.

The strength of Florida's fishing industries is due largely to the diversity and the abundance of species within the Gulf of Mexico and the South Atlantic area. There are grouper and snapper, wahoo and yellowfin tuna, not to mention Keys lobster and stone crab. Thanks to this diversity, Florida's fishing industry is particularly resilient in the face of increased zoning regulations, bag limits, and even fishery closures. Our fishermen understand that maintaining a robust, healthy fishery through appropriate regulation is the key to their economic success.

However, present Federal action to implement multiple fishing regulations will have a chilling effect on this historic and important industry. In particular, Mr. Speaker, the South Atlantic Fishery Management Council is considering regulations which include but are not limited to: a complete ban on deepwater grouper fishing; annual catch limits on black grouper and red grouper; and catch limits on red snapper fishing.

The comprehensive nature of these prohibitions will leave our fishermen with little or no alternative for their economic livelihood. These prohibitions, compounded by a reduction in tourism throughout south Florida, and that includes the Florida Keys, will force generations of Florida fishermen to walk away from their boats in search of other types of employment. This is unacceptable.

That is why I have called on Secretary of Commerce Gary Locke to reconsider these ill-timed proposals. Additionally, I have asked Secretary Locke to refrain from implementing any emergency rules which impose short-term restrictions on Florida's fisheries. These emergency rulings completely circumvent the public comment process, which is an essential element to any fishery management plan. Sound science is also a critical component to sound management.

My congressional colleagues and I have called on the House Natural Resources Committee to conduct a hearing on the legislation introduced by Congressman JOHN MICA and Congressman HENRY BROWN which would require the Department of Commerce to conduct a non-biased, science-based study on the health of the red snapper population in the South Atlantic.

My colleagues from Florida understand that scientific data collection processes need to be improved, and economic impacts must be taken into account when considering a fishery closure. I have also asked the Department of Commerce to provide economic assistance to those fishermen and businesses that cannot survive the restrictions that are being implemented.

For Keys recreational angler Andy Griffith, the upcoming 4-month grouper closure has resulted in a 90 percent loss of business for the 2010 fishing season. His season for 2010 will only be 2 months long. For the rest of the year his boats will sit by the dock racking up insurance costs. Fishermen like Andy need economic relief. They need our help.

The Magnuson-Stevens Fishery Conservation and Management Act, last amended by Congress in the year 2007, directs how the Federal Government will manage saltwater fisheries. But the lack of flexibility provided to local managers in this law is of serious concern to many of us. That is why I support legislation which would amend the Magnuson-Stevens Act to provide flexibility to State regulators and regional fishery management councils in their work to rebuild healthy fisheries.

Mr. Speaker, the livelihood of Florida's fishing industry demands that we act.

HOUSING CRISIS

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

Ms. KAPTUR. Mr. Speaker, unemployment and foreclosures are on the rise. In my hometown of Toledo, Ohio, unemployment is officially at 11.1 percent, but that is just those who are looking for jobs. The real number is much higher as so many people have dropped out or are working part time and they really want full-time jobs. Many, many more people are discouraged and are no longer trying to find jobs. Kids are moving in with their parents. These are people, many of whom are losing their homes. The housing crisis continues.

Before the financial crisis unfolded, our housing crisis was unfolding. In fact, it triggered the financial crisis. Congress acted, passing the Housing and Economic Recovery Act of 2008 at the end of July last year. I didn't vote for it because I knew it would not work. And you know what, it hasn't worked.

The HOPE for Homeowners program has failed so miserably that HUD had to change the program, and Congress since has had to pass fixes to try to get more participation into it. It hasn't worked. As of mid-July this year, the program that the Congressional Budget Office estimated would help up to 400,000 people rework their mortgages has closed 50. Fifty mortgages. That's five-zero, from a program that was supposed to help 400,000 people. Fifty homeowners have been helped?

The administration announced the Making Homes Affordable Program in February, released rules and regulations in March, and they told us that the program would help 3 million to 4 million homeowners. As of September 30, Treasury reported that 758,000 modification offers, listen to the words, my friends, had been extended with 487,000 trial modifications begun. Hmm. I will be interested to hear when the first modification moved from a trial to a real modification that actually kept somebody, a real person or family, in their homes.

There is no peace for the family while they are in this trial period. They still have to have a backup plan in case something falls through. They are still stressed beyond what you and I can imagine.

The servicers get to sit back and wait, keep making their money. Either way, they make plenty, either from the homeowner or from the government. They have got it at both ends. This program probably won't even help a handful of homeowners.

So we have just 487,000 homeowners with these trial modifications out of the millions of people who are losing their homes. Now that's not 4 million people, like the program said it would take care of. And again, it is just trial modifications. Trial, not real. They get 3 months to show they can handle the modification payments. What happens if they lose their job? If they have already lost their job, unemployment income does not count as income for modification. Can you believe that? We can still tax it, but it does not count to banksters and servicers when they are looking to rack up fees, kick people out, sell the homes for a fraction of what they are worth and maybe pull a profit; and if not, they move that property and destroy the stability of the family that once resided in the home.

I still hear that servicers and banks are hard to work with on modifications. Boy, is that an understatement.

I heard that the Making Homes Affordable Program isn't working. Well, it isn't. The solutions are not working because the system does not work. The housing crisis will continue as long as the job situation is so poor. It takes employment to make house payments. It takes workouts to keep people in their homes, even with lease-to-own programs over a 40-year mortgage.

That is why I am joining my colleague, BOBBY RUSH, in forming the Jobs Now Caucus. Please join us in taking a stand for putting our communities, our families, our Nation back to work and keeping them in their homes. This new caucus will advocate for policy initiatives that stimulate and maintain a strong economy that is based on sustainable development that will lead to one common goal across the political spectrum: Creating jobs again in America.

The American people want to work. Employment brings stability, and the ability to stay in your home or buy a home and build your community makes this Nation truly strong. Please join Congressman BOBBY RUSH, myself, and Congresswoman CANDICE MILLER in our bipartisan Jobs Now Caucus.

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 Florida (Mr. GRAYSON) is recognized for 5 minutes.

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

ABOLITION OF THE ESTATE TAX

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

Mr. GRIFFITH. Mr. Speaker, I rise today to ask Congress and the administration to permanently eliminate a punitive tax that has plagued family farms and businesses for over 100 years. The estate tax only serves as a double taxation to those who have worked tirelessly to build their estates for themselves and their family. These entrepreneurs are not only working for themselves; they are working for their children and their grandchildren, and future generations of Americans.

Building a small business from the ground up is the very fabric of the

American dream, and the estate tax tears that fabric apart. This punitive tax inflicts great harm on the hard-working families of America. The estate tax costs small business owners thousands of hours in manpower and millions of dollars in legal counsel. It is time to eliminate the estate tax.

Madam Speaker, I urge Congress to prioritize the quick and permanent abolition of the Federal estate tax in order to accelerate our economic recovery and foster a greater environment for business and rural development.

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

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

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

(Mr. LINCOLN DIAZ-BALART of Florida 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.)

□ 1630

TRIBUTE TO PRIVATE FIRST CLASS BRANDON M. STYER, U.S. ARMY, OF LANCASTER, PENNSYLVANIA

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

Mr. PITTS. Mr. Speaker, I rise today to remember and honor Private First Class Brandon M. Styer of Lancaster, Pennsylvania.

On October 15 of this year, Brandon lost his life from injuries sustained when an improvised explosive device detonated near his vehicle in Kandahar province, Afghanistan.

Brandon exhibited a willingness and enthusiasm to serve and defend his country by joining the United States Army. He understood what it means to live a life with purpose. He served a cause greater than himself. He served the cause of liberty. He gave his life so that we might be safer.

Brandon told his father that he loved the camaraderie and excitement of serving in the Army. He enlisted just last year, his senior year at Conestoga Valley High School. Upon graduation, Brandon completed his basic training at Fort Leonard Wood, Missouri, and Fort Benning, Georgia. He then was transferred to Fort Carson, Colorado, for additional training.

In March of 2009, Brandon deployed to Iraq for 7 weeks before being transferred to Afghanistan. Assigned to the 569th Mobility Augmentation Company, Fourth Engineer Battalion as a combat engineer, Brandon worked to dismantle, remove, and destroy improvised explosive devices. The 569th MAC Company has a storied history of participating in campaigns in World War II and Vietnam and, more recently, Operation Iraqi Freedom and Operation Enduring Freedom. It is entirely fitting that Brandon joined their ranks.

As an exceptional young man, Brandon was determined to serve our country and keep his fellow soldiers safe from roadside bombs. It is tragic that one of these bombs claimed his life.

Brandon was also a noble and selfless friend and family man, a compassionate son, brother, and uncle. He leaves behind a family proud of all that he accomplished throughout his distinguished life and career in the military. His valor and service cost him his life, but his sacrifice will live on forever among the many dedicated heroes this Nation has sent abroad to defend freedom.

Brandon earned a number of awards throughout his brief career in the Army, which demonstrates his professionalism and his outstanding ability as a soldier. His awards include the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Iraq Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon and Bar, and the Weapons Qualification Badge.

Posthumously, Brandon received the Bronze Star Medal, the Purple Heart Medal, the Army Good Conduct Medal, the NATO Medal, and the Combat Action Badge.

May God grant to Brandon's family the peace that surpasses all understanding. Our prayers and most heartfelt gratitude go out to them, and I offer them my deepest condolences.

I am humbled by the dedicated service and sacrifice of their loved one.

Brandon joins the revered ranks of the many thousands of men and women throughout American history who have gone before him in battle to secure the freedom of the people of United States of America and people around the world.

He is an inspiration to us all.

AMERICANS DESERVE MORE THAN OVER-THE-TOP RHETORIC

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

Mr. STEARNS. Mr. Speaker, in recent floor speeches and in numerous media appearances, some Members of Congress continue to repeat the mistaken idea that a significant number of people will die automatically because of lack of access to health insurance. Now, as Franklin Roosevelt said, ''Repetition does not transform a lie into truth.'' The American people deserve better than this kind of rhetoric. The American people deserve a Congress that can work together to find solutions to our most pressing problems.

This argument is based upon a questionable study conducted by biased researchers, inaccurate characterizations, and faulty ideas. Oftentimes these Members quote from a Harvard study, which estimates that 45,000 deaths per year in the United States are associated with the lack of health insurance. What they neglected to tell you was that the two authors of this study, Dr. Himmelstein and Dr. Woolhandler, are cofounders of the Physicians for a National Health Program. And what do they support? This program supports government-backed, single-payer health coverage.

In fact, Dr. Woolhandler testified before the Energy and Commerce Committee, where I serve on the Health Subcommittee, on June 24. What did he testify on? On the absolute need, in his opinion, for a single-payer system. So he is totally biased. This report reflects his demand and his desire for a one-payer system. It's clear that this study was conducted by researchers who knew what they wanted the outcome to show before they even conducted the study.

Furthermore, this study used questionable methodology to reach its conclusion. According to analysis by John Goodman of the National Center for Policy Analysis, the authors of this Harvard study ''interviewed the uninsured only once and never saw them again. A decade later, the researchers assumed that participants were still uninsured''—this is after 10 years they assumed it—''and, if they died in the interim, lack of insurance was blamed as one of the causes.'' Obviously, that's faulty logic.

Yet, like unemployment, uninsurance happens to many people for short periods of time. It happens to a lot of people. Most people who are uninsured again regain insurance within 1 year, yet they forgot about this statistic. The authors of this study did not track what happened to the insurance status of the subjects over the decade examined, what medical care they received, or even the causes of their death. How can they make those claims?

In Massachusetts, for example—the public option here in Congress is patterned after Massachusetts. It has the highest percentage of its residents insured in the United States at 97 percent. We can see the effects of a government-run health care system by looking at Massachusetts. According to a 2009 survey by Merritt Hawkins & Associates, there is a 63-day wait to see a family medical doctor in Boston, the longest of the 15 cities surveyed. This

long wait is, in large part, due to Massachusetts' health care initiative. So, instead of waiting over 2 months to see a doctor, patients are flooding the emergency room since they cannot find a doctor, and this is putting a major strain on already overburdened and crowded emergency rooms. Obviously, these supporters of the public option here in Congress don't tell you how many people would die waiting for a medical doctor.

The United States has the best health care in the world, especially in comparison to countries that have a one-payer system. In 10 of 16 specific cancers, American patients have statistically better outcomes than their European counterparts. A new report released found that up to 15,000 lives could be saved every year if patients in Britain's National Health Service received the same type of quality care that patients in the United States receive. British Government responded by saying it's going to give patients the ''right'' to see a cancer specialist within 2 weeks of diagnosis.

I could go on. There are horror stories all around this world from countries that are practicing socialized medicine. From 2001 to 2003, the British health system would only allow doctors to prescribe a treatment to preserve vision for those suffering from age-related macular degeneration after the patient had lost vision in one eye. Only after they lost one eye. A woman with epilepsy in the United Kingdom faced a 56-week wait to see a doctor. Also, in the United Kingdom, Christine Preuth, 72 years of age, was told she was too old to receive treatment for a head injury at a 24-hour walk-in center. While walking in, she tripped and fell on the pavement. Bleeding from the head, the nurse said she was not able to receive full treatment because she was over 65 years of age and her complaint was a head injury.

We need to support health care reform that provides greater access to private insurance, lowers costs, and allows people who like their insurance to keep it. The public option does not allow that. Unfortunately, Democrats believe that the government-run health care system, spending over a trillion dollars, will solve the problem. The facts in all socialized countries do not bear that out. The numbers just don't add up, and future generations will be on the hook for paying for this dangerous Democrat health care experiment.

CLEAN ENERGY ECONOMY FOR THE FUTURE

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

Mr. TONKO. Madam Speaker, we're going to utilize our 60 minutes this evening on the floor so as to have Democrats speak to jobs as they relate to this energy rethinking so that we can address the energy reforms that are essential for the strengthening of this Nation, to embrace our intellectual capacity, and to provide opportunities in job growth by promoting a strong sense of energy security, enhancing our energy independence, and therefore addressing favorably, Madam Speaker, our national security. All of these fine dynamics are met as we think outside the barrel, if you will, on energy policy.

How do we create these jobs? Well, there is just a sampling in the American Recovery and Reinvestment Act that, when passed in early February, spoke to the creation of a half million jobs. That will now be invested through the Department of Energy, other resources, other agencies on the Federal level of government to make certain that we grow these opportunities through research and development investment, through energy efficiency, through renewables that are available through wind, solar, and the Earth, through geothermal; making certain that we can go forward with a progressive agenda so as to speak to a cleaning up of the environment and the security strengthener for the American economy by growing less reliant on fossil-based fuels. That gluttonous dependency that this Nation has on those fossil-based fuels is driving down our economy, and we have the potential here to enter a clean energy race, a global energy race, and win that race.

I am joined this evening, Madam Speaker, by two of our colleagues who have asked to participate so as to insert their thinking and to share their enthusiasm with the American audience and those here in the House about the job potential as it relates to energy reforming and energy transformation. We're joined by Representative JAY INSLEE from the State of Washington, the First District of the State of Washington, and we're also joined by Representative BEN LUJAN from the Third District in the State of New Mexico. Both are outstanding Representatives as it comes to energy transformation but also outspoken voices about job creation, job retention as it relates to energy policy.

Representative INSLEE, because we are all, the three of us, partners in this new developed SEEC, the coalition that is provided for a Sustainable Energy and Environment Coalition, a group that has brought together soundness of thinking and the advancement of progressive policy. You serve as a cochair of that panel on which both Representative LUJÁN and I serve. And so this evening if you would just share your comments with us about job potential as it relates to energy as an arena.

Mr. INSLEE. Well, with 10 percent unemployment, we know this country needs to act and we need to act quickly, and we need to act quickly in the job front of jobs that just won't be temporary and just won't be make-work jobs but will be part of the transition of our Nation to a Nation that can lead the world in the clean energy economy of the future. And we know that we have to get in that race for those jobs right now. We have bills pending, as we have already passed in the House the energy bill, which is now pending in the other Chamber; the stimulus bill, which is still in the process of being implemented; and we may have another bill on the floor of this House within the next month. All three of those bills are ways that we can jump-start the job growth in this economy by putting people to work on the jobs that are going to be the long-term jobs.

I want to note something. Our President was in China yesterday. I believe he's still there today. I was there about 4 months ago meeting with Speaker PELOSI, the President, and the Premier of China, and I will tell you the risk our country really has is that there is a country across the Pacific who fully understands where the jobs of the future are going to be. And when we talked to the President and Premier of China, they made very clear that they were going to try to dominate these industries and dominate job creation in building electric cars, electric motors for electric cars, wind turbines, solar voltaic plants, solar thermal plants. The Chinese are spending about $12 million an hour on renewable energy job creation. They spent three times as much on their stimulus bill as we did on ours in job creation in clean energy. They want to dominate the job creation of the future. And we are determined in this Chamber to get in that race both in the energy bill we passed in August and in this job creation bill we hope to be considering in the next month on the floor to continue this job creation.

I just want to mention two things that I think we ought to do very quickly. Number one, we should be putting thousands of Americans to work in retrofitting our homes and our businesses and our public buildings and our schools to make them energy efficient.

□ 1645

We started down that road in the stimulus bill, but there's more we can do to put people to work putting insulation in our homes, putting new windows on our homes, putting more energy efficient heating and cooling systems in our homes, in our schools and our buildings; and we will be proposing to leadership in the House, actually, this afternoon of this Sustainable Energy and Environment Caucus four or five ways to promote that type of job creation.

Second, we hope to use the Tax Code to continue incentive for Americans to make these kind of investments. We have a tax credit for homeowners right now, but it's just a credit you could take at the end of the year. We want to make that an advance so homeowners

possibly can get the cash to work with this right now to hire people to put people to work in retrofitting their homes. We want to use the Tax Code to extend a couple of the tax credits that we're now using to develop job creation, for instance, the bio-fuel industry, that is expiring this December if we don't extend it. So there's just two ideas. I know we'll have some time tonight, but I would suggest that we could at least start at those two ideas.

Mr. TONKO. Absolutely. Thank you, Representative INSLEE.

You talk about energy efficiency. I think we need to regard energy efficiency as our fuel of choice. We should give it highest priority because, for too long, supply-side solutions were encouraged without any addressing of demand side. We have a gluttonous dependency on whatever fuel mix we have in this country. We have got to do it with more efficiency. And I think that the kilowatt hours saved represent those cheapest that we need address into the future. The plant you never have to build will be the outcome here that provides for the cheapest kilowatt addressed.

We set a record, an historic record, with the $70 billion worth of investment in energy transformation, in renewables and energy efficiency and R&D through ARPA–E. All of this is a record proportion in this country's history. If it were a stand-alone bill outside of the Recovery Act, that would be the case. And so we can take great pride. There are people who are advancing this agenda because we know it is the right thing to do. And as you indicated, competing nations out there are already deeply invested into the race. We do not have the luxury to sit by idly and lull in some sort of sense of complacency and believe that we can escape this race. We need to be in it as we were in the Space Race in the sixties.

Mr. INSLEE. And I may note, if I can, efficiency, some people think that means just turning off your lights when you're not in the room. Efficiency needs to be seen as a job creation engine because when you become efficient you do two things: one, you make investments in your infrastructure to make it more efficient. And when you make those investments, you hire sheet metal workers to do the duct work, you hire people in the construction trades to do the retrofitting, you hire people who are manufacturing energy efficient refrigerators and energy efficient air conditioners, and a whole slew of these new businesses. So efficiency is a job creator first.

Secondly, after the efficiency is installed, you free up money for other investments. A business that can save 20 percent on its energy costs, and many businesses can, there's a company called McKinstry in Seattle which is leading the world and putting thousands of people to work. They're freeing up that money for businesses to make other investments. This is a job creator. We've just got to use the Tax Code on something like the PACE bonds, another idea that we will be proposing to leadership, to allow municipalities to float bonds, use that money to give to homeowners, let the homeowners retrofit their home and pay back the municipality on their property taxes. It's a surefire winner for everyone to get money to homeowners fast so that they can hire people to fix up their homes and have security for municipalities of getting paid back.

Mr. TONKO. You're absolutely right. And I'm very proud to serve on Science and Tech as a committee assignment in this House with Representative BEN LUJÁN. We see, firsthand by that committee assignment the innovation that is sparked, that the policy we're developing is investing in all of this intellect here in the States, in the United States where we can provide these opportunities; many are shelf-ready. We're not even utilizing those. So we need to advance those efforts. Science and Tech is a good way. The SEEC Coalition, the Sustainable Energy and Environment Coalition, is a great opportunity on which all three of us serve.

Representative LUJÁN, I know you have great thoughts about where we can go with energy policy. You're an outspoken voice, to your credit. It's great to have you here this evening.

Mr. LUJÁN. Thank you, Mr. TONKO. It's an honor to be here with you tonight. I just want to say thank you for making sure we got this hour moving, and especially to be here with such a distinguished Member as Mr. INSLEE to talk about these important projects that are moving forward.

If I could just pick up a little bit where Mr. INSLEE left off there, when we talk about energy efficiency and the investments that are made in people's homes, let's walk through with everybody tuning in what that entails. So, at the most basic level, someone that owns a home or someone that has a place where they live, they walk down to the local hardware store, they purchase, whether it's caulking or some insulation that they can install on their own, maybe change out some light bulbs, some basic things that they can do on their own. So they go and they support the local store, make some investments there, help that local economy churn a little bit. They go back home, they make these installations, they're going to see that utility bill drop a little bit.

Now with the investments that we've put forward in both the Recovery Act and what we hope to see with the energy bill that we passed out of this House and out of this Chamber and what the Senate is working on right now, we're expanding those opportunities. All across the country and going on right back at home, we've been part of going into people's homes where they've had some weatherization projects recently, where it's a little more complex, where they're working with local contractors; local contractors that are going to the community college or going back to some of those apprenticeship programs and learning some new skills so that way they can further their business, take advantage of some of the investments that we've put forward when they're installing now more insulation in the roof tops, those shinglings that Mr. INSLEE was referring to that sheet metal workers are now putting in businesses and homes, maybe changing out that furnace if it's been there for 20 or 30 years, maybe it's even that water heater which has been there for 50 years, doing something with that second refrigerator that's maybe taking up a lot of energy.

Now we're putting people to work. We're making investments in homes. We're adding value to the home, so now we're helping people in their communities, putting a little bit more money in their pockets. If we can do this in every home and people across the country are taking advantage of these programs and we're making these investments, how much less energy is needed? When we talk about that we go to rates, rates that they're going to see coming from utility companies as a whole. If we can prevent one more coal plant from being built or one more big facility from being built in an old conventional way and we're able to employ new technologies, so that way we're bringing in more job skills and more job creation, looking at the way we can take advantage of abundant resources we have here in the U.S., making sure we're building out transmission in a smart way, taking advantage of new materials, employing the scientists, the engineers, the researchers who are looking at these applied technologies, making sure that they're looking at modeling, employing and bringing in the expertise from our national laboratories into this now?

We've got everyone from the person that's in the home that can pick up that hammer and could do a little bit of work themselves, to the contractor who can go into those homes and make sure that they're making those investments, the local hardware person making some investments, to physicists, engineers, researchers who are adding to this. Now, we don't see the possibility from a job creation perspective, and it's unfortunate that we still hear from some of those that are opposed to investing in America and in investing in energy, from creating these new jobs and making things happen, I don't know what more we need to do to convince them, because all across the country this is happening. That's why we need to continue making these strides forward and making these investments in America, because if we do things smarter and we do things better, we're going to get this economy turned around. And making sure that we're investing and taking advantage of a new way of investing in energy, investing in energy efficiency, investing in weatherization and investing in renewable

generation, we can make all these wonderful things happen.

And even going a step further to what Mr. INSLEE was talking about with the bio-fuel tax credit extension, so we're being less dependent on foreign sources of fuel, foreign sources of oil, and we're able to build that right here in America. What a great idea. It's just an honor to be a part of that.

Mr. TONKO. Thank you. It's also a way to clean the environment. You know, the ripple effects of this whole exercise are so great that they reach out over the spectrum of jobs in so many dimensions. There are the trades that Representative INSLEE mentioned a while ago. There are those with a bachelor's degree or an associate's degree, a master's degree, a Ph.D., all are brought to the table because we need the strengths of every one of those sectors of the work force to respond to this energy innovation. And I saw from where I sat prior to my entry here in Congress, as President and CEO of NYSERDA, the New York State Energy, Research and Development Authority, where job creation was a big part of the outcome, whether we're retrofitting a factory to make it smarter.

Many are suggesting, well, we can't compete in a global marketplace because the workforce is paid so little in some other communities, in some other global communities. That may be true. But what we also can do is work smarter, and the working smarter is where you embrace the intellectual capacity of this country and put it to work for our manufacturing sector, put it to work for the businesses across this country, where we can reduce that cost of energy, reduce the cost of their products and then make them more viable on the global scene, where we sharpen that competitive edge, don't dull it with the exorbitantly high cost of energy, and where innovation and intellect are not embraced in a way that can really make a difference. We see it all the time.

Representative INSLEE, I know you want to hop in here because you are that outspoken voice from the west coast, if we might add.

Mr. INSLEE. You made me think of something. You mentioned smart people and smart ideas.

I had a very smart person in my office today. His name is Mike Town. He's an environmental science teacher at Redmond High School, the Redmond High School Mustangs in Redmond, Washington. Mike is leading a national effort called Cool Schools. It's something he started at Redmond High School to try to see if his high school could figure out how to not waste so much energy and save the school district money. They now have saved something like, it's about $25,000 a year just for their high school by doing some commonsense efficiency things that they have done and in investments they've made at Redmond High School.

They now have a group called Cool Schools which are trying to get schools across the country to engage in this kind of a challenge to see how much energy you can save; and the brilliant ideas a lot of the kids are coming up with—kids meaning 15-, 16-, 17-, 18-year-olds—the ideas on how to green their schools that are making their schools a lot more cost effective so the taxpayer can save money, and a lot more green for the environment. And the kids learn a lot about science as well. I just mention it because the schools can be a factory of ideas, but it's a place to put some investment to save taxpayers money. When we make the public buildings more efficient, we save taxpayers money.

But here's the challenge, and here's where I think our last energy bill, and perhaps our next jobs bill which might be on this floor in December sometime can really do a service. The challenge has been for homeowners, how to get the up-front financing to pay the contractor to fix your house up. Everybody knows that you might spend a few thousand dollars fixing your home up, and you're going to save a lot more over the long run because it's going to reduce your energy bill. But the question is, how do you come up with the scratch to do the first contract?

Well, where we can help, and we're going to be proposing several ideas in this jobs bill that will essentially help the homeowner finance that, and there are several ways to do that: one, to give them an advance credit on the credit that now exists on your income taxes, to actually give an advance so you can pay the contractor to get it going.

Second, we want to make it easier for cities to do what some cities like Boulder, Colorado are doing. They have a program where basically the city gives the money to the homeowner, the homeowner hires the contractor, then the homeowner pays the city back on their property tax. And it's a lien on the house, so the city knows they're going to get their money back. The city then issues a bond to generate the capital to pay for this program. We want to help some cities by guaranteeing that bond, they can sell it on the bond market for less money then and generate more bang for their buck.

This is the kind of program that is just difficult really to see how it will fail, because almost any investment that people make to their homes seem to pay off in the long run in reduced energy bills. It's just getting that original capital to get going. So, as part of our jobs bill, we're going to be proposing a way to accelerate the ability of homeowners, small businesses, school districts, public utilities, can generate that capital to get the money investment done and then save money over the long run. And when we do that, everybody wins.

I mean, I know this seems likes a no-brainer. Why isn't it happening naturally? It's not happening naturally because people can't get the capital to make these worthwhile investments. And when we do this we're putting carpenters to work, we're putting plumbers to work, we're putting sheet metal workers to work, we're putting truck drivers to work, we're putting architects to work, we're putting designers to work. This is really a sweet spot for us, and I hope that we can accelerate this.

Mr. TONKO. I think the point you make is a very important one. There are so many strategies that we can utilize, so many approaches to network with consumers out there, be they residential, business, commercial, industrial, we can reach them because there are ways with these quick payback periods that come with much of this retrofitting or with the energy or conservation measures that we can utilize the efficiency efforts.

□ 1700

We can show people where they can recapture that money that was invested simply through savings in their energy bill. And I think what happens also is that as it catches on in a way that inspires one another, neighborhoods, communities and States start getting into programs, and it spreads; the good news spreads.

We did, when I was at NYSERDA, a dairy program that invested in energy efficiency at dairy farms. Now they were not getting what they believed was a fair enough price, and I agree with them, for their product. We couldn't control that at a State level, but we could reduce their costs of production. And we did it by reducing, through energy efficiency, their energy bill. And they would take pumping and cooling processes at the farm, they would take all of the elements that needed to be put into the process, the business plan of that dairy farmer, and reduced, in a very clever way, by working with Cornell University, working with the local utility, working with NYSERDA, and working with the Farm Bureau, we came up with a program that really saved a lot of farms.

Today that program is very popular in a couple of counties in the State of New York where the demonstration was begun. And it is something that could be stretched through time over a larger bit of geography for many farmers to utilize such a program.

When Representative INSLEE talked about the school system and saving the schools money so that they could then, with that fungible notion of that budget, transfer some of those savings over to investment in the classroom, that's great. But I also think we teach by example.

Our students watch what we are doing. I spoke at a high school graduation this summer at North Colonie School System at Shaker High, about 500 or so graduates, and incorporated all of the talk about energy transitioning, innovation economy and the need to protect the environment and strengthen the environment. I have to tell you, throughout the course

of the summer, so many students from that high school reached out to me. They would see me and in casual conversation they would support the statements that you offered, the ideas that you were sharing at their graduation. They are going to push us. They are going to push these generations that are today making decisions to move forward with a progressive plan, with an idea that really saves our Earth and allows this economy to jump-start.

I think of that idealism, and I take myself back 40 years. what a great opportunity to shake the hands of the Apollo 11 team a couple months ago in July when everyone was in town celebrating the 40th anniversary of having won that space race. The U.S. landed a person on the Moon, and look at the technology improvements that came from that race. And we won it.

We need that same passionate resolve to enter into this race. We don't have the luxury to say we won't enter this clean energy global race. We know there are other partners already out there. And in my heart, I totally believe that we can win this race. But we can't afford to sit by because China, India, Japan and Germany—Germany is investing in solar PV hot water systems where they are training a niche of plumbers to retrofit homes where they are using the sun to power the hot water needs that they need. It's available.

All these opportunities are there. We simply need to move forward.

Representative INSLEE, you wanted to jump in.

Mr. INSLEE. I just want to make one comment before I leave. There is some really good news out here for America on the job front in clean energy. Two weeks ago on the Microsoft campus out in Washington State, I drove a Ford Focus, which will probably be the first American, mass-produced all-electric vehicle. And this car is the bomb. When Americans get in an all-electric car and understand how much torque an all-electric car can generate, this is the fastest car I've been in since I was in my buddy's Chevy 404 in 1968. When you hit the pedal, it's not a gas pedal, I guess we will call it the accelerator, they will still call it the gas pedal anyway, even though it's all-electric, unbelievable power is generated because an electric engine gives you immediate torque. In an internal combustion engine, you have the pistons and you have to get the momentum up. Electricity is immediate torque.

Now everybody has been talking about electric cars because they are so efficient. They can wean us off of our Middle Eastern oil addiction, which is so dangerous to us. They can reduce global warming. But what Americans will really love is how fast they are and the acceleration you get from them. That will be the fun thing about them.

The good news is we now have an opportunity to get thousands of Americans to work building electric cars, building plug-in hybrid cars. And General Motors has the Volt, which will be coming out. You plug it in, and it goes 40 miles on all electric, and then it has an internal combustion motor so you can go another 200, 250 miles without having to get another charge.

They have taken a little different approach. Americans will have a choice of how to move forward in electric cars. The Tesla is already on the street, which is all-electric, which is the sportiest, fastest and most amazing-looking car you've ever seen. They're a little expensive right now, but they're working very well.

The point I want to make, though, is we have got to jump-start this progress because the Chinese want to dominate this industry. And once they get a foot in the door internationally, you don't want to be the second place coming out of the chute in the provision for the electric car. And what we did in our energy bill and our stimulus bill has given very significant investment capability in the industry to produce these cars.

We also did it for the batteries. We had $2 billion in the stimulus bill to try to jump-start a domestic lithium ion battery system to run these cars. Now there are some other things we can do perhaps even to move further to get jobs in these industries.

The point I want to make is we can't sit around for 10 years and maybe do this 10 years from now. We have to do it right now for two reasons: one, we've got a 10 percent unemployment rate, and people are desperate out there. We know how trying and the anxiety that unemployment creates. It is one of the most difficult things for people who want to be productive, who want to take care of their families. This is very difficult for thousands of our fellow Americans right now.

But, two, this is the opportunity of the lifetime or maybe several generations that we can't lose to these other countries. And so that is why it's important that the other Chamber pass this energy bill. That's why it is important in our upcoming jobs bill to investigate other ways.

Here is one idea I hope will be considered in the jobs bill: we need to provide charging stations for people. If we are going to have electric cars, we need charging stations. And helping municipalities build these charging station networks is something we might be able to do to get electrical workers, IBEW members, machinists, electrical engineers employed, working with the infrastructure to create charging stations around the Nation. Now we don't need as many as you might think because 60 percent of all our trips are under 40 miles anyway, and these cars are going to have at least a 100-mile range. So most of our trips don't require a car that has 300 mileage. But we still need some in case you want to go a long distance.

So I hope in our jobs bill we will consider ways to jump-start the building out of these electrical systems to get that job done. I want to thank you for letting me participate tonight. I look forward to our next discussion.

Mr. TONKO. Thank you, Representative INSLEE, and thank you not only for your dedication to the efforts of reforming energy policy, but your determination to keep fighting to that finish line. And it's that kind of advocacy that will get it done. We thank you for joining us this evening.

Representative LUJÁN, we hear about the messaging that is so important about creating jobs. We have an environment out there that needs to be strengthened, cleaned and protected. We have energy crises of various types that need to be resolved. And all of this can respond to a job crisis in this Nation and in this world.

There are hurting economies. There's a recession that went deeper and longer than many projected. There was a deficit inherited by this administration that was developed over the course of 8 years that really puts this economy into a hurting situation.

And so now it's our task, the Obama administration's challenge, to take that deficit inherited that really destroyed an economy, and now we have the opportunity to rebuild that economy but, at the same time, to respond in a way to the dynamics out there of energy reform, of environment, of strengthening the environment response, and at the same time, developing jobs of all types, from the trades on over to the Ph.D.s.

I know that you're in the middle of that battle. I know from your statements made in the Science and Technology Committee and from your statements made on the floor that no one can second guess where your heart is and where your thinking is on this issue.

Mr. LUJÁN. Mr. TONKO, we have an opportunity to work on these issues together, to move legislation and work with our colleagues to talk about what tomorrow will look like and not wait for a few years to come before we get a lot of this policy in place to create these jobs, to be smart about the way we do things, to invest in this technology and to really embrace this opportunity that we have now.

As I travel around the district, I remind people how, not too long ago, we had $4.50 gasoline. If you were using diesel and you were out on the farm in some of the rural parts of the country, we had $5 diesel fuel, and how a lot of those people that were making the profits off of that, where this money was going overseas, they weren't really our friends. And they still aren't. We see where that money is going. We have an opportunity now to change that as a way that we look at energy in the country, in the United States of America, in this beautiful place that we call home.

Now, as we talk about the tax incentives necessary for homeowners and businesses to be able to invest in their homes, I think Mr. INSLEE is right on

track there. As we talk about what we can do, in looking at being smarter about the way that we look at policy, adopting better ways of doing things, encouraging people to invest in their homes in a way that's going to save them money in the long run, that's going to add value to their home in the long run is brilliant, I hope that we have something like that in the new jobs bill.

Now, Mr. TONKO, you were talking about how you were able to work with schools in your community, with Cornell, with leading institutions and universities, to work with the local public schools or with the dairies to create more efficiency so that way they could put more money back into their pockets, have a more competitive cost structure with their products as well.

When we invest in our schools, we create living classrooms. We create classrooms where we are teaching our students these jobs skills of tomorrow by encouraging them to go learn a trade or go to college to become that electrical engineer, the mechanical engineer, to become the entrepreneur to start a business so that way they can go and make these investments in our community.

What better way to get more young people encouraged and to really get that ingenuity moving, to get the creativity alive and well again in our country? This is the way to get it done. There is no reason that we can't be working more closely with our students, teaching them in the classroom, leaning on our universities, our national laboratories, to be able to partner up with our businesses and show them how to do things better, how to use less energy, how to take these products to market better and how to build them right here in the good old U.S. of A.

We talked a little about vehicles. Now as we transition and we are investing in these technologies where we have hybrids and plug-ins, we need to look to see how we can do better here in this country as well. And that's something where I'm encouraged where a little more people are talking about how even natural gas can be used in our vehicles, which burns a lot less carbon, but is abundant in different parts of our country that can go into our vehicles.

Now it's being smarter about the way we do things, and it's using technology a little differently; and it allows us to be able to not have to depend on foreign sources of oil while we're getting there. And those investments will be used in electric vehicles and hybrids and making sure we are making these technologies available to everyone. And it is just so exciting because as I go home and I talk to our national laboratories and I talk to businesses. I have seen an opportunity now where we can maybe build and retrofit a refinery back in New Mexico to have a biofuel refinery.

These are exciting things that we can do to put people to work, to bring people back to work and to even show this technology off to the rest of the world.

It's happening right here at home. And it's only going to continue, though, if we make these investments and we get more people on board and the people around us, people all across America realize that this is something that we can do. It's a job starter. It's a job creator. And it's really where we need to go as a country to get back in front of everything.

Mr. TONKO. Well, Representative LUJÁN, what I believe you're expressing here is the greatness of America. And that is driven by a belief, a set of values, a skill set, an investment in education that says we have succeeded in the past, we can continue to succeed, and we will succeed because the success that is driven oftentimes is determined by a tone that is established. This administration has said, enough with these deficits that were created that we inherited and now we have to resolve. We have to move forward with an investment that carries us through these dark times that were developed.

□ 1715

And how do we do that? Well, you and I, both working through the Sustainable Energy and the Environment Coalition—SEEC, as is commonly referenced—heard from the former minister of energy from Denmark. He talked about transitioning that economy of Denmark, transitioning their energy thinking. Afterward, I talked to him and said, Just how did you do it? Some of the ideas were driven by the American think tank. They took patents from this country and they deployed that thinking into their economy and they invested in their economy. Well, now that's sharp thinking. That's the sort of efficiency that we all should strive for in government.

Now, in this process we need to invest, yes, in the R&D, but we need to then transition those discoveries in the lab, those whiz-kid ideas. We need to take those and deploy them to manufacturing, we need to deploy them to the commercialization sector, so as to realize the discovery here in a way that provides for improvements in society and new responses to energy crises.

Well, just recently the President traveled to my district, to the capital region of New York, to Hudson Valley Community College. We have been talking about the wonderful economy, regional economy, that has been a foundation, a fertile ground for fostering the thinking of nanoscience and semiconductor as an industry. There is that fertile investment that now is anxious to couple with Federal thinking, with Federal resources.

And so the President showcased this wonderful thinking in the region, through the community college, developing curricula for green-collar workforce development; dealing with construction majors who will know state-of-the-art solar or PV installation; working with all those budding scientists and skill sets from the trade sector that are going to be there to transition us.

So he talked about the investment in human terms, in capital terms, in ways that will allow us to now transition. This is how we grow out of this deficit situation, which we inherited from no sense of vision and from poor management of resources. Now we're going to work together to develop energy plans, to work on a situation that grows jobs.

This is all about growing jobs. We hear it all across America. People are looking for jobs. This is a good way to develop those jobs—R&D jobs, manufacturing jobs. Once you invest in that so-called ''valley of death'' where there isn't that network of Federal resources to be matched with the angel network and the venture capitalists that take the idea from the lab, from the investment, from both the private sector, academia, or maybe even government, taking that and transitioning it over into the commercial sector, into the manufacturing sector—that is the resource we need.

And when the President traveled to the district, he heard how we needed to connect those dynamics so that the confluence of those ideas and those resources spell success, spell new ideas. The American intellect is so very capable of making that happen. That is the greatness of America. And we can underscore that greatness by investing and inserting the sort of policy that makes the total difference here.

Again, we don't have the luxury to wait. We cannot sit by in some sort of idle complacency that finds us comfortable with where we're at today without stretching, without transforming, without moving forward in a way that we did 40 years ago with the space race. And we were proud when we won that.

When I was a kid, we heard Sputnik all the time—in school, at home, at church, wherever you traveled in the community. People were passionate about making that happen. We were going to move forward, we were going to invest. We shared a vision. We fine-tuned that vision as an American people and then won that prize by landing that person on the moon. That influenced all sorts of technology growth and inspiration.

We have that same golden opportunity here. What a mistake if we're to let it go by. We will fail generations to come if we do not seize this moment and make it work in policy terms, in investment terms, in resource terms, in a way that spells a new day for energy generation, energy efficiency, and energy investment through R&D.

Representative LUJÁN, I know that working on these several projects, we can make a difference.

Mr. LUJÁN. Mr. TONKO, well said. As we talk about what this has to offer the country, where we can go from here and how we can learn from some of the mistakes that were made in the past, you know, this notion of the over $4 a

gallon gasoline and up to $4.50 and $5 that we saw recently, not too long ago—we saw what was happening and how we're creeping, yet the investments weren't made.

Now, those that are critical of the President and of this Congress for making investments that are going to make a difference tomorrow so that we're solving these problems, we don't have the dependence on these foreign sources of oil; we're going to take the latest and greatest, the scientists, the smartest people, the individuals that are starting their own businesses, those contractors, the tradespeople, the builders, and bring everyone together to do it better, to do it smarter. I don't understand it, why there are still those that don't think these are good ideas.

We talked a lot about the space program. Now let's put this into perspective. When we won the space race here in the United States and we developed the technologies that enabled us to win that space race, solar panels were part of that. And where are we now, Mr. TONKO? With the rest the world, falling behind when it comes to solar technology, to using it and integrating it into everyday use. Now this is a technology that we developed here that enabled us to win the space race and generate the power needed to keep the men that were in space safe and get them back home. We can use it to power our homes. We can use it to diversify the way that we generate power for the country. We can use it to create jobs. We can use it to develop more and more exciting, innovative ways of looking at the way we do things. And, as you so eloquently put it, talking about nanotechnology; building things smaller and smaller, where we have been able to do this with the way that we use computers now, where they use less energy; the phones that we use.

All the technology that has come out of what we achieved with the space race, and how we in the country have fallen behind now—that's what we're talking about here. It's investing in America. It's staying ahead of the curve here. It's making sure that we provide the best education for our kids, that we're making this commitment in science and technology and engineering and math, and that we're keeping it here to build the things here, to build these components, to create these jobs back here at home. That's what we're talking about here. And I just hope that more and more of our colleagues, Democrats, Republicans, independents, that we can come together to make this investment in America, because we can't afford not to.

We have always been leaders when it comes to innovation. Now let's take that leap, let's take that step, and let's make that commitment to invest in America, invest in ingenuity, create these jobs, and do things better and smarter for tomorrow.

Mr. TONKO. Representative LUJÁN, I couldn't agree more. And I really do believe that many of us were sparked—our interest was sparked by just the vision that we shared and by the news that we would hear on a daily basis. We'd come home from school and hear it on the night news. That sparked so many people to look at math, at science, at engineering, because we had leaders that really saw that we had this greatness of potential within us.

So everyone marched along in this chorus of belief that we could make the world a better place. There was a sense of global community. There was a commitment of this Nation to really lead in a way that provided for great outcomes.

That sort of leadership is coming back here. I think that this administration, the leadership here with Speaker PELOSI and the leaders of so many committees in this House see it, they get it. They know we can solve this job crisis by bringing in the nuances of energy reform, of health care reform, of providing for a jobs agenda.

You know, when you look at some of these issues where you take nanoscience within my district, where they're really developing this precision testing—the mass production of the past Industrial Revolution was about a great idea, perhaps started in your garage and then developed into a factory-size space because you had to meet demand. Well, today it's about precision. As you pointed out, something as thin as a strand of hair will be what they're working on.

And so the prototyping, the testing, the evaluating, are all elements of success. Very pricey. And so there's a role here for the Federal Government to insert itself, to say, Look, you're an entrepreneur; you're a budding scientist; you're an emerging technology that's being driven by your intellect. Let us partner with you, let us partner with the angel network, with the investor communities, so that we can take this idea and make it real and put it on the shelf. That's what it's all about.

Other countries are using our ideas—and our ideas are still those that are driven by an investment in education, in higher education. So this is a full set of circumstances by which we will govern ourselves, our thinking, in a way that transitions this economy. That's what it's about, the innovation economy. And yes, there's a jobs crisis. But yes, we saw what the deficit that had been going far too long did to our employment issue. Did this happen overnight? Did this just happen 3 months ago? Did we just start to lose jobs just weeks ago? I don't think so. But now the transitioning into an innovation economy is driven by heart and the mind—the thinking here that we can do better and we will do better. And that's what it's all about. It's taking the stand and making certain that we invest our way through some very difficult times.

Mr. LUJÁN. Mr. TONKO, I'm glad that you're reminding everyone watching today that these job losses and what's happening with the economy and the deficit, that this just didn't happen 3 weeks ago or 3 months ago or even 6 months ago. That this is something that was developing and building.

We're going to hear those that say we can't invest in the country when it comes to clean energy, we can't do this, we can't do that. Well, I say to them: We can't afford not to. We're going to continue to hear how others want to scare the American people and don't want to see this President succeed or this Congress succeed in investing in America. We need to do things better here. And I know, Mr. TONKO, we're both new to Congress. But when it comes to putting the American people first and remembering why we came here and continuing to invest in this great Nation of ours to make it stronger and better and providing an environment where we can let people that want to start a business, start a business; where we invest in that science and that ingenuity and that creativity which allows them to do it, that's what we can do.

Mr. TONKO. Absolutely. And it's responding to the needs of middle-income America, working families across this country, who are part of the solution. They are part of the solution. We need simply to bring everybody together into a working semblance that then allows us to move forward.

You know, I think of the wind energy efficiency bill that I got passed in this House that started in the Science and Tech Committee, taking a step back to look at how we can improve not only the placement but the wind forecasting. But also the manufacturing, the materials that are utilized. The gear assembly. How do we do this? Well, you couple that with the nanoscience sector and you can take that nanoscience growth, that intellect that's being developed, that's being fostered in the various centers of nanotechnology, and couple them with perhaps agriculture or pharmaceutical as an industry, or the health care industry, certainly the energy industry, and produce stronger materials, lighter materials, more durable materials, working on situations that provide for the greatest efficient outcome with the resources that we invest.

I look at kinetic hydropower that was used as a demonstration project at NYSERDA, where I used to serve as president and CEO. We used the turbulence of the East River along the island of Manhattan, and we utilized that water movement to turn the turbines sub water to create power needs for Roosevelt Island. Well, that's just a snippet of the imagination that can be tapped into.

Today, after improvements through the DOE lab in Colorado, we're now looking at the potential of 1,100 megawatts of power produced by kinetic hydro. That's just a sampling of what can happen. We see geothermal and its potential. I was there for a ribbon-cutting for a project at the Culinary Institute of America utilizing

geothermal to help run the campus activities.

All of this has immense potential, immeasurable at times, and all we have to do is unleash the talent. A leading Nation such as ours cannot, again, be complacent. And we need to continually energize our thinking and our behavior. No lead nation can allow itself to slip backward. Unless we encourage our workforce and our students out there, our youth, to desire, to invent, and discover and explore, we will not maintain a leadership status.

So I agree with you, for those who are agents of no, for those who wanted to settle for the status quo, those who are perhaps using partisan approaches to deny progress with this administration, need not put the burdens and the hurdles before us.

□ 1730

We need to march forward in progress, sharing a boldness of vision, created by a situation here that has really triggered the need for the American ingenuity, the American intellect, and the American resolve to move us forward.

Representative LUJÁN, it's great to have you here this evening.

Mr. LUJÁN. Well, it's great to be with you, Mr. TONKO. I'm not sure if there is anything to add after that.

When you talk about the piece of legislation that you brought to the floor and we were able to get passed that would make new investments in wind energy, back home in a little community by the name of Tucumcari, New Mexico, we have the North American Wind Research and Training Center at Mesalands Community College where they're training young people how to maintain these wind turbines across New Mexico, across Texas, up to Colorado, and across the country. I will tell you, job creation, investments in new energy, investments in clean energy, they're all connected. That's one example of a piece of legislation that's allowing us to achieve this and make it happen.

It's just great to be on the floor with you this evening, Mr. TONKO, as we're able to talk to the American people and those that want to see this happen, those that are hungry for this investment, those that are hungry to see their kids have these opportunities for years to come, that they want more generations behind them to have as well. I'll tell you, we're almost there, Mr. TONKO, and we're going to make this happen, and it's going to be the American people to help push us over the top.

Mr. TONKO. Well, I agree. And thank you for leadership like that that you have provided, because it's that advocacy, that voice of can-do that will make the difference. I think of the opportunity that we have to make solar a legacy piece.

Representative GIFFORDS introduced her solar efficiency roadmap legislation, and allowing for us to look again at the efficiencies that we can drive into the solar discussion, the solar outcome, we should create a legacy piece of that. We need to look at thin film and R&D that can put us into a situation where we discover the materials that can shave the priciness of some of these renewable opportunities that then make them all the more competitive, make them all the more connected to consumer behavior out there.

You know, if we can utilize the sun, and if we can utilize water, and if we can utilize the wind, and if we can utilize the soil to provide for our needs in a benign way, then what a tremendous legacy, what a tremendous bit of progress to leave that next generation as they will continue to grow upon our success stories. But what a tragedy if we're to look back and say that we thought status quo was fine, that 40 years ago we won a space race and we were content to sit still. Nothing could be more un-American than that thinking.

So in this House, in this loftiness, we require lofty thinking, and that's what it's about. I'm so proud of this majority in that they do speak in lofty terms, Madam Speaker. I think this is the way we get things done, and I am just impressed with what I see here being brought forward not only in resolve for an energy problem or problems or with environmental concerns, but in job creation, where we're allowing as a down payment a half million jobs with the American Recovery and Reinvestment Act, but then looking at the millions of jobs that come forward through a program like ACES, the American Clean Energy and Security Act, that allows us to, again, think outside that barrel and say, That's not good enough for us.

Fossil-based fuels, you know, the dependency to send hundreds of billions of dollars to foreign economies where there are unfriendly governments that are utilizing those monies in their Treasury that are poured in from the American pockets and then fight us as terrorist regimes or what have you, we have got to step back and say, There is a better way. And there is a better way, and we're promoting it. We're advancing it here, and it's all in the name of job creation, job retention, which I believe is a benefit that is immeasurable in its kind.

Madam Speaker, we thank you for the opportunity this evening to share sentiments on behalf of Democrats in the House who are advancing the notion of progressive energy policy, of resources that will enable us to think in new capacity as we speak to the energy needs of this Nation all while advancing the notion of jobs. We thank you for that opportunity.

Representative LUJÁN, any closing comments?

Mr. LUJÁN. Madam Speaker, we just appreciate the time this evening to remind the American people what we can do, the jobs that can be created when we can come together and make investments in this great Nation of ours. Investing in energy and being smart about the way we do things, it's all part of the mix. It's just great to know that this Congress and this President are serious about getting something done to be able to put the American people first.

GROWING THE GOVERNMENT

The SPEAKER pro tempore (Ms. KOSMAS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Madam Chair.

It's a pleasure to join you this evening and to join my friends as we take a look once more at a debate which has stirred the imaginations and minds of Americans and has perhaps even tried the patience of many Americans now for many months, but something that is not complete, it's not done, and that is the question of health care.

One of the things that I want to do is to recognize the speakers from the previous hour, as they were talking in glowing terms about free enterprise and about the possibilities of what America can do in the future and about setting bold new objectives and all. All of that sounded pretty good. I agreed with all of it. Except the only trouble is what we've really been doing for the last 10 months, which is the government's taking everything over. So it's a vision, but it's not a bold vision.

I don't know of any nation that really set any great records or achievements in a positive sense by the government taking over more and more things. In fact, most nations, when the government takes over more and more things, they do more and more mischief and damage. Indeed, we have many nations that are government-run that have given us the worst tyrannies in history. For instance, the history of communism, a phenomenon of the last century. The communist nations of the world killed more of their own populations than all of the wars in history. So the idea of expanding government at a rapid and radical pace and sort of saying that this is free enterprise is amusing.

There was also a comment made that all of this unemployment was, implied that that happened a long time ago. It was somebody else's fault. The only thing I remember was that just a few months ago we had a stimulus bill. It was a guarantee. They said we're supposed to pass the stimulus bill. I called it the porkulus bill. If we didn't pass the stimulus bill, by golly, unemployment could get all the way to 8 percent. So you have got to jump on and spend $787 billion by expanding Medicare and giving money to community organizing organizations like ACORN because this is really important stimulus money. So we passed, not with my vote and not with one Republican vote,

the stimulus bill. That was to make sure that we didn't have this problem of unemployment. Well, now it's 10.2, and that stimulus bill doesn't seem to have worked.

Now, you don't have to be a rocket scientist to know it wouldn't work. All you had to do was look back at the Great Depression. Look at Henry Morgenthau. He was a guy that marched right along with Little Lord Keynes, saying, Hey, if we're going to stimulate the government, we're going to stimulate the economy by having the government spend tons of money. Well, Henry Morgenthau comes to the Congress, to the Ways and Means Committee in 1939, and he said, Well, we tried the stimulus idea. Friends, it didn't work. We have got unemployment as bad as ever, and we're in a tremendous amount of debt to boot. Now, we aren't going to learn from that. We're going to march on with this bold new vision of the government spending money like mad, and they justify it in the name of free enterprise. I find that amazing.

We have another example of this bold new spending initiative, and that is what happens in the area of health care when the government tries to take over one-sixth of our economy.

I am joined by my very good friend, Congresswoman FOXX, who has agreed to come here in spite of an extremely busy schedule this evening, a young lady that adds tremendous vigor to the Republican Caucus. And anybody gets out of line, you've got the grandmother to deal with. So everybody knows you've got to line up.

Congresswoman FOXX, we've just heard a vision of tremendous free enterprise, new materials, all sorts of things, and we're marching boldly because we don't want to stay in the staid ways of the past. But the solution seems to be more government spending, more government takeover of things. Can you think of any civilization that you can think of that became great because the government grew and took over everything?

Ms. FOXX. No, I can't. And I want to thank the gentleman from Missouri for taking on this Special Order tonight and for bringing up issues that are very, very important to the American people and doing it on such a consistent basis. You've done a terrific job.

I think, as I heard today in a meeting—I'm not sure if you were in that meeting when somebody pointed out—when the Communist Chinese start lecturing us on having too large a deficit, something is out of kilter in the world. And we know that in the last few days the President's been in China, and they have been lecturing us about this issue.

Mr. AKIN. Just reclaiming my time, there is something that's almost funny about that. It shouldn't be funny. It should be sad, I suppose, that the Communist Chinese are lecturing us about the government spending too much money and taking too many things over. It's, of course, because they own a whole lot of American treasuries, and they don't want to see us mess the whole system up. So here we have the Communist Chinese talking to us about excessive big government. I mean, this has been a year of amazing things, hasn't it?

We saw the government fire the president of General Motors. Just on the face of it, that's kind of a weird thing to see. We've got czars now in charge of all kinds of areas of government, people that have never been approved by the Senate. They're unconstitutional, and they're setting the prices of American executives, how much they're paid. So we've got the government doing that. Now they want to take over a sixth of the economy in this health care situation, and they're not thinking of this as any kind of problem at all.

But Congresswoman FOXX, you know, when the government does too much, we see these kinds of typical symptoms: bureaucratic rationing, inferior quality, inefficient allocation, excessive expense. We've seen that in department after department of Federal Government when they grow and try to do too much. It has led to the quip, ''If you think health care is expensive now, just wait until it's free.''

Ms. FOXX. Would the gentleman yield?

Mr. AKIN. I do yield.

Ms. FOXX. You mentioned a minute ago about the fact that this has been a year of very unusual things to have happen. I learned just recently that there is a poll that was done, and we know people are polling in this country all the time. But a poll was done that said that two-thirds of Americans believe it is more likely that we'll discover life in outer space than that the Democrats' health plan will be deficit-neutral.

Now, I think that's a good sign for our country. It's a good sign that people are paying attention to what is happening in this country and what is happening in this House and in the Senate, the fact that two-thirds of our citizens don't believe the line that's being fed to them that this health care bill is deficit-neutral.

That deficit, as you say, is causing tremendous harm, not just because the Chinese are nervous about it, but from the money it's taking out of the private sector and the problems it's causing small businesses. I know you want to talk a little bit about that tonight, and I hope that you will. I'm not going to be able to stay with you for the whole hour because I have the great pleasure of going over to be with Senator Jesse Helms' family who are in town for the unveiling of his portrait tonight, but I want to stay with you for a few minutes. I can just imagine Senator Helms watching us from heaven thinking, ''Oh, I wish I were there to be in this fight.'' The Senate right now is behind closed doors, behind closed doors despite all the promises of transparency, working on a bill that's going to create havoc. But the American public has awakened, and it knows this is not right.

Mr. AKIN. You just tickled my imagination. So we're saying that two-thirds of Americans in this poll said that they think there is more chance to discover life in outer space than there is that this health care bill is going to be budget-neutral. That gets to the very top excessive expense.

Let's just talk about the big picture of what's going on. You remember just a year or so ago, we heard that President Bush spent too much money. Do you remember hearing that? The Democrats said it all the time, and some Republicans said it a fair amount, too. So let's take a look at President Bush's worst year in deficit spending.

□ 1745

His worst year was 2008—and the Democrats controlled Congress—and his worst spending was about $450 billion, which was too much deficit spending but was 450.

Now this year, the bold new vision says we are going to do things differently. And so what is our deficit spending now? Well, it's $1.4 trillion. So we've tripled the deficit this year, and we are kind of wondering, Gosh, gee, I wonder why we have got problems with unemployment.

You know, one of the things that the Democrats, at a minimum, should do is they ought to learn from other Democrats even if they won't listen to Republicans. I can understand they don't want to listen to Republicans because we say things that are uncomfortable truths that they want to ignore such as laws of supply and demand and gravity and other miscellaneous things.

But they could listen to JFK. He was met with a recession, and what he figured out was he wanted more jobs. He thought, Gosh, gee, where did the jobs come from? Oh, small businesses, where most of the jobs are. If you look at America, 80 percent of the jobs are in small businesses, that is 500 or fewer employees.

So he says, How are we going to get these small businesses to hire people? Well, maybe let's back off on taxes, give them some more room, some money to work with. Then they will add wings on the buildings, new machines, new ideas, innovation. We have heard a lot about innovation. Innovation doesn't come from the Federal Government, taking everybody's money. JFK understood that. So he backed off on taxes, and the small businesses started producing jobs, and we pulled out of the recession.

Now, Ronald Reagan understood that. He did the same thing, and we pulled out of a recession because we allowed small businesses to create jobs. And Bush, II, did that with dividends, capital gains, death tax. He allowed the small businessman—instead of taxing him into the dirt, he gets them going.

What we're seeing under the Pelosi plan, this is a repeat of FDR. We're going to turn a recession into a depression because they haven't learned even from the Democrats, which is such as Henry Morgenthau or JFK.

Ms. FOXX. Will the gentleman yield?

Mr. AKIN. I yield.

Ms. FOXX. I have quoted Morgenthau many, many times saying we've spent, we've spent, we've spent, and we can't do anything about the unemployment rate. And I think we need to keep repeating that quote. And I know you have it, and it's a little more eloquent than what I have summarized here.

But I wanted to go back for a moment when you started out talking about our colleagues who were here earlier on the floor talking small businesses and about small government. You know, we hear that talk from our colleagues across the aisle all the time; and it reminds me of the North Carolina motto, which I've occasionally used on the floor when I have heard those kinds of speeches being made. The North Carolina motto is ''To be, rather than to seem.''

Unfortunately, our colleagues talk a good line, but when it comes down to doing what needs to be done, they want to seem rather than to be. So they try to tell their folks at home—they act like they're conservatives. They act like they're going to be good people with the purse, that they're protecting people. Then they come up here and they vote to spend money. Day after day after day we see all of these bills coming up authorizing expenditures, spending money. And as you said, we have the largest deficit right now that we have had, than we had with our first 43 Presidents. And it is really dragging down our economy.

You know, my daughter runs our nursery and landscaping business, a business my husband and I started a long time ago; and I can remember going to my husband at times and saying, You know, I'd like to do this in the garden shop and spiff it up a little bit. And he would say to me, Well, how much is that going to help our bottom line? Is it going to bring in more money? And I would sometimes say, No, it will just make things look better. He would say, If it isn't going to bring in more money, then we shouldn't be doing it.

That is the decision small business people have to make every day of their lives. Some of them lay awake at night worrying how am I going to pay my bills, how am I going to make my payroll. They personally sacrifice to take care of their employees. I know. We've been there. And yet we have people up here who've never worked a day in their life, a real job. They have been in Congress for 50, 40, 30 years, and they have no concept of how hard it is to run a business and how dedicated small business people are.

Mr. AKIN. They seem to understand one thing, which is what Ronald Reagan always said: taxing and spending.

Let's take a look at what we've got here. We're talking about just this year. Here's $350 billion for the Wall Street bailout. Here's another $787 billion. That's the one that's supposed to make sure we don't have unemployment, right?

Ms. FOXX. Will the gentleman yield?

Mr. AKIN. I yield.

Ms. FOXX. If I remember right, the promise was if that passes, unemployment will not go above 8 percent; is that correct?

Mr. AKIN. Yeah.

Ms. FOXX. What is our unemployment right now?

Mr. AKIN. Last time I checked it was 10.2, and you know those were conservative numbers because it doesn't include somebody being unemployed more than a year. They take their name off the list. It doesn't mean they got the job.

Ms. FOXX. I have heard from many economists that the actual unemployment rate is probably 17 to 20 percent because of the folks you mentioned, those who've given up looking for jobs, those who have gone to work part time. So it was not supposed to go above 8 percent.

This really has damaged the credibility, I think, of both this Congress and this administration because all these promises have been made and none of them have been kept.

Mr. AKIN. The implication is that the unemployment that we're having trouble with was really Bush's fault. Everything that doesn't work right, well, it was Bush's fault. Bush, when he came in—I was here; I came in the same year he did—and we had a problem with a sagging economy. We were going into a recession, and he dealt with it the same way that JFK had done it and Ronald Reagan had done it, and that is he got off the back of the small businessman because he knew he had to let that guy have some breathing room to get those jobs going. We're doing the exact opposite, which is what Henry Morgenthau did, and we're going to turn a recession into a depression if we're not careful.

And when this thing passed, this stimulus bill, we stood here on the floor—and I think you were with me, young lady—and we said it's not going to work. I don't mean to be an ''I told you so.'' You don't have to be an ''I told you so.'' All of history is screaming that this is not the way to solve this problem.

And now we hear, well, because we have unemployment, it must be the Republicans' fault somehow when we're 40 seats in the minority.

Ms. FOXX. Will the gentleman yield?

Mr. AKIN. Yeah.

Ms. FOXX. My recollection is every single Republican voted against the stimulus package in the House.

Mr. AKIN. That's correct.

We've been joined, as you know, by my very good friend, Congressman BISHOP from Utah, a gentleman that is so commonsense and so straightforward in explaining himself. He has already made a great reputation here, and I would like to yield time to my good friend.

Mr. BISHOP of Utah. You're very kind, Mr. AKIN. I wish I believed what you said about me.

You know, I was intrigued by the original chart that you had up there when government does too much. Sometimes we tend to overlook that.

I have always contended that the issue of health care we saw was foretold by our Founding Fathers over 200 years ago when they instituted a system of federalism, because they knew back in that time even though there were only 13 States in the original country—actually 11 when we started, eventually 13—that the Federal Government would always be too big to take—to do anything other than a one-size-fits-all approach. And that if indeed you wanted to have justice, take in the circumstances, creativity or perhaps a program if it failed, it didn't destroy an entire country. You had to have it done by State and local government. That is the value of it.

Mr. AKIN. It's called federalism, as I recall.

Mr. BISHOP of Utah. You know, they didn't limit the power of the Federal Government just for the fun of it. There was a reason and a purpose to it.

One of our great Justices on the Supreme Court once said, The Constitution protects us from our own best intentions. It divides power precisely so that we will resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day.

Now, he was not writing, obviously, about the health care bill that passed this House, but it applies. And what we did was simply lose sight of the structure the Founding Fathers put in place to create balance and creativity and empowerment of individuals.

I'd like to talk simply about one of the things the States are doing, specifically in my State, because my State recognizes we have a unique demographic.

Mr. AKIN. What you were talking about I think at one point it was viewed that States were, in a way, kind of a laboratory of creativity. So you have got now with 50 different States, if some State wants to get a little bit out in the land of fruits and nuts, and California wants to spend a whole lot of money and do things one way, there is some flexibility to do that. But that doesn't mean that Missouri or Utah has to do it the same way.

And certainly in the area of health care we've seen that. We've seen a couple of States try some innovative ideas in health care. One was Massachusetts, and one was Tennessee. And both fell flat on their faces because they did the same thing that is being done here.

I don't want to get ahead of you.

Mr. BISHOP of Utah. That is part of the issue.

Massachusetts has a program that is expensive. They appear to like it, but

it's very expensive. It would not work in Utah. Our program would not fly back in Boston.

Utah has unique demographics. We're a very young State. We have a lot of kids, whereas most small businesses, 42 percent of the Nation, provide insurance. In Utah it's only 32 percent. That's a unique demographic challenge that we have to face.

What would happen, though, if we simply go along with the PelosiCare that we passed is that every one of the small businesses in Utah rather than getting help to solve the problem would be hit with a 5 percent tax that would attack 5,500 small businesses already nickled and dimed. What they really want is for us to get off their backs with mandates and out of their pockets with taxes so they can solve problems.

So what the State legislature in Utah provided is a way of solving those problems by recognizing that small business has a great concern once they get into health care because they don't know what their costs will be over the period of time, and it's very marginal.

So what they have tried to do is come up with a concept which empowers individuals to choose. Small businesses now can give a pot of money they would be giving to an employee as a defined contribution, they could then go and buy the health care service that they want.

Mr. AKIN. That idea sounds like freedom. I am really liking this already.

Go ahead.

Mr. BISHOP of Utah. It's dangerous, isn't it? It's almost scary as we think about it.

But the goal is to have a clear, transparent index in which all of the options that are legal in the State of Utah—and right now there are 66 options from which people can choose. They are easily adaptable, easily accessible, easily understandable. If you change jobs, you're still in the insurance. So there's a portability.

Mr. AKIN. So you have portability?

Mr. BISHOP of Utah. Costs are stabilized for the business; employers now have options from which to choose. And this is only in the first year. It has had a phenomenal response, and we are just beginning.

If the Federal Government were then to try and help that out by doing simple things like allowing—removing barriers for cross-state purchases, doing tort reforms which would bring down the costs, the number of people who are truly uninsurable because of preexisting conditions can be shrunk to an area that is possible for States to easily handle and maybe even the Federal Government could give grants to that.

Mr. AKIN. Can I ask you about what you've got, because that's really an exciting concept.

First of all, what you're saying is that a small business has some employees, they want to treat their employees right but they also have to make the small business make money so they can say, Look, we're going to put aside this amount of money for each of our employees to help them with health care, but we're going to allow those employees to have some choices as to what they buy.

So, for instance, let's just say that I am a husband. I've got a job in small business. I have a wife. And it turns out we know that we're never going to have any children. So I don't really need to get the coverage for childbirth or something that maybe somebody else does. So I could find a policy that would suit, that would be more tailor-made to our family and therefore could get better coverage in some other areas possibly.

So you have a way to fine-tune something that meets your particular situation.

Mr. BISHOP of Utah. And by controlling your own money with your own choices.

When I go into a grocery store to pick up cereal, there's an entire wall of choices. I pick the kind I like. You would go in with me and you'd go over and pick another one. Why isn't the role of government to allow people to have choices?

I have one of my fellow teachers who was upset because in his plan the district only allowed him two options. If you actually go to a single-payer system by the Federal Government, you get one.

The State of Utah is saying there are 66 options, which is a comparative advantage of that. It also means one of the situations that we have in large business provides insurance for its workers. The owner or the manager picks what company it is and everybody has to follow along. In this program, the large business already providing insurance could do the same thing by providing the amount of money to an individual who could then go on the State index and pick what he or she wants to do.

□ 1800

Here is the kicker: this is a great idea.

Mr. AKIN. Of course this Pelosi bill is going to absolutely torpedo everything that you are talking about, isn't it?

Mr. BISHOP of Utah. You just took the words out of my mouth because that is the kicker. States have the ability of becoming creative. They are, as you were earlier quoting Louis Brandeis, becoming laboratories of democracy. They have the idea of making a system that meets the demographic needs of that particular State. What we should be doing is encouraging that kind of creativity, encouraging those kinds of options. But you are exactly right, with the bill that we passed the other week, that stops that concept dead in its tracks.

Mr. AKIN. First of all, the Pelosi bill has all of these mandates in it, and let's just talk about this mandate. This one here is the mandate for, let me get it on the chart, this is the mandate for employers. First of all, employers have to offer a qualified health care plan to all full and part-time employees. What do you think that ''qualified health care plan'' means?

Mr. BISHOP of Utah. We may be comfortable today with what is defined as qualified. Unfortunately, and this is what the Supreme Court Justice was saying, the Constitution protects us from our own instincts of doing this, that by creating a commission that in the future will tell what the private sector will do when it is in competition with the Federal Government. What may be qualified in the future is not necessarily what is qualified today.

As you stated very convincingly earlier, if you have a specific need, what is your need may not be what some distant bureaucrat in Washington determines to be qualified. And, in fact, one of the biggest problems we have when people talk about health care, no one has ever really defined what health care actually is. Is cosmetic surgery part of it? Is mental health part of it? Nursing homes, are they part of it? What is the goal or purpose of it? We have yet to do that. See, that is what we are allowing a bureaucrat in the future to do as opposed to what some of the States wish to do in allowing citizens, employees, to have options and choices so they have control over their own lives.

Mr. AKIN. There will be a number of our colleagues who may be watching, and other Americans who are hearing this discussion. Which would you prefer to have? The option that you are offering, which is what Utah is doing—your employer gives you some money, you can go out and use that money to buy something. You can buy one of, what was it, 66 different policies, and try and find something that really fits the need of you and your family. That is one alternative.

This is the old Henry Ford alternative: you can have any color car you want as long as it is black. This is the government plan: employers must offer a qualified plan. Who says what qualified is? The Federal Government says what qualified is.

How does it work? First of all, the employer has to pay somewhere between 65 and 72 percent of the cost of the plan. Now we have already defined this because the government knows what the employer should provide. It shouldn't be 50, it shouldn't be 80; it has got to be this.

Or if you don't do that, you have to pay a tax of 8 percent of the payroll costs. Here is how this works. You have 20 employees. One employee decides he wants something else. That means just one out of 20 doesn't take your plan that the business offered, and now the business gets hit with 8 percent, regardless if the other 19 employees were happy with it. So now they are going to get whacked with this 8 percent tax off of payroll, so you are hammering small business, which makes it less efficient

and forces everybody into, guess what, Henry Ford's one color, black. You've got a qualified health care plan. Which qualified health care plan? The one by the Federal Government.

You have a choice of one, one, or one. The insurance companies, what are they going to write? The qualified plan. Because if you don't write the qualified plan, what happens is, you get fined by the Federal Government, because you had a nice health plan that fits some people's needs that you thought was a good deal, and you are going to get fined instead. That is mandate. That is not freedom.

Mr. BISHOP of Utah. If I can add one thing here, because I notice that we have been joined by two other colleagues who have given their entire professional career in this area. They know what they are talking about. I would add our Founding Fathers, sitting over there with their knee britches and their powdered wigs, knew exactly what we needed today because their highest goal was to provide individual liberty for the citizens so that people could make choices for themselves. They realized it is not the role of government to tell people what is best for them. That is a risk-aversive system of nanny government where we tell people what to do because we know what is best, and it is cheaper as we see it.

Our goal should be to provide people with choices and options that ennoble their souls and allow them to control their own destinies. The only way of doing that is allowing States to move forward on their own, as Utah is trying to do, and not be stopped by this Pelosi care bill which will stop the States' progress and all of the innovations that are taking place out there.

Some time we have to realize that you don't solve problems by putting a lot of experts in a room in Washington, D.C. There is a font of knowledge out there that is waiting to blossom and provide new solutions. Our salvation as a Nation is to go back to the Constitution and believe in federalism. That is how we move forward.

Mr. AKIN. Well, I very much appreciate the gentleman from Utah. Congressman BISHOP, you are just an inspiration, and that really is a breath of fresh air flowing through this Chamber, the idea of freedom and the idea of limited government and the idea that we will allow States to solve their own problems instead of the Federal Government, the one-size-fits-all Pelosi plan. And it also takes the pressure off of intense levels of Federal spending that are bankrupting our Nation. We talked about earlier—can you believe that the communist Chinese were telling us that our government is spending too much money and getting too big? That is a wrong day in American history. It is something else.

I am joined by Dr. GINGREY from Georgia, who has some great charts. They look more interesting than mine, so I yield to Dr. GINGREY.

Mr. GINGREY of Georgia. Thank you, Mr. AKIN. Referring to the gentleman from Utah (Mr. BISHOP), the historian, what he was talking about, I carry this with me in my pocket all the time, and I am sure many of my colleagues do, a pocket Constitution. This is the inconvenient truth, and this is exactly what my colleague was just talking about.

You go in the back and look up in the glossary or the index and try to find anything about health care, it is not in there. It is not in there. My colleague, Mr. Speaker, referred to some of the posters that I have with me. I do want to point those out to Members on both sides of the aisle, because I think in many instances a picture is worth a thousand words. In this instance these posters are worth a thousand words.

Focusing in on the first one, Mr. Speaker, it shows the ship of state and the captain of the ship. That would be the administration, that would be the President of the United States, and that ship is the economy. Down here at the bottom of the poster it shows a trailer as we see on television news a lot of times: Alert, bulletin: 10.2 percent unemployment, and then the caption, ''Good news, I'm almost done reorganizing the medicine cabinet'' as the ship of state is sinking.

Mr. Speaker, it is a point that I have made over and over and over again. When the President sat right where you are, or stood right in front of where you are and spoke to the Nation before a Joint Session of Congress and said our number one priority is to reform our health care system. One-fifth of our economy, colleagues, I believe we are talking about, and yet we have spent $787 billion on an economic bailout when our unemployment rate was 8 percent, now 10.2 percent, and I think we have lost, and correct me if I'm wrong, Mr. Speaker and my colleagues, the loss of jobs since February of 2009 when we passed this so-called economic stimulus, which was supposed to stem the unemployment at 8 percent, it is now 10.2, and we have 16 million people out of work, an additional 3.5 million since February of this year. Why is that not our number one priority instead of reorganizing the medicine cabinet?

I have some other posters that I want to refer to as well, but I want to yield back to the gentleman controlling the time because there are other Members who would like to speak. Hopefully you will have an opportunity to come back to me.

Mr. AKIN. I appreciate that, and I look forward to doing that. I thought you were going to bring some sort of gory medical pictures here.

Mr. GINGREY of Georgia. If the gentleman would yield, I definitely do have some of those that I will bring up.

Mr. AKIN. We also have my good friend, G.T., joining us. I think it is good to have different people from different States to have a part in this discussion. We haven't had too much of a part because all of the doors have been closed and we have been on the outside, but we have a few ideas.

One thing we know how to do is to reduce the cost of health care; and we also know that one size fits all doesn't sound like freedom. Mr. THOMPSON, I would like to yield to you at this time.

Mr. THOMPSON of Pennsylvania. I thank my good friend from Missouri.

I came here in January, and I came here knowing that I had a pretty good handle on health care. I worked in health care for almost 30 years. I actually think we have a pretty good health care system, but it can be improved. And much of the improvements that I saw was getting government out of the way. The frustrations I had as a health care professional, as a health care manager, as a therapist, as a nursing home administrator, is when the government was creating problems, preventing access to cost-effective care, increasing costs because of these arbitrary ways that it gets involved.

To me, I think, as my good friend Mr. BISHOP talked about, it is about the wisdom that our Founders had, and it is about free market.

You look at all the Republican proposals we have; they are free market proposals. It is not about inserting more government; it is getting government out of the way. And it is about the arbitrary rules that we have on where we can buy our health insurance from. The government tells us we can only buy within the confines of our own State, and it is about the government telling us we can't group together and form association health plans, that we have to endure medical liability. That becomes legislated and codified into our lives and adds just hundreds of billions of dollars of waste onto the health care system.

I am just so proud of the proposals that Republicans have put forward. I don't know how many in total we have, but between 35 and 40, I believe.

Mr. AKIN. I heard there are over 50 different bills at this point. Some are a combination of different ideas and put together in different ways.

You know, you used to be an administrator and you had to deal with red tape and bureaucracy. What we have just done is we have got a 1,990 page bill. It passed with less than 72 hours for the public to review it. It creates 118 new boards, bureaucracies, commissions and programs, and it is full of new mandates. And it contains the word ''shall'' 3,425 times. This is what it looks like. And that doesn't even have all of those 118 new boards on it. This is just a simplified version of it. Now, does that look like something to you that gives you much choices? And second of all, talk about overhead, talk about redtape.

You know, we were thinking about, and I see my colleague has come out here with some great sort of cartoons and things, and we were thinking about turning this into a cartoon. We were going to put patients over here and

doctors over here, and turn it into a place mat, and we are going to have lines like a maze, and the trick is, before your dinner is cold, to try to get the patient to the doctor. We were going to set the maze up so there wasn't any way to get there, because that is really what this tells you.

If you really want good, efficient health care, this thing here is in your way. That's the reason why a great majority of Americans don't believe that the Federal Government can take this thing over and manage it efficiently and effectively without the costs going through the roof and also without degrading health care, because the trouble is no other country has ever been able to do this.

I yield to the gentleman.

Mr. THOMPSON of Pennsylvania. Let me reflect on my experiences as someone who was a manager of health care services in a rural hospital, skilled nursing, rehabilitation service—across the board, on what this means. Because you talked about increased costs to the taxpayers of this country.

I have to tell you, what I see there is a nightmare in terms of costs for hospitals and for providers. Hospitals alone, when you look at over 1,990 pages of new text, and that is just the bill. The regulations to be promulgated as a result of over 2,000 pages of law will be—it will just take a forest to be able to print those regulations. Those regulations all need to be administered.

Here is my prediction: For those hospitals that are not bankrupt in the near future, they are going to have to add tremendous employees to deal with that bureaucracy. Those employees' only job will be to interact with all those agencies, not health care, not people providing direct care. They will have to lay off people who provide direct care to be able to afford what will be required to administer those regulations, to make those regulations work within a hospital. That is not good health care.

□ 1815

Mr. AKIN. That's overhead.

Mr. THOMPSON of Pennsylvania. That's overhead. That's the complete opposite of access to quality care. That's preventing access.

Mr. AKIN. I would like to go to my friend Dr. GINGREY. He's got another very heavy medical concept for us. I can tell. He's got it all cued up here.

Mr. GINGREY of Georgia. I thank the gentleman for yielding back to me. In fact, I would ask him to put the previous poster back up, the one that showed all those additional bureaucracies that are created by H.R. 3962. In fact, that poster was created when it was H.R. 3200 and, as the gentleman from Missouri said, a thousand pages, now 2,000 pages. But he said something about, Madam Speaker, putting that in cartoon form. Well, I've got the cartoon for my colleagues, and here it is.

When you put a gown on that chart, this is what it looks like: a bloated, bloated patient called the House health bill. And this is a cartoon actually from the San Diego Union Tribune a few days ago. And, my colleagues, look at the poor patient, and, of course, I don't know if you can see up at the top corner, ''nip/tuck.'' And these two Senators are standing over here. I guess that may be the majority leader of the Senate, HARRY REID, and possibly the chairman of the Senate Finance Committee or the chairman of the Senate Health Committee standing next to Majority Leader REID, and the caption is, ''Hey, this might take a while'' to nip/tuck this bloated 2,000-page bureaucracy that's depicted by my colleague Representative AKIN.

It just shows you in a cartoon form, but unfortunately it's not funny, is it? It's not funny, my colleagues and Madam Speaker. This is serious business. And I hope and pray that the Senate will be the saucer that cools the drink of the hot cup that has come over from the House, because Lord help this country if we don't do a whole lot of nipping and tucking if not downright eliminating this bill, H.R. 3962.

Mr. AKIN. I appreciate your keeping it in a sort of a big picture form as to what we're talking about on cost.

Mr. GINGREY of Georgia. No pun intended, of course, about the cartoon.

Mr. AKIN. But the cost supposedly by the Congressional Budget Office was that this was going to cost a trillion dollars, so your figure over there was overweight in costing a trillion dollars. The trouble with this estimate is it's wrong because the Congressional Budget Office took some assumptions when they built it because they were told we've got to keep this thing under a trillion dollars.

The problem is, first of all, the Democrat Governor of the State of Tennessee, who has already tried this lovely idea, has taken a look at this and called it the ''monster of unfunded mandates.'' What that means is that that trillion dollars was trimmed one way, was to dump a bunch of the costs down to the various States, aside from the fact that it destroys everything that the State of Utah has set up, which is actually kind of an innovative idea. It destroys that because it says every single health insurance plan has to follow what the Federal Government says. So now they're going to define what health insurance is and that's all there is, one definition. And anybody else that doesn't follow that definition, you know what the bill says. You're going to get fined if you're offered health insurance that doesn't fit with what the government guidelines say. So this trillion dollars is wrong.

The other thing they did was they took the trillion dollars and they took the time to calculate this in such a way that the revenue was coming in but the real expenses of the program hadn't hit their peak yet. So they cheated on the two different time scales as to when the money was coming in versus when the costs were going to come. So, in fact, the trillion as the Senate has calculated it is closer to $2 trillion, which is $2 trillion we don't have.

I think the gentlewoman Congresswoman FOXX said that there was a survey done that said that Americans believe there is more probability that we're going to discover aliens in outer space than the fact that this thing is ever going to be anything other than a big budget-busting deficit, driving deficit spending. And, you know, there is a pretty good reason why Americans have that common sense, because we've tried these things before. The Federal Government has tried Medicare and Medicaid, and we see their costs are going out of control, and we're told, Trust us. Medicare and Medicaid are going out of control, so we're going to take the whole system over and run it by the government and it's not going to go out of control.

I yield to my good friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I appreciate that, Mr. AKIN.

To that point on Medicare, because of the baby boomer generation, utilization is going up. Those costs are climbing. But just this past week we heard from the Centers for Medicare and Medicaid Services. They released their 31-page actuarial report on the Pelosi health care plan on what would this do to Medicare. You know what? You're going to have to make that poster a little larger because what the Centers for Medicare and Medicaid Services—which is the Medicare agency, and they're nonpartisan. That's not a partisan report. It comes from the people who actually run the Medicare and Medicaid systems in the country. As they looked at this bill when they scored it, they said that this would increase costs to the Medicare program over the next 10 years by $289 billion. So I'm afraid we're going to have to budget for a little larger poster, because with the Pelosi health care bill, it's going to take quite a steep climb beyond where Medicare is already on——

Mr. AKIN. So you're saying that the cost of Medicare is going to go up with this program.

Mr. THOMPSON of Pennsylvania. Absolutely, $289 billion is what the Medicare agency——

Mr. AKIN. Now, wait a minute. My understanding was that what we were cutting was 400 or $500 billion out of Medicare in order to pay for that trillion. How then is the cost of Medicare going to go up if we're cutting $500 billion? How do the mathematics work?

Mr. THOMPSON of Pennsylvania. You know what? I have asked that question many times since I came here in January, how does the math work in this Chamber, because it doesn't add up.

Mr. GINGREY of Georgia. If the gentleman from Missouri would yield.

Mr. AKIN. I yield to my good friend Dr. GINGREY.

Mr. GINGREY of Georgia. On this issue, as the gentleman from Pennsylvania just said, the actuaries of CMS, Medicare and Medicaid Services, just said exactly what he said, that over a 10-year period of time, the amount of Medicare expenditures are going to go up by something like $289 billion.

Look, colleagues, Madam Speaker, we are going to face something on this floor tomorrow, something called ''doc fix.'' I think the bill number is H.R. 3961. And I want to use my reference to my last chart to bring this home to our colleagues that this is nothing but a Trojan horse. Here's the Trojan horse with this 3961. I know, my colleagues and Madam Speaker, it's hard to see this, but it says ''Democrat doc fix,'' but what's inside that Trojan horse, of course, is the $500 billion cut to the Medicare program that the gentleman from Pennsylvania was just talking about. And also it says H.R. 3200. We now know with the Pelosi health reform act, as H.R. 3962, the poor horse is back because it's gone from a thousand pages to 2,000 pages. But that's what's inside this Trojan horse.

Make no mistake about it, my colleagues. Members back home and, yes, your physician constituents, your physician constituents are going to recognize this Trojan horse because they were promised in this massive bill, H.R. 3962, that there would be this permanent ''doc fix'' in there. But the leadership and the President got together and said, oh, no, that's going to make the cost go over $900 billion, and I promised not one dime more than $900 billion. So let's pull the doctor fix out and then we'll bring it forward as a stand-alone bill. But guess what, colleagues? It's not paid for. And the gentleman from Pennsylvania, I know that he knows this. That adds another $250 billion to the deficit.

Don't vote for this Trojan horse tomorrow, 3961.

Mr. AKIN. Reclaiming my time, you were speaking clearly except there was one word I didn't quite catch. I thought you said, was it ''doc fix'' or was it ''doc tricks''?

Mr. GINGREY of Georgia. I said ''doc fix,'' Madam Speaker. But I probably misspoke. I think the gentleman from Missouri is absolutely on target. Doc trick. Amen.

Mr. AKIN. So it's a trick to make it seem like everything is going to go right with Medicare, but, in fact, it's not. In other words, the idea was it was going to fix the formula in Medicare so that the doctors wouldn't keep having their salaries cut a certain—what was it, 5 percent a year or something like that?

Mr. GINGREY of Georgia. If my colleague would yield, and I'll yield right back to him because I know we've got another Member that wants to speak.

Mr. AKIN. I yield.

Mr. GINGREY of Georgia. It is a doc trick. And what it does is it does not solve the problem. It just substitutes one bad formula for another. And I think, unfortunately, our doctors, if this thing passes, are going to wake up and find out that they are now working for the Federal Government and they're making far less on Medicare reimbursement than they are today.

Mr. AKIN. My friend is a medical doctor, and you're planning to vote ''no'' on the bill.

Mr. GINGREY of Georgia. In fact, the gentleman is right. I wish there was a ''heck no'' button, but I don't think there is. But I will be a definite ''no.''

Mr. AKIN. Thank you very much, Dr. GINGREY. Thank you for joining us, and I appreciate your at least trying to put somewhat of a humorous face on a very, very serious situation.

We're joined by a very good friend of mine from Louisiana. I hope you would join us here on our discussion we've got going here tonight.

I yield to the gentleman.

Mr. SCALISE. I thank the gentleman from Missouri.

You're talking about these tricks, and, of course, the American people are saying Halloween's over, we're tired of all these tricks. In fact, for most American people right now, the only treat they get is when Congress adjourns and during those times when Congress isn't trying to pass all of these policies that literally are adding millions and billions of new taxes on the backs of American families, adding billions of debt onto the backs of our children and grandchildren, and running millions of jobs out of our country. All of this happening under Speaker PELOSI's leadership. The public's had enough of the tricks, and like I said, that's the only treat they want.

But one trick that they just found out about the other day, this goes back to the stimulus bill, something that we talked about a long time ago. We opposed that pork-laden bill, that bill that massively grows the size of government, over $787 billion of money we don't have. But the White House promised the American people there would be a full accounting of the money. And now we find out, in fact, that people just in the last few days went to the White House's own Web site that was set up to track the spending in the supposed job creation, which they initially said it was going to create all these jobs and then they changed the wording and said there will be jobs created or saved, and there's no definition of a job saved. I guess every job that's out there they can try to claim they've saved. But then what we've seen is we've only had millions more jobs lost since that massive spending bill that grew the size of government.

But now talk about another trick on the American people, just Monday night when they would go to the Web site that the White House had set up, and maybe this was good news for States like yours, mine. In Louisiana, we found out, according to the White House's Web site, we had 15 congressional districts.

Mr. AKIN. How many was that, gentleman?

Mr. SCALISE. Fifteen, according to the White House. In fact, Louisiana's Eighth Congressional District, according to the White House's own Web site, created more jobs than the First Congressional District that I represent. That all sounds really good until you realize Louisiana doesn't have 15 congressional districts. Louisiana only has seven congressional districts.

So we did a little bit of research, and some people did some calling around on their own and they actually called the White House. And they said, Can you explain to us, you said there would be all this transparency. You said there would be accountability. How is it, how is it that somebody can go to the White House Web site and pull up in Louisiana Congressional District 26 or Congressional District 45? And the response from the White House was, ''Who knows, man, who really knows.''

That was Ed Pound, who is the spokesperson for the White House's recovery.gov Web site. The best he could come up with was ''who knows.'' And then he further went on to say, ''We're not certifying the accuracy of the information.'' That's the White House's spokesperson on the stimulus bill actually saying that they're not going to certify the information after they said they would be so transparent.

So when the American people say what happened to $787 billion of money that was borrowed from our children and grandchildren, money we don't have, money that surely hasn't done anything to create jobs because it was going to cap unemployment at 8 percent and now we've got unemployment at 10.2 percent, and then you go to the White House, what about that accounting that the American people deserve to know where their money is being spent, and the best the White House can say is, ''Who knows, man, who really knows,'' well, the American people have had enough.

Mr. AKIN. Reclaiming my time, I would like to take a look at your chart here. You were boggling on my poor brain here. You're the Congressman from District One, and they're saying there are 40 some congressional districts in Louisiana, which is real news to me. I suppose that was news to you, too. And you finally get ahold of the White House, and they spent millions of dollars to create this Web site to track down where we spent the $787 billion, which was guaranteed or supposed to keep us under 8 percent unemployment, and we get some guy that says, ''Who knows, man, who really knows.'' It's like Woodstock lives on.

□ 1830

And we've spent billions of dollars to get that kind of answer?

Mr. SCALISE. Right.

And what the American people are really asking is, where are the jobs and where is the accountability? And when the White House actually goes out and

made these statements back months ago and they told the American people that that stimulus bill needed to be passed, we said back then it was a mistake, we shouldn't do it because it wouldn't create jobs. We proposed alternatives.

Mr. AKIN. Gentleman, you were here on the floor when we talked about this. We said, Look, all of the mathematics, all the common sense says this is wasting a lot of money that we don't have. We said, It's not going to create jobs. It didn't for Henry Morgenthau when he turned the recession into the Great Depression. We said, The reason it's not is because jobs come from businesses, particularly small businesses. You're hammering the small businesses. At least learn from the Democrats, learn from FDR, learn from Henry Morgenthau.

Instead, we've got this half-baked Web site telling us that there's 40 some congressional districts. I mean, you'd think they would at least check how many congressional districts there are in a State.

Mr. SCALISE. If this was just a mistake limited to Louisiana, maybe you could understand their excuses. But, of course, this was all across the country. I talked to a colleague of mine from Arizona where they claim there was a 99th District from Arizona.

But one final word on that. President Obama himself just yesterday said, and I'll quote another quote from the President: ''If we keep on adding to the debt, people could lose confidence in the U.S. economy in a way that could actually lead to a double dip recession.''

Now, of course, those words ring true to us. They would really ring true to the American people if it weren't for the fact that this is the same President that passed a budget just a few months ago out of Congress that doubles the national debt in the next 5 years. And yet here he is quoted just yesterday saying, If we keep on adding to the debt, people could lose confidence in the U.S. economy in a way that could actually lead to a double dip recession.

Now, I would agree with that. The only problem is, the President needs to start living up to the comments that he's actually making and pull back his bill that doubles the national debt and actually work with us to balance the budget, which is what we've said from the beginning needs to happen, not only to create stability in our economy, but actually to go out and start creating jobs as opposed to his policies that are running millions of jobs out of our country.

Mr. AKIN. Do you really think that we're going to balance the budget with a socialized medicine bill that they've said is going to be a trillion? Do you know what the budget estimate on Medicare was when it was passed? The Congressional Budget Office, they tried to estimate it. They were off by a factor of seven times. This thing is clearly over 2 trillion when you do honest math with it. If that's off by a factor of seven, that's $14 trillion. No wonder the Chinese were giving us a lecture telling us we've got the government spending too much money. They've got some American Treasury bills. It's not like they don't mind big government, but they just don't want to see us ruin their treasuries.

I've got my good friend from New Jersey here, Congressman GARRETT. Please join us.

Mr. GARRETT of New Jersey. I appreciate the opportunity to join you, and I commend the gentleman for leading tonight and also for those very interesting quotes from the White House with regard to the Web sites that are out there.

I think the American public are asking some very basic questions—Where is the transparency? Where is the accountability? Where are the jobs?—on all this legislation that's coming through. And when they see this, when they see Web sites that you just pointed out talking about congressional Web sites that don't even exist, when they see about job creation that doesn't even exist.

You probably recall that the majority leader was on this floor back in the early part of this year when he was exclaiming that we had to vote for a seven or $800 billion stimulus bill and you had to vote for it today. Why? Because it would make or create 3 million new jobs, not next year but this year. And, of course, we now know what the facts are. What are the facts? Instead of making or saving 3 million new jobs—and I never did quite get an explanation of what is saving a job—but making or saving 3 million jobs, we, of course, have lost upwards of 3 or 4 million jobs, just the inverse of that, just the opposite of that.

So the people are asking, where is the honesty in that aspect of things? Where is the accountability with the job creation? They're also asking about, and you're talking about all the money that we're spending, the trillion dollars with regard to the health care legislation and the like. Actually, I think the number was a little bit larger than what you were saying as far as the discrepancy with the projections with regard to Medicare which was created back in the mid sixties. They said by 1990, that program would cost around 10 or $11 billion. It actually cost $112 billion, so it was off by a factor of 10.

Mr. AKIN. So seven—I was being too generous.

Mr. GARRETT of New Jersey. You were being too generous.

Mr. AKIN. So if you take the 10 factor, how much congressional budget—I mean, they're making assumptions trying to guess what something is going to be years into the future. But if you take that 10, if you put the unfunded mandates from the States and you put in the fact that they skewed the time schedule to try to keep it under a trillion, say, they're over 2 trillion, that's $20 trillion?

Mr. GARRETT of New Jersey. Those numbers are just so mind boggling you can't get your arms around it. But you know what you can get your mind around is something that's happening to everybody right now, and that is, I'm getting phone calls to my office with regard to the swine flu situation that's going across this country, and they're saying, We can't get the swine flu vaccine. This is something that's supposed to be administered by this administration, that they promised would be out there for everybody who needed it, and in my counties, my district, you can't go to a doctor or a county clinic or to a county hospital and get that. But you know who is getting it? People who work at the Federal Reserve in New York, people who work for some of the largest financial institutions in this country. And the people who absolutely need it are not getting it. The people who are in jail down at Guantanamo are getting it as well. I just use that as a real life example of the administration running a program for health care and not getting the job done.

I yield back to the gentleman as the time comes to an end.

Mr. AKIN. Looks like we're just starting to have fun and the clock has already run out. I just want to thank all of my gentleman friends here. Congressman GARRETT, thank you so much for joining us. Hearing from the east coast, that's very refreshing. From down in the South, from Louisiana, Congressman SCALISE. And also G.T., all that health care experience that you bring here to the floor managing, we appreciate that.

Thank you. Have a great evening.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Ms. TITUS) laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 18, 2009.

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

DEAR MADAM SPEAKER: On November 5, 2009, the Committee on Transportation and Infrastructure met in open session to consider 20 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2010 Capital Investment and Leasing Program, including five construction resolutions (authorizing $221.4 million) and 15 lease resolutions (authorizing $121.4 million). The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on November 5, 2009.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

Enclosures.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

ADDITIONAL SITE AND DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA
PCA-BSD-CA10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for additional site acquisition and design for the reconfiguration and expansion of the existing land port of entry in downtown Calexico, CA, at additional site costs of $3,000,000 (site acquisition costs of which $2,000,000 were previously authorized) and design costs of $6,437,000 (design costs of which $12,350,000 were previously authorized), for a combined cost of $9,437,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends the Committee on Transportation and Infrastructure resolution of April 5, 2006.

Provided, that the General Services Administration (GSA) will plan, design, and construct a minimum of five privately owned vehicle (POV) southbound lanes, as recommended by the "BorderWizard" traffic simulation model used for Land Port of Entry (LPOE) studies.

Provided further, that GSA, in coordination and consultation with the U.S. Army Corps of Engineers, shall submit a report to the Committee on Transportation and Infrastructure, within 180 days of adoption of the resolution, on options to plan, design, and construct covering and or piping underground the New River, north from the International Border to Highway 98 in the City of Calexico.

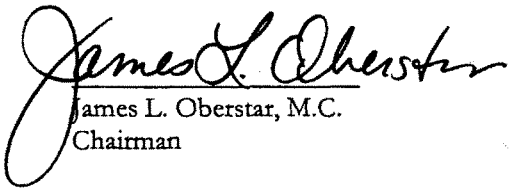
Provided further, that to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, GSA shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, each alteration, design, or construction prospectus submitted by GSA shall include an

estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: **November 5, 2009**



James L. Oberstar, M.C.
Chairman

GSA PBS

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Description

The General Services Administration (GSA) requests additional site acquisition and design for the reconfiguration and expansion of the existing land port of entry (LPOE) in downtown Calexico, CA. The project includes new pedestrian processing and privately owned vehicle (POV) inspection facilities, a new headhouse and new administration offices. The expanded facilities will occupy both the existing inspection compound and the site of the old commercial inspection facility.

Project Summary

Site Information

Government-Owned ..... 13.5 acres
To be acquired ..... 3 acres

Building Area

Building (including canopies) ..... 260,410 gsf
Building (excluding canopies and inside parking) ..... 106,605 gsf
Number of outside parking spaces 300
Number of inside secure spaces 40

Cost Information

Site Development Cost[1] $160,629,000
Building Costs (includes inspection canopies) ($308/gsf) $80,226,000

[1]Site development costs include grading, utilities, paving, extensive fill work for soil stabilization and demolition of existing facilities.

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Project Budget

Site Acquisition

Site Acquisition (FY 2007)	$2,000,000
Additional site	3,000,000
Total Site Acquisition	**$5,000,000**

Design

Design (FY 2007)	$12,350,000
Additional design	6,437,000
Total Design	**$18,787,000**

Estimated Construction Cost (ECC)

Phase I	$65,646,000
Phase II	175,209,000
Total ECC	**$240,855,000**

Management and Inspection (M&I)

Phase I	$5,058,000
Phase II	5,299,000
Total M&I	**$10,357,000**

Estimated Total Project Cost * **$274,999,000**

*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

Authorization Requested

Additional Site Acquisition & Design ..... **$9,437,000**[2]

[2]GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE's). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

GSA PBS

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $14,350,000, including $2,000,000 for site acquisition and $12,350,000 for design, on April 5, 2006.
- The Senate Committee on Environment and Public Works authorized $14,350,000 for site acquisition and design on May 23, 2006.
- Through Public Law 110-5, GSA's Spending Plan included $14,350,000 for site acquisition and design.

Schedule	**Start**	**End**
Design	FY2007	FY2011
Construction		
Phase I	FY2011	FY2012
Phase II	FY2012	FY2014

Overview of Project

The existing LPOE is a pedestrian and vehicle inspection facility constructed in 1974. It comprises a main building and a decommissioned commercial inspection building. The project involves the creation of new pedestrian and POV inspection facilities, expanding the port onto the site of the former commercial inspection facility. The commercial inspection facility operation was moved to Calexico East in 1996. Primary POV inspection facilities will include 16 northbound lanes and three southbound lanes. There will be new administration space, a new headhouse and 32 secondary inspection stations serving northbound and southbound traffic. A total of 340 parking stalls will be provided.

The project, as originally authorized, included construction all in one phase. This prospectus proposes the project to be completed in two phases. Phase I will consist of ten northbound POV inspection lanes, a headhouse and sitework necessary to accommodate those facilities on the sloping site. Phase II will consist of the balance of the project including additional sitework, a pedestrian processing facility, administrative offices, three southbound POV inspection lanes and six additional northbound POV inspection lanes. This request for additional site acquisition and design is to address changes in requirements and the two-phased approach. The two-phased construction approach will allow additional time for site acquisition and minimize the impact to the operations of the port.

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Tenant Agencies

Defense - Joint-Mexican-U.S. Commission; Department of Homeland Security (DHS) – Animal Plan Health Inspection Service (APHIS); DHS - Customs and Border Protection (CBP); DHS - Immigration and Customs Enforcement (ICE); United States Department of Agriculture (USDA) - Food Safety and Inspection (FSIS).

Location

The site is located at the existing LPOE in Calexico, CA at 200 First Street.

Justification

On an average day, over 16,000 POVs and 20,000 pedestrians enter the U.S. through this POE. The existing facilities are undersized relative to existing traffic loads and obsolete in terms of inspection officer safety and border security. The space required for modern inspection technologies is not available in the existing facility. Current workspace is too small to accommodate additional staff, systems and equipment required at the facility following the events of September 11, 2001. The ability of DHS to accomplish its rapidly changing mission is seriously compromised by the inadequacy of the existing facilities. When completed, the project will provide the port operation with adequate operational space, reduced traffic congestion and a safe environment for port employees and visitors.

Since design was authorized, the overall square footage of the project has changed. At CBP's request, the project now includes canopy structures in the pre-primary area to protect inspectors and canines from sun, heat, and wind. Other elements of the project, such as the building footprint, have decreased due to CBP program requirements. Similarly, the number of total parking stalls increased due to program adjustment, as well as the site acreage to be acquired. Overall, the number of northbound inspection lanes remained the same while the southbound inspection lanes reduced to less than half.

Summary of Energy Compliance

The Calexico LPOE project will be designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

GSA PBS

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Alternatives Considered

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

Recommendation

ADDITIONAL SITE ACQUISITION AND DESIGN

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on July 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Housing Plan
US La. rt of Entry

PC D-CA10
Calexico, CA

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
US BORDER STATION														
DHS - Customs & Border Protection	155	155	31,569	31,455	10,169	73,193	98,042	277	277	30,347	506	50,875	81,728	88,471
DHS - APHIS	10	10	1,708	1,008	771	3,487	4,864	1	1	657	0	500	1,157	1,375
Department of Army	0	0	0	0	0	0	0	2	2	660	0	0	660	784
DHS - Immigration And Customs Enforcement	0	0	0	0	0	0	0	35	35	6,913	0	0	6,913	8,210
Public Bldgs Service, Field Office	0	0	0	0	0	0	0	1	1	2,157	0	0	2,157	2,562
SD Consular Affairs	0	0	0	0	0	0	0	0	0	0	0	125	125	148
Joint Use	0	0	0	0	0	0	0	0	0	0	0	720	720	855
Total:	**165**	**165**	**35,457**	**32,463**	**11,736**	**79,656**	**107,057**	**516**	**516**	**41,334**	**4,378**	**186,667**	**232,379**	**255,081**

Special Space	
Laboratory	1,600
Holding Cell	11,379
Restroom	5,136
Physical Fitness	990
Conference	3,780
ADP	1,040
Vehicle Lift	336
Inspection Canopy	153,805
Control Booth	995
Vaults	400
Interview Rooms	1,605
Break Rooms	990
Lockers	3,780
Sallyport	491
Secured Elevator	176
Hazmat Shower & Eyewash	64
Telephone Room	100
Total:	**186,667**

USF means the portion of the building available for use by a tenant's personnel

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
MOBILE, AL

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 346,691 gross square feet, located in Mobile, AL, at additional site costs of $2,603,000, additional design costs of $6,009,000, management and inspection costs of $7,922,000, and construction costs of $173,506,000 at a proposed total cost of $190,040,000, for which a May 11, 2000 11(b) report and a fact sheet is attached to, and included in, this resolution. This resolution amends the Committee on Transportation and Infrastructure resolution of July 23, 2003.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

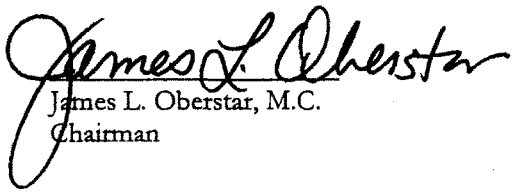
Provided further, that the Administrator of General Services shall ensure that the Mobile, Alabama

Courthouse contains no more than seven courtrooms.

Provided further, that the Administrator of General Services submit a flood plain mitigation plan to the Committee on Transportation and Infrastructure of the House of Representatives before a construction award is made.

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: November 5, 2009



James L. Oberstar, M.C.
Chairman

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Introduction

In accordance with a resolution adopted April 11, 2000 by the Committee on Transportation and Infrastructure of the House of Representatives, the General Services Administration (GSA) has investigated the feasibility and need to construct or acquire a facility to house the United States District Court for Southern AL, in Mobile, AL.

Current Housing Situation

The Administrative Office of the United States Courts (AOC) projects that within ten years, 17 judges will be in Mobile: eight district; four magistrate; three bankruptcy; and two circuit. The existing Campbell CT neither meets the United States Courts Design Guide (USCDG) standards, nor provides expansion space for future court requirements Because of the inadequate expansion space in the Campbell CT, the court currently occupies space in five leased buildings.

The Campbell CT currently has eight courtrooms. Of those eight courtrooms, only three meet the minimum USCDG for space requirements. Based on the Design Guide standards, two judges who will be eligible for senior status, will remain in two of the existing courtrooms. Three courtrooms, two of which are just below the minimum size standards, will be occupied by the bankruptcy judges. The leased space currently housing the bankruptcy court operations will be released. The remaining courtrooms will be converted to office space to accommodate increased space requirements of the U.S. Attorneys and U.S. Marshals.

The Campbell CT also provides inadequate security. For instance, separate access or egress for judicial officers or prisoners is not provided. There are no secured private corridors to courtrooms, chambers, or U.S. Marshals' areas, and there are no secure elevators in the building. Holding cells are not contiguous to the courtrooms and secured parking is not available to the courts.

Tenant Agencies

The Campbell CT and the CT-Annex will house the Judiciary, Justice, Senate and a GSA customer service center.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Option Based on Courtroom Sharing Model

Space Requirements of the Courts

The Five Year Courthouse Plan 2001-2005, as approved by the Judicial Conference of the United States, proposes site acquisition and design of a new court facility for Mobile for fiscal year 2001.

The CT-Annex will provide seven courtrooms and ten chambers for four district judges, two senior district judges and four magistrate judges. In addition, the CT-Annex will provide chambers for two circuit judges.

A physical connection between the CT-Annex and the existing Campbell CT will enable co-location of the entire court in a Government-owned court complex and continued utilization of the Campbell CT.

Fifty secured inside parking spaces will be incorporated into the construction of the CT-Annex and made available to judges, probation officers, pretrial officers, U.S. Marshals and U.S. Attorneys. GSA proposes buying sufficient land to enable future construction to accommodate the 30-year space requirements. In the interim, the portion of the site reserved for future expansion will be used to provide approximately 50 secured surface parking spaces for the court.

The table below outlines the current and future courts requirements.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	2	4	2	0	(1)	1
Magistrate	3	4	3	4	0	3	0	0
Bankruptcy	2*	2	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	12	17	5	7	2	4

* Bankruptcy Court is currently housed in leased space.

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Alternatives Considered (30-year, present value costs)

Lease:	$117,171,000
New Construction:	$83,464 ,000

The 30-year, present value cost of construction is $33,707,000 less than the cost of leasing, an equivalent annual cost advantage of $2,193,000.

Project Summary

Site Information

To be purchased ..... Approximately 3 acres

Building Area

Gross square feet (excluding inside parking) 278,434
Gross square feet (including inside parking) 298,434

Project Budget

Site Cost $2,895,000
Design (Annex) 4,507,000
Management and Inspection (M&I Annex) 3,543,000
Estimated Construction Cost ($195/gsf including inside parking) 58,237,000
Estimated Total Project Cost* **$69,182,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Option Based on No Departures from the U.S. Courts Design Guide

Space Requirements of the Courts

The Five Year Courthouse Plan 2001-2005, as approved by the Judicial Conference of the United States, proposes site acquisition and design of a new court facility for Mobile for fiscal year 2001.

The CT-Annex will provide eight courtrooms and ten chambers for four district judges, two senior district judges and four magistrate judges. In addition, the CT-Annex will provide chambers for two circuit judges.

A physical connection between the CT-Annex and the existing Campbell CT will enable co-location of the entire court in a Government-owned court complex and continued utilization of the Campbell CT.

Fifty secured inside parking spaces will be incorporated into the construction of the CT-Annex and made available to judges, probation officers, pretrial officers, U.S. Marshals and U.S. Attorneys. GSA proposes buying sufficient land to enable future construction to accommodate the 30-year space requirements. In the interim, the portion of the site reserved for future expansion will be used to provide approximately 50 secured surface parking spaces for the court.

The table outlines the current and future requirements of the courts.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	2	4	2	0	(1)	1
Magistrate	3	4	4	4	0	4	1	0
Bankruptcy	2*	2	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	13	17	5	8	3	4

* Bankruptcy Court is currently housed in leased space.

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Alternatives Considered (30-year, present value costs)

Lease:	$121,623,000
New Construction:	$86,250,000

The 30-year, present value cost of construction is $35,373,000 less than the cost of leasing, an equivalent annual cost advantage of $2,301,000.

Project Summary

Site Information

To be purchased ..... Approximately 3 acres

Building Area

Gross square feet (excluding inside parking) 285,361
Gross square feet (including inside parking) 305,361

Project Budget

Site Cost	$2,895,000
Design (Annex)	4,642,000
Management and Inspection (M&I Annex)	3,627,000
Estimated Construction Cost ($197/gsf including inside parking)	60,174,000
Estimated Total Project Cost*	**$71,338,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Option Based on Original Requirements of the U.S. Courts

Space Requirements of the Courts

The Five Year Courthouse Plan 2001-2005, as approved by the Judicial Conference of the United States, proposes site acquisition and design of a new court facility for Mobile for fiscal year 2001.

The CT-Annex will provide ten courtrooms and chambers for four district judges, two senior district judges and four magistrate judges. In addition, the CT-Annex will accommodate chambers for two circuit judges.

A physical connection between the CT-Annex and the existing Campbell CT will enable co-location of the entire Court in a Government-owned court complex and continued utilization of the Campbell CT.

Fifty secured inside parking spaces will be incorporated into the construction of the CT-Annex and made available to judges, probation officers, pretrial officers, U.S. marshals and U.S. attorneys. A 200-space deck is proposed to meet additional employee and visitor parking requirements. GSA proposes buying sufficient land to enable future construction to accommodate the 30-year space requirements. In the interim, the portion of the site reserved for future expansion will be used to provide approximately 50 secured surface parking spaces for the court.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

The table outlines current and future requirements of the courts.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	4	4	2	2	1	1
Magistrate	3	4	4	4	0	4	1	0
Bankruptcy	2*	2*	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	15	17	5	10	5	4

* Bankruptcy Court currently housed in leased space.

Alternatives Considered (30-year, present value costs)

Lease:	$124,989,000
New Construction:	$91,850,000

The 30-year, present value cost of construction is $33,139,000 less than the cost of leasing, an equivalent annual cost advantage of $5,426,000.

Project Summary

Site Information

To be purchased ..... Approximately 3 acres

Building Area

Gross square feet (excluding inside parking) 301,722
Gross square feet (including inside parking) 321,722

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

The table outlines current and future requirements of the courts.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	4	4	2	2	1	1
Magistrate	3	4	4	4	0	4	1	0
Bankruptcy	2*	2*	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	15	17	5	10	5	4

* Bankruptcy Court currently housed in leased space.

Alternatives Considered (30-year, present value costs)

Lease: $124,989,000
New Construction: $91,850,000

The 30-year, present value cost of construction is $33,139,000 less than the cost of leasing, an equivalent annual cost advantage of $5,426,000.

Project Summary

Site Information

To be purchased ..... Approximately 3 acres

Building Area

Gross square feet (excluding inside parking) 301,722
Gross square feet (including inside parking) 321,722

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Project Budget

Site Cost	$2,895,000
Design (Annex)	4,887,000
Management and Inspection (M&I Annex)	3,782,000
Estimated Construction Cost ($198/gsf including inside parking)	63,837,000
Estimated Total Project Cost*	**$75,401,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

Recommendation
SITE AND DESIGN

Schedule

FY 2001	Site and Design
FY 2002	Construction
FY 2005	Occupancy

Certification of Need

New construction is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 11, 2000

Recommended Paul Christoline
for Commissioner, Public Buildings Service

Approved Thurman M. Davis Sr.
Deputy Administrator, General Services Administration

GSA PBS

FACTSHEET
NEW U.S. COURTHOUSE
MOBILE, AL

BACKGROUND:

- Project Description: The construction of a 346,691 gsf Courthouse; including 50 inside parking spaces
- Project Justification: The CT will meet the 10-year needs of the court and court-related agencies and the site/building design is flexible enough to accommodate the 30 year needs of the court.

CURRENT STATUS:

- The design of the project is 100% complete, but storm mitigation concerns and modification to the HVAC systems now require redesign.
- The project is on hold pending receipt of additional funds for acquisition of remaining site parcels, design revision, and construction.

Site and Design	FY 2002
Construction	FY 2011
Occupancy	FY 2015

FUNDING:

The House Transportation and Infrastructure Committee authorized $97,033,000:

- $7,537,000 for site and design for a 305,361 gsf CT, including 50 inside parking spaces on 7/26/2000;
- $3,753,000 for additional site and design for a 325,452 gsf CT, including 50 inside parking spaces, on 7/18/2001; and
- $85,743,000 for additional design and for construction and management and inspection for a 342,273 gsf CT, including 50 inside parking spaces on 7/23/2003.

The Senate Environment and Public Works Committee authorized $141,861,000:

- $7,782,000 for site and design for a 321,722 gsf CT, including 50 inside parking spaces, on 7/26/2000;
- $3,753,000 for additional site and design for a 325,452 gsf CT, including 50 inside parking spaces, on 9/25/2001; and
- $141,861,000 for additional site and reduced design for construction and management and inspection for a 346,691 gsf CT, including 50 inside parking spaces on 9/13/2006.

Congress appropriated $11,290,000 for FY 2002 (Public Law 107-67).

Authorization and funding required for FY2010 is $190,400,000

Estimated Total Project Cost $201,690,000

Recent recommendations from Congress (in the ARRA conference report) concerning courtroom sharing may reduce the number of courtrooms and total space in the proposed building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE ANNEX
GREENBELT, MD

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of an expansion, up to 262,579 gross square feet, of the U.S. courthouse located in Greenbelt, MD at design costs of $10,000,000, for which a February 12, 1990 11(b) report and fact sheet is attached to, and included in, this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided further, that the Administrator of General Services shall ensure that the Greenbelt, Maryland Courthouse Annex contains no more than 12 courtrooms;

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

INTRODUCTION:

In accordance with the resolution adopted by the House Committee on Public Works and Transportation on June 22, 1989, the General Services Administration (GSA) has investigated the space requirements of all components of the U.S. Courts, as well as the U.S. Marshals Service and the U.S. Attorneys, for a courthouse to serve the newly created Southern Division of the Judicial District of Maryland. This report supports a recommendation to construct a courthouse to serve the 5 counties comprising the Southern Division - Prince George's, Montgomery, Calvert, Charles, and St. Mary's. The courthouse shall be constructed within 5 miles of the Prince George's-Montgomery County boundary.

COMMUNITY PROFILE:

The Suburban Maryland portion of the National Capital Region (NCR) encompasses 2 of these counties - Prince George's and neighboring Montgomery. Suburban Maryland is one of the three areas comprising the National Capital Region (NCR), the other two being the District of Columbia and Northern Virginia. Suburban Maryland includes Prince George's and Montgomery County. The Northern Virginia component includes the counties of Arlington, Fairfax, Loudoun, and Prince William; and the independent cities of Alexandria, Fairfax, and Falls Church.

In 1987, the population of the Suburban Maryland portion was nearly 1.4 million, up almost 10 percent from its 1980 population. Suburban Maryland accounts for well over one-third of the population of the entire Washington, DC metropolitan area, which is approximately 3.7 million. Prince George's County has less office and retail development space than Montgomery County, and is slightly less populous.

COMMERCIAL SPACE DATA:

The metropolitan area has been the focus of substantial commercial development over the past several years, although the pace has leveled off during the past year. Construction of new office space in the suburban areas has surpassed that of the District of Columbia in recent years with overbuilding occurring in some areas, causing a higher than usual vacancy rate in the suburbs. The real estate industry predicts that much of the space now being completed will not be absorbed until the mid-1990's.

Much of this commercial and retail development has occurred in Montgomery County, especially along the Interstate 270 corridor.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

COMMERCIAL SPACE DATA: (cont'd)

In addition, the extension of the Metrorail system has been critical to Montgomery County's development. Not only has substantial office and retail development already occurred along the Metrorail corridor, but additional large-scale facilities are in the planning stages. However, developmental constraints, created by traffic limitations, have recently slowed this pace.

Prince George's County, however, continues to be extremely interested in attracting new office development, both for Government agencies and private industry. Presently, Prince George's County has much less major office development than Montgomery County. Part of this difference is due to the timing of Metrorail construction. Much of the Metrorail system in Prince George's County has yet to be completed, and certain portions are not funded. As such, there has not been the opportunity for dense development along its future Metrorail corridors.

Further differences between the 2 counties are reflected by their rental and vacancy rates. Since land has been cheaper in Prince George's County, more warehouses have been built there; but there has been a recent increase in first class office space. However, the office real estate market in Prince George's County has generally reflected a lower rental rate and higher vacancy rate than in Montgomery County. During 1988, the vacancy rates have varied between 13 and 23 percent in these 2 counties.

In both counties, locations closest to DC, Metrorail, and highway access tend to command the highest rates. Rental rate estimates for first class office space in Maryland are $22 to $35 per occupiable square foot for fiscal year 1991.

FEDERAL SPACE SITUATION:

In suburban Maryland, GSA controls 2.8 million Government-owned square feet and 5.6 million leased square feet. This 8.4 million total square feet of space in Suburban Maryland is 13 percent of the region's total. By contrast, 57 percent of the total is located in DC, which houses most agency headquarters; and 30 percent is in Northern Virginia, where the Department of Defense is headquartered at the Pentagon. Northern Virginia also has the headquarters of the Patent and Trademark Office (Department of

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

FEDERAL SPACE SITUATION: (cont'd)

Commerce), and major components of the Departments of Justice and Interior. The GSA space in Suburban Maryland is concentrated in the Montgomery County communities - such as Bethesda and Silver Spring - closest to Washington, DC, and along the Interstate 270 corridor between Bethesda and Germantown. Furthermore, nearly 1 million square feet will become occupied in Silver Spring during the next 2 years when the National Oceanic and Atmospheric Administration (NOAA) consolidates from several leased locations within Montgomery County.

Suburban Maryland	Gov't-owned	Leased	Total
Number of Bldgs.	27	79	106
Occupiable Sq. Ft.	2,837,702	5,455,916	8,293,618
Employees	11,282	21,406	32,688

Within Suburban Maryland, the current ratio of Government-owned space to leased space is 34:66. The current ratio of Federal employees in Government-owned space to those in leased space, in Suburban Maryland, is also 34:66.

Steady economic growth in the Washington area in recent years has resulted in a steep rise in the cost of commercial office space. Accordingly, GSA is facing a sharp increase in leasing costs over the next decade. This has been one of the catalysts for a number of the consolidation projects noted in this report.

GOVERNMENT-OWNED BUILDINGS AND SITES:

Suburban Maryland has 7 Government-owned office buildings of more than 100,000 square feet, all of which are in Prince George's County or Montgomery County. Four are in Prince George's County (all 4 are in Suitland) and 3 are in Montgomery County:

1) In Germantown (Montgomery County), the Department of Energy's largest Building, with 374,205 square feet;

2) One White Flint North (a building purchase) in North Bethesda, with 238,076 square feet occupied by the Nuclear Regulatory Commission (NRC);

3) Silver Spring Metro Center (a building purchase, and first building of the NOAA complex), with 126,441 square feet; and

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

GOVERNMENT-OWNED BUILDINGS AND SITES: (cont'd)

4) In Prince George's County, the Suitland Federal Center has several major office buildings: Federal Office Buildings (FOB) 3 and 4, at 500,085 and 239,160 square feet; and Naval Intelligence Command (NIC) 1 and 2, at 146,590 and 143,785 square feet respectively. Suitland serves as the headquarters for the Bureau of the Census (Department of Commerce) as well as NIC.

In Suburban Maryland, GSA controls one major development area - the Suitland Federal Center, cited immediately above. In addition to the office buildings at Suitland, there is a 798,000 square foot Federal Records Center, plus a power plant. GSA is preparing a Master Plan to guide development for the site, including the 1989 transfer of 44 acres to the Department of Navy to construct a new building for NIC which will house elements now located in NIC 1 and 2. The Master Plan will propose a combination of new construction plus renovation of selected Government-owned buildings. Some existing buildings may be demolished to make way for new development.

In addition to space that GSA controls, there are several major installations under other agencies' purview. In Montgomery County, these include the Department of Health and Human Services' (HHS) National Institutes of Health (NIH) campus in Bethesda. NIH is adding a 500,000 square foot building to house its administrative offices. The Bethesda Naval Hospital is across the street. In Gaithersburg, the Department of Commerce has the National Institute of Standards and Technology (NIST) (formerly the National Bureau of Standards) campus.

In Prince George's County, the Department of Agriculture controls a large research facility in Beltsville, but shares its jurisdiction with the Food and Drug Administration of HHS. The National Archives and Records Administration (NARA) has received approval for a 1.4 million square foot research facility and records center in College Park. This is scheduled for completion in 1994.

LEASED SPACE:

The Government leases 8 office buildings in Suburban Maryland with more than 100,000 square feet of space:

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

LEASED SPACE: (cont'd)

1. In Hyattsville, Center Building No. 1 with 220,590 square feet and Center Building No. 2 with 301,049 square feet. The Departments of Agriculture, Treasury, and Health and Human Services, are the primary tenants in these buildings;

2. The Gramax Building in Silver Spring with 159,530 square feet, which houses NOAA;

3. The Washington Science Center in Rockville with 235,280 square feet, occupied by NOAA;

4. The Parklawn Building, occupied by HHS in Rockville, with 1,317,255 square feet; and

5. In Bethesda, the Westwood Main Annex, 225,455 square feet, and Westwood Towers, 112,325 square feet. HHS and the Consumer Product Safety Commission (CPSC) are the primary tenants.

NOAA will vacate the Gramax Building and the Washington Science Center in 1990 and 1992, respectively, and relocate to Silver Spring as part of the NOAA consolidation. Ten leased locations in Maryland will be vacated as part of this consolidation.

There are numerous other leased locations in suburban Maryland which house agency functions required to be close to their headquarters. For example, there are several leased buildings near the Census Bureau at Suitland which house Census functions. Because of this constraint, there is no need to provide general office space within the proposed Courts complex discussed below.

SPACE REQUIREMENTS:

Public Law 100-487 established the new Southern Division of the Judicial District of Maryland in October 1988. Previously, the Maryland Bar Association had established a Task Force on the Organization of the United States District Court for the District of Maryland. This task force recommended the establishment of a Southern Division to better cope with the enormous growth in population, economic development, and court activity in the 5 counties comprising the Southern Division of Maryland. The Public Law states that the new courthouse shall be within 5 miles of the boundary of Prince George's and Montgomery counties.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

SPACE REQUIREMENTS: (cont'd)

By 1990, the Bureau of the Census projects that nearly 1.6 million residents, or almost 35 percent of the population of the entire State of Maryland, will reside in the five counties. In addition, these counties are the fastest growing in Maryland in terms of population, sales, and business development, as well as legal activity, as measured by civil, criminal, and bankruptcy court filings. Since there is not an existing courthouse in Prince George's or Montgomery counties, a new facility will have to be constructed. The Court's requirements cannot be satisfied in any existing Government-owned building or land site within Prince George's or Montgomery counties.

While there is no District Court in the 5 counties comprising the Southern Division, there are District Court functions in Prince George's and Montgomery counties. GSA leases space for Magistrates, U.S. Attorneys, and the Marshals Office in the Presidential Building in Hyattsville, and the Bankruptcy Court occupies leased space in Exchange Place in Rockville. The U.S. Marshals' space includes offices for Marshals personnel as well as holding cells for prisoners who are awaiting court appearances. A new courthouse will consolidate the existing Courts, Attorneys, and Marshals offices that are presently located in these two counties.

The elimination of constant shuttling among Court facilities by the Attorneys and Court personnel will create significant time saving as well as more efficient management of the judicial functions. Furthermore, public service will be improved by eliminating confusion about the various court locations.

The proposed facility would require a site of approximately four and a half acres to be acquired within 5 miles of the boundary of Prince George's and Montgomery counties. The courthouse should be located close to the Beltway and should be accessible to public transportation.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

SPACE REQUIREMENTS: (cont'd)

The proposed United States Courthouse will contain 96,887 occupiable square feet of space plus parking for 155 vehicles. The building will house all components of the U.S. Courts, as well as the U.S. Marshals Service and the U.S. Attorneys. There will be 7 courtrooms (three for the District Court, two for the Magistrates, and two for the Bankruptcy Court) which will meet the Court's projected requirements for the scheduled 1994 occupancy. The building will satisfy the expansion requirements of all the agencies, while consolidating them from three locations into one modern, functional, and secure facility.

The current (fiscal year 1990) commercial market rents in suburban Maryland average from $22 to $30 per square foot, fully serviced. However, due to the cost of altering leased space to accommodate courtrooms, chambers, and special facilities for handling prisoners, the rent incurred by the Government for a facility with these features would be well above these rates.

Approximately 86 percent of the nearly 12 million square feet of building space occupied by the Courts, nationwide, is in Government-owned buildings. GSA's policy to house Courts in Government-owned space, wherever practical, was reinforced by the Public Buildings Amendments of 1988. This legislation directed GSA to avoid leasing space to accommodate the U.S. Courts, in order to alleviate the high costs of alterations to commercial space.

ALTERNATIVES:

LEASE - This alternative proposes that GSA negotiate a lease to house the Courts and associated agencies in 96,887 occupiable square feet plus 155 parking spaces. The 30-year, present value cost of this alternative is $39,930,000.

CONSTRUCTION - This alternative proposes construction of a building to house the Courts and associated agencies in 96,887 occupiable square feet plus 155 parking spaces. The 30-year, present value cost of this alternative is $31,614,000.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

CONCLUSION:

The 30-year, present value of Federal construction is $8,316,000 less than the leasing alternative, or an equivalent annual cost advantage of $809,000. In addition, since it is GSA's policy to house the Courts in Government-owned buildings to alleviate the high cost of alterations to commercial space, the recommended alternative is direct Federal construction.

RECOMMENDATION:

CONSTRUCTION is recommended.

Occupants ..... Multiple Agencies
(Judiciary, U.S. Attorneys, U.S. Marshals)

Area
Gross ..... 156,100 Square Feet
Occupiable ..... 96,887 Square Feet
Parking*..... 50 inside spaces

Site..... To be acquired**

Estimated Construction Cost*** $21,883,000

Authority Requested in this Prospectus $21,883,000

*In addition, there are 105 outside spaces, for an overall total of 155 spaces.

**$3,000,000 was appropriated in fiscal year 1990 for site acquisition.

***Design, management and inspection, and construction supervision are funded in a single design and construction services budget activity. For design, $1,700,000 was appropriated in fiscal year 1990. Also, it is anticipated that the agencies will fund an additional amount for space alterations above the standard normally provided by GSA.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

Statement of Need:

It has been determined that the above project is a Government need, and that the proposed solution is the best method to meet that need within the timeframe required.

Submitted at Washington, DC, on February 12, 1990

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

ECONOMIC ANALYSIS

	CONSTRUCTION	LEASE
DATA: Term used (yrs)	30	30
Occupancy Year	1994	1993
Square feet in analysis		
Leased	-	96,887
Government-owned	96,887	-
PRESENT VALUE COSTS ($ x 1,000)		
Net, net rent	-	26,147
Construction cost	16,061	-
Design	1,451	-
Management and inspection	1,243	-
Land	2,525	-
Less: Building reversion	(4,358)	-
Land reversion	(679)	-
Interim housing	2,215	1,595
Major R&A	1,959	-
Tenant alterations	1,347	1,439
Services & utilities	6,793	7,257
Property taxes, ins.	2,264	2,419
Property management	793	605
Total Tax Benefits to Lessor	-	468
Total Present Value Cost	31,614	39,930
PROPOSAL VALUE		31,614
PRESENT VALUE COST ADVANTAGE		8,316
OR		
EQUIV. ANNUAL COST ADVANTAGE		809

Factors Used (10/1/89 Values):
Net Rent: $30.00/osf
Operating Cost: $6.00/osf
Construction Cost to Build a New Building: $129.69/gsf
Land Cost: $2,774,000
Discount Rate: 9.0%

Housing Plan
United States Courthouse, Southern District of Maryland
(as of November 1989)

	CURRENT						PROPOSED					
	Total OSF	Total Pers.	Office OSF	Office Wksta.	Storage OSF	Special OSF	Total OSF	Total Pers.	Office OSF	Office Wksta.	Storage OSF	Special* OSF
U.S. COURTS:												
Exchange Place	9,315	52	7,890	52	75	1,350						
Presidential	16,304	55	13,718	55	42	2,544						
New Courthouse	–	–	–		–	–	67,652	150	36,140	150	–	31,512
Subtotal	25,619	107	21,608	107	117	3,894	67,652	150	36,140	150	–	31,512
U.S. MARSHALS:												
Presidential	2,149	–	1,859	–	–	290						
New Courthouse	–	–	–	–	–	–	12,100	40	5,400	40	200	6,550
Subtotal	2,149	–	1,859	–	–	290	12,100	40	5,400	40	200	6,550
U.S. ATTORNEYS:												
Presidential	598	–	598	–	–	–						
One Metro Square	2,774	9	1,670	9	–	1,104						
New Courthouse	–	–	–	–	–	–	14,635	53	8,360	53	300	5,975
Subtotal	3,372	9	2,268	9	–	1,104	14,635	53	8,360	53	300	5,975
CONGRESSMAN HOYER:												
New Courthouse	–	–	–	–	–	–	1,500	–	1,500	–	–	–
Subtotal	–	–	–	–	–	–	1,500	–	1,500	–	–	–
GSA CONCESSIONS:												
New Courthouse	–	–	–	–	–	–	1,000	–	–	–	–	1,000
Subtotal	–	–	–	–	–	–	1,000	–	–	–	–	1,000
TOTAL	31,140	116	25,735	116	117	5,288	96,887	243	51,400	243	500	44,987

Current U/R (Marshals + Attorneys) = N/A (9 employees)

Proposed U/R (Marshals + Attorneys) = 148

Parking = 155 spaces

*Special Space Includes:

Lab and clinic	1,050
Food service	1,100
Structurally changed	27,812
ADP	500
Conference/training area	12,850
Light Industrial area	1,675
Total	44,987

GSA PBS

FACT SHEET
U.S. COURTHOUSE ANNEX
GREENBELT, MD

Description

The General Services Administration (GSA) proposes expansion of the U.S. Courthouse (CT) in Greenbelt, Maryland from 424, 816 gsf to 687,395 gsf. The 262,579 gsf courthouse addition will be accomplished by:

1) adding a tower onto the existing half-round portion of the building to increase the functionality of the Courtrooms by adding jury deliberation suites;

2) add to the existing building District Court chambers and U.S. Marshal Service (USMS) space;

3) add other court and court-related functions such as Bankruptcy courtroom and chambers, Pretrial and Probation, U.S. Attorney's Offices, and U. S. Trustee's, and 11 inside parking spaces; and

4) expand the parking structure from 463 parking spaces to a number to be determined during design.

Project Summary

Site Information

Government-Owned	9.3 acres
Building Area	
Existing gross square feet (including 50 inside parking spaces)	424,816
Additional gross square feet (including 11 inside parking spaces)	262,579
Total gross square feet (including 61 inside parking spaces)	687,395
Existing parking structure parking spaces	463
Additional parking structure parking spaces	TBD*
Total parking structure parking spaces	TBD

Project Budget

Design	**$10,280,000**
Estimated Construction Cost (ECC) ($473/gsf including inside parking)	**109,332,000**
Management and Inspection (M&I)	**8,786,000**
Estimated Total Project Cost (ETPC)**	**$128,398,000**

*Non court parking for the new facility will be affected by the consolidation of traffic court functions. The total number of parking spaces will be determined during design.
**Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

FACT SHEET
U.S. COURTHOUSE ANNEX
GREENBELT, MD

Prior Authority and Funding

None

Overview of Project

The Greenbelt Courthouse was built in 1994. This expansion project provides:

- two additional District courtrooms with four additional chambers,
- two additional Magistrate courtrooms and chambers,
- two additional Bankruptcy courtrooms and chambers,
- additional space for the inclusion of Probation and the US Trustees (from leased space),
- expansion space for the US Attorney's Office and
- additional space for the USMS holding requirements.

Tenant Agencies

District Court; Bankruptcy Court; Federal Public Defender; Probation; Pretrial; Department of Justice – U.S. Marshals Service; Department of Justice – Office of the U.S. Attorney; Department of Justice – U.S. Trustees; U.S. House of Representatives Office

Justification

Renovation of the existing offices will provide more efficient usage of the existing facility. These additions will meet the Judiciary's 10-year need corresponding with the year 2020. The Five-Year Courthouse Project Plan for FYs 2010-2014 approved by the Judicial Conference on March 17, 2009, which reflects construction priorities approved by the Judicial Conference, includes expansion of the CT in Greenbelt, MD for site and design funding for FY 2011. (The Five-Year Courthouse Project Plan for FYs 2009-2013 approved by the Judicial Conference on March 11, 2008 included the project for site and design funding for FY 2010.)

The court's southern division has grown rapidly since the existing building opened and it needs to be expanded to accommodate current and future growth. The existing building lacks sufficient space to adequately house existing personnel and accommodate projected growth for the court and court related agencies through 2020. The existing building is structurally and functionally incapable of accommodating the projected expansion.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
SAVANNAH, GA

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 184,955 gross square feet, located in Savannah, GA, at design costs of $7,900,000, for which a March 15, 1994 prospectus and fact sheet is attached to, and included in, this resolution. This resolution amends the Committee on Transportation and Infrastructure resolution of July 23, 2003.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided further, that the Administrator of General Services shall ensure that the Savannah Courthouse Annex contains no more than four courtrooms;

Provided further, that the Administrator of General Services shall prepare a feasibility report on the need for the courthouse and re-evaluate the design. The report shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives before proceeding with construction of the Savannah, Georgia Courthouse.

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

Description:

This prospectus proposes the acquisition of a site and the design of a Courthouse (CT) in Savannah, GA. The CT will provide 233,626 gross square feet of space including 100 inside parking spaces for the U.S. Courts and court-related agencies. The proposed building will be designed to meet the 10-year needs of the courts in conjunction with the continued use of the existing Federal Building-Courthouse (FB-CT). Five new courtrooms will be provided: two district, two bankruptcy, and one magistrate. The CT will also provide offices for the U.S. attorneys, the U.S. Trustees, the U.S. marshals, and the U.S. Postal Service (USPS). The new building will house approximately 331 employees.

Currently, the courts and related activities occupy space in three locations in Savannah. There is a total of four judges: two district, one magistrate, and one bankruptcy judge. The primary location of the courts is in the Government-owned FB-CT, which was completed in 1899 and is listed on the National Register of Historic Places. It provides a total of four courtrooms, two assigned to the district court, one to the magistrate, and one to bankruptcy. Two courtrooms meet the U.S. Courts Design Guide minimum requirement of 2,000 square feet for district courtrooms. The other two courtrooms are less than 1,500 square feet and below the standard for magistrate and bankruptcy judges.

The FB-CT cannot house the total current requirements of the courts and related activities. In May 1993, the U.S. attorneys required expansion space and were relocated from the FB-CT to leased space in the nearby J.C. Penny Building. The lease expires May 27, 2003, and has termination rights after May 28, 1998. The U.S. Trustees are located in leased space in the Commerce Building, 222 West Oglethorpe Street in downtown Savannah. The lease expires October 31, 1997.

The AOC wishes to retain the FB-CT because of its significance and prominence in the heart of the Savannah historic district. The courts are aware that the proposed project will result in split court functions. A site for the proposed project has been identified adjacent to the existing FB-CT. Its convenient location will permit construction of a tunnel between the new CT and FB-CT to facilitate operations. The two district courtrooms will continue to be utilized. The two courtrooms now assigned to the magistrate judge and bankruptcy judge will be converted to office space upon completion of the proposed project. In addition, the FB-CT will continue to provide space for the Clerk of the Court, Probation, and the U.S. marshals. The USPS will relocate from the ground floor of the FB-CT to the CT to provide expansion for the Clerk of the Court. A small amount of space will be retained by executive agencies.

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

Space Requirements of the U.S. Courts:

	CURRENT COURTROOMS/JUDGES		10-YEAR REQUIREMENT COURTROOMS/JUDGES			
	Courtrooms FB-CT	Judges	Courtrooms FB-CT	Courtrooms New CT	Total	Judges
Circuit Court	0	0	0	0	0	1
District	2	2	2	2	4	4
Magistrate	1*	1	0	1	1	1
Bankruptcy	1*	1	0	2	2	2
TOTAL	4	4	2	5	7	8

*These hearing rooms provide 777 and 1,200 square feet of space. They are below minimum requirement and will be converted to office space.

Time Out and Review:

After careful consideration of the client agencies' housing needs and an analysis of current market alternatives, GSA has determined that site acquisition and design of this facility should proceed. However, a review of the original estimated construction costs resulted in a $4,623,000 reduction for construction. In addition, there will be opportunities to realize savings during the design stage and procurement and execution of the construction contract through value engineering techniques. Should savings be realized, they will be made available upon completion of the construction phase of the project.

Delineated Area:

The new courthouse will be located in the CBD of Savannah, GA, on a site that has been identified adjacent to the existing FB-CT. Acquisition of this site is instrumental for the courts' consolidation and continued utilization of the existing FB-CT.

Justification:

The Administrative Office of the United States Courts (AOC) completed a Long-Range Facility Plan for the Southern District of Georgia in June 1991. Based on projections, a total of seven courtrooms will be required in the Savannah division within the next 10 years. Three additional judgeships are anticipated for Savannah: one district judgeship is currently vacant and pending appointment; one district judge is projected within 10 years; and one bankruptcy judge is projected within 5 years. In addition, it is anticipated that within the next 10 years a circuit judge will be appointed to the district. The district court will require a total of four courtrooms, the magistrate judge will require one courtroom, and bankruptcy will require two courtrooms. In accordance with the Long-Range Facility Plan and the U.S. Courts Design Guide, additional space will be required by the district court, the Circuit Court, magistrate judge, clerk of the court, bankruptcy court, U.S. attorneys, U.S. Trustees and U.S. marshals.

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

Justification (Cont'd):

The existing FB-CT cannot accommodate the increased space requirements of the U.S. courts and related agencies. Two courtrooms in the FB-CT are below the minimum standard size for both the magistrate and bankruptcy court. The proposed CT will provide the required expansion space and courtrooms that meet the minimum standard requirements. The office utilization rate will be 120 square feet per person excluding the judiciary and GSA joint-use space. The new building will be designed with ceiling heights that can accommodate the construction of six additional courtrooms, if necessary, beyond the 10-year needs because of the historic nature of Savannah and its structures and the difficulty in obtaining sites for future construction. To allow for expansion of the Judiciary, offices of related agencies such as the U.S,. attorneys and Probation, will be relocated to other space.

The proposed project includes 100 inside parking spaces consisting of 51 official, 39 employee, 5 visitor, and 5 handicapped spaces. The proposed parking will serve the needs of new CT and the existing Savannah Federal Complex that includes the FB-CT and the Juliet Gordon Low Federal Building where approximately 986 Federal employees are currently housed.

The 30-year, present value construction cost is $6,004,000 less than the cost of leasing the required space, or an equivalent annual cost advantage of $489,000.

Alternatives:

CONSTRUCTION - This alternative proposes the construction of a new courthouse facility to provide for the long-term housing of the U.S. courts and related activities. The 30-year, present value cost for this alternative is $43,626,000.

LEASE - this alternative proposes the leasing of a facility to provide for the long-term housing of the U.S. courts and related activities. The 30-year, present value cost of this alternative is $49,630,000.

Recommendation:

SITE ACQUISITION AND DESIGN are recommended.

Occupants: ..... U.S. Courts and Related Agencies

Building Area:
Gross Square Feet 186,567
Gross Square Feet (including inside parking spaces) 233,626
Parking Spaces ..... 100 inside

Site Information:
To be purchased ..... 1.4 acres

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

Cost Information:

Site	$3,211,000
Estimated Design*	2,104,000
Management and Inspection	2,065,000
Estimated Construction Cost ($126 per gsf including inside parking)**	29,587,000
Total Project Cost	$36,967,000

Authority Requested in this Prospectus (Site and Design): $5,315,000

*If there are any additional design costs above the $2,104,000 due to increased project scopes that are not anticipated at this time, they will be accommodated within this line item of the new construction budget. Accordingly, GSA does not plan to request additional design authority for this project. Also, it is anticipated that the tenant agencies will fund an additional amount for the design of space alterations above the standard normally provided by GSA.

**A detailed construction prospectus will be submitted for this project with a future year construction budget request.

Statement of Need:

It has been determined that the above project is a Government need and that the proposed action is the most cost effective method to meet that need within the timeframe required.

Submitted at Washington, DC, on March 15, 1994

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

ECONOMIC ANALYSIS

	CONSTRUCTION	LEASE
DATA: Term used (years)	30	30
Occupancy Year	1998	1997
PRESENT VALUE COSTS ($ x 1,000)		
Net, net rent	-	31,943
Construction cost	23,127	-
Design	1,834	
Management and Inspection	1,614	-
Land	3,091	-
Less: Building reversion	(7,860)	-
Land reversion	(1,025)	-
Interim housing	4,028	832
Major R&A	3,119	-
Tenant alterations	2,209	2,345
Services & utilities	8,431	8,951
Property taxes & insurance	2,529	2,685
Property management	2,529	2,077
Total tax benefits to lessor	-	797
Total Present Value Cost	43,626	49,630
PROPOSAL VALUE		-43,626
PRESENT VALUE COST ADVANTAGE		6,004
OR		
EQIV. ANNUAL COST ADVANTAGE		489

Net Rent: $23.50/sf
Operating Cost: $5.00/sf
Discount Rate: 7.1%

HOU: PLAN
U.S. Courts and ..ated Activities
Savannah, GA
(As of August 1993)

CURRENT							PROPOSED					
Total OSF	Total Pers	Office OSF	Office Pers	Storage OSF	Special OSF	AGENCY/ LOCATION	Total OSF	Total Pers	Office OSF	Office Pers	Storage OSF	Special OSF
19,587	24	15,114	24	1,412	3,061	District Court	23,500	15	9,800	15	500	13,200
9,793	20	7,569	20	945	1,279	Bankruptcy	To relocate to USCT-Annex					
8,330	11	7,450	11	880	0	Probation	11,000	30	7,980	30	1,000	2,020
3,530	4	3,226	4	80	224	Clerk of Court	13,000	20	8,800	20	1,200	3,000
5,226	19	4,157	19	0	1,069	U.S. Marshals	3,500	12	1,900	12	400	1,200
900	0	900	0	0	0	U.S. Attorneys	To relocate to USCT-Annex					
7,059	8	129	8	0	6,930	USPS	To relocate to USCT-Annex					
881	6	881	6	0	0	USGS	1,000	7	900	7	100	0
3,020	15	2,766	15	254	0	Fish & Wildlife	3,000	17	2,600	17	400	0
In leased space						EEOC	3,400	14	2,200	14	200	1,000
1,339	0	0	0	705	634	Joint Use	1,265	0	0	0	560	705
59,665	107	42,192	107	4,276	13,197	SUBTOTAL	59,665	115	34,180	115	4,360	21,125
						LEASED SPACE						
3,320	25	3,320	25	0	0	U.S. Trustees	To relocate to Proposed CT					
26,050	83	22,013	83	0	4,037	U.S. Attorneys	To relocate to Proposed CT					
29,370	108	25,333	108	0	4,037	SUBTOTAL						
						PROPOSED CT**						
						District Court	29,710	13	3,270	13	300	26,140
						Magistrate	5,740	10	1,380	10	150	4,210
						Bankruptcy	25,055	60	11,410	60	2,525	11,120
						Circuit Court	2,900	6	0	6	110	2,790
						U.S. Trustees	8,200	44	6,790	44	500	910
						U.S. Attorneys	33,025	155	24,525	155	1,000	7,500
						U.S. Marshals	5,975	26	3,375	26	400	2,200
						USPS	10,000	17	2,550	17	1,000	6,450
						Joint Use	4,395	0	1,795	0	800	1,800
						SUBTOTAL	125,000	331	55,095	331	6,785	63,120
89,035	215	67,525	215	4,276	17,234	TOTALS Occupiable Square Feet	184,665	446	89,275	446	11,145	22,925
8,272		6,273		397	1,601	Square Meters	17,156		8,294		1,035	2,130

Current Office Utilization Rate = 229

*FB-CT contains 59,665 sf

Proposed Office Utilization Rate = 120
(Excludes Judiciary, joint use, and 8,193 sf support space)

**Special Space in Proposed CT Includes:

Private restrooms..	2,450
Food service.....	1,140
Courtrooms/chambers	23,170
Vaults.....	250
Library.....	6,800
Secured areas.....	2,450
ADP.....	1,200
Records storage/mai	6,250
Conference/training	19,410
TOTAL	63,120

Note: The occupiable square foot measure is used by GSA to assign space to client agencies. All rent to tenant agencies is calculated and billed on an occupiable square foot basis. The occupiable square foot measurement is defined as the actual area that is available for exclusive tenant use.

GSA PBS

FACTSHEET
U. S. COURTHOUSE ANNEX
SAVANNAH, GA

Description

This project involves the construction of a 166,955 gross square foot U.S. Courthouse Annex (Annex) in Savannah, GA. In conjunction with the renovation of the existing Federal Building-Courthouse (FB-CT), the Annex would be constructed to meet the 10-year space needs of the courts and court-related agencies. The Judiciary's Five Year Plan, which reflects priorities approved by the Judicial Conference, includes a CT Annex in Savannah, GA, for construction funding.

Project Summary

Site

Government-owned ..... 1.4 acres

Building Area

Gross square feet (no inside parking) 166,955

Project Budget

Site (Demolition) (FY 1995)	$3,211,000
Design (FY 1996)	2,386,000
Additional Design	668,000
Management and Inspection (M&I)	4,250,000
Estimated Construction Cost (ECC)($274/gsf)	45,818,000
Estimated Total Project Cost*	**$56,333,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

House Authorization Required (Additional Design, ECC and M&I) $50,736,000

Prior Authority and Funding

- The Senate Committee on Environment and Public Works authorized $5,315,000 for site and design on May 26,1994 and $46,462,000 for additional design, construction, management and inspection on September 23, 1998.
- The House Committee on Public Works and Transportation authorized $3,211,000 for site and $2,104,000 for design, for a combined cost of $5,315,000, on September 28, 1994.
- Through Public Law 103-329, Congress appropriated $3,000,000 for site. (FY95)
- Through Public Law 104-52, Congress appropriated $2,597,000. (FY96)

FACTSHEET
U. S. COURTHOUSE ANNEX
SAVANNAH, GA

Schedule

FY 1995/1996	Site and Design
FY 2004	Construction
FY 2007	Occupancy

Overview of Project

Over the next 10 years, a total of seven courtrooms would be required in Savannah. The District Court would require a total of five courtrooms and the Bankruptcy Court would require two courtrooms. The Annex would provide two district courtrooms, one magistrate courtroom, and two bankruptcy courtrooms and would meet the ten-year expansion requirements of the courts and court-related agencies. The Annex would be designed with ceiling heights that allow for the construction of four additional courtrooms to meet the courts' long-term housing requirements. Increased ceiling heights will eliminate the need to acquire a new site, which is difficult in the Savannah Historic District. In order to accommodate future expansion of the courts, related agencies can be relocated from the building.

Tenant Agencies:

Major tenants would be the District Court, the Bankruptcy Court, U.S. Marshals Service, and U.S. Attorneys.

Delineated Area:

The site for the Annex is Federally owned and is adjacent to the existing FB-CT. Two smaller, non-historic Federal buildings will be demolished to make room for the new building.

Justification:

The Judiciary wants to retain the FB-CT due to its significance and prominence in the NHL Savannah Historic District. This historic building was not designed to accommodate more than the original number of courtrooms. Two district courtrooms in the FB-CT will continue to be utilized, while the courtrooms assigned to the magistrate judge will be converted to conference and training rooms upon completion of a future renovation project in the FB-CT. In addition, the FB-CT will continue to provide space for the District Court and the U.S. Marshals.

The existing FB-CT cannot accommodate the increased space requirements of the U.S. Courts and related agencies. Two courtrooms in the FB-CT do not meet minimum United States Courts Design Guide (USCDG) standards. Furthermore, the FB-CT requires modernization to meet the USCDG standards for operational efficiency, maximum accessibility and safety. The completion of the Annex is planned to tie in with the subsequent modernization of the FB-CT. This schedule will ensure the courts and court-related agencies adequate swing space, thus mitigating adverse impacts to these agencies' operations.

FACTSHEET
U. S. COURTHOUSE ANNEX
SAVANNAH, GA

After completion, the existing FB-CT would be retained to provide space for the District Court, U.S. Probation Office, U.S. Attorneys, U.S. Marshals Service and the U.S. Trustee. The U.S. Attorneys and the U. S. Trustees will relocate from leased space. These leases would be extended or terminated to coincide with the occupancy of the new Annex and renovated FB-CT.

Space Requirements of the U.S. Courts

	Current		10-Year		
	Courtrooms	Judges	Courtrooms FB-CT	Courtrooms Annex	Judges
District					
- Active	2	2	1	1	2
- Senior	0	1	1	1	3
- Visiting	0	2	0	0	2
Magistrate	1*	1	0	1	1
Bankruptcy	1*	1	0	2	2
Total:	4	7	2	5	10

* These courtrooms do not meet minimum USCDG standards.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
SAN ANTONIO, TX

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 334,335 gross square feet, located in San Antonio, TX, at additional design costs of $4,000,000, for which prospectus PTX-CTSD-SA04 and a fact sheet is attached to, and included in, this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted within 30 days of this resolution and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided, that the Administrator of General Services shall ensure that the San Antonio, Texas Courthouse contains no more than seven courtrooms;

Provided further, that the Judicial Conference of the United States shall specifically approve each

departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Description

The General Services Administration (GSA) proposes the acquisition of a site and the design of a 377,691 gross square foot courthouse (CT), including 37 inside parking spaces, in San Antonio, TX. The new CT would be constructed to meet the 10-year from occupancy requirements of the District Court and the U.S. Marshals Service, and the site would accommodate the 30-year from design requirements. The Judiciary's Five-Year Plan, which reflects priorities approved by the Judicial Conference, includes a new courthouse in San Antonio, TX for site and design funding.

Project Summary

Site Information

To be acquired ..... Approximately 3-4 acres

Building Area

Gross square feet (excluding inside parking) 359,691
Gross square feet (including inside parking) 377,691

Project Budget

Site	$18,000,000
Design	8,177,000
Management and Inspection	5,856,000
Estimated Construction Cost ($237/gsf including inside parking)	89,383,000
Estimated Total Project Cost*	**$121,416,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

House Authorization Requested (Site) **$18,000,000**
Senate Authorization Requested (Site and Additional Design) **$19,251,000**

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $6,926,000 for design for a 325,113 gross square foot Courthouse, including 37 inside parking spaces, on July 24, 2002, and $1,251,000 for additional design for a 377,691 gross square foot Courthouse, including 37 inside parking spaces, on July 23, 2003.
- The Senate Committee on Environment and Public Works authorized $6,926,000 for design for a 325,113 gross square foot Courthouse, including 37 inside parking spaces, on September 26, 2002.
- Through Public-Law 108-199, Congress appropriated $8,000,000. (FY 04)

Schedule

FY 2005	Site Selection and Design
FY 2008	Construction
FY 2011	Occupancy

Overview of the Project

The new CT will consolidate all of the District Court and U.S. Marshals Service space into one facility, thus improving efficiency of operations. The new CT will provide eight district courtrooms and five magistrate courtrooms.

Once the new CT is completed, the existing Training Center for the Administrative Office of the U. S. Courts (AOUSC) and the existing John H. Wood Jr. Courthouse (Wood CT) will be reported excess.

Tenant Agencies

The new CT will house the U.S. District Court, the U.S. Marshals Service, Probation, Pre-Trial Services, and the Public Defender.

Delineated Area

The new CT will be located in the Central Business District of San Antonio, TX.

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Justification

This project is driven by the court's projection for additional judgeships within the next ten years, and by the need to consolidate their space to improve efficiency. The courts have projected a need for one additional district judgeship and two additional magistrate judgeships. Also, four district judges will be eligible for senior status in the 10-year period and require replacements. Court support functions, including the clerk's office, probation, pre-trial services, and the public defender, also require expansion space. These requirements are based on a Long-Range Facility Plan for the Western District of Texas completed by the courts in February 2000. The Wood CT cannot provide this amount of expansion space, nor provide the consolidation needed for operations.

There are currently four active district judges, one visiting district judge, and three magistrate judges in San Antonio. These judges are all housed in the Wood CT and utilize eight available courtrooms. The district court also occupies space in the Federal Building for clerks and support space, and in the Training Center for other support space. The U.S. Marshals occupy space in the Wood CT and in the Federal Building. There are two bankruptcy judges located in the PO-CT, and one circuit judge in leased space. These three judges will remain in place.

The Wood CT sits between the Training Center and the Federal Building. Upon completion of the new CT, the Wood CT and the Training Center will be reported excess. The current occupants of the Wood CT will move to the new CT. The occupants of the Training Center will move to the new CT or the PO-CT.

The Wood CT does not lend itself to the court's and marshal's special security needs. There are few instances where separate circulation exists for judges and prisoners, or for the general public. Its circular design reduces the space efficiency factor, and its lack of windows (except in the lobby area) reduces tenant satisfaction.

GSA originally planned to use the existing Government-owned site to meet the courts needs. This would have first required demolition of the Training Center to provide the site for the new CT. Subsequent to the construction and occupancy of the new CT, the Wood CT was to be demolished to provide a site for future courts expansion. Executing this plan, however, would not have met the courts security setback requirement, because continued occupancy of the Wood CT during construction of the new CT restricts initial development to the Training Center portion of the site. Consequently, GSA now proposes to acquire a new site that will meet the security requirements of the courts in San Antonio. Design of the new CT can commence once the site has been selected, with subsequent purchase of the site pending the future availability of funds.

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Space Requirements of the U.S. Courts

	Current		10-Year	
	Courtrooms	Judges	Courtrooms	Judges
District				
- Active	4	4	5	5
- Senior	0	0	3	4
- Visiting	1	1	0	0
Magistrate	3	3	5	5
Total:	8	8	13	14

Alternatives Considered (30-year, present value costs)

Construction: $120,133,000
Lease: $161,682,000

Recommendation

SITE AND ADDITIONAL DESIGN

The 30 year, present value cost of construction is $41,549,000 less than the cost of leasing, an equivalent annual cost advantage of $2,954,000.

GSA PBS

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, D.C. on JUN 2 3 2004

Recommended _____
Commissioner, Public Buildings Service

Approved _____
Administrator, General Services Administration

May 2(| Ho' | Plan | S' | 'tonio, TX
i | CT | P1 | .SD-SA04

Locations	Current							Proposed							Changes		
	Personnel		Usable Square Feet (USF)				RSF	Personnel		Usable Square Feet (USF)				RSF	Personnel	USF	RSF
	Office	Total	Office	Storage	Special	Total	Total	Office	Total	Office	Storage	Special	Total	Total	Total	Total	Total
Wood CT																	
Jud-District CT	91	91	22,605	-	41,790	64,395	97,371	-	-	-	-	-	-	-	(91)	(64,395)	(97,371)
JD-US Marshals	51	51	6,550	122	1,934	8,606	13,013	-	-	-	-	-	-	-	(51)	(8,606)	(13,013)
Jud-Ct of Appeals	0	0	1,962	-	175	2,137	3,231	-	-	-	-	-	-	-	0	(2,137)	(3,231)
Joint Use	0	0	165	219	-	384	581	-	-	-	-	-	-	-	0	(384)	(581)
Subtotal	142	142	31,282	341	43,899	75,522	114,196	-	-	-	-	-	-	-	(142)	(75,522)	(114,196)
Training Center																	
Jud-AOC	32	32	6,575	-	1,122	7,697	10,358	-	-	-	-	-	-	-	(32)	(7,697)	(10,358)
Jud-District CT	27	27	5,689	-	-	5,689	7,655	-	-	-	-	-	-	-	(27)	(5,689)	(7,655)
Subtotal	59	59	12,264	0	1,122	13,386	18,013	-	-	-	-	-	-	-	(59)	(13,386)	(18,013)
Federal Building																	
Jud-District CT	141	141	31,436	969	2,559	34,964	44,996	-	-	-	-	-	-	-	(141)	(34,964)	(44,996)
Jud-Pub Def	36	36	11,875	168	303	12,346	15,888	-	-	-	-	-	-	-	(36)	(12,346)	(15,888)
JD-US Marshals	27	27	4,091	-	941	5,032	6,476	-	-	-	-	-	-	-	(27)	(5,032)	(6,476)
Other Agencies	400	400	73,965	2,018	4,963	80,946	104,172	600	600	121,367	3,155	8,766	133,288	171,532	200	52,342	67,360
Subtotal	604	604	121,367	3,155	8,766	133,288	171,532	600	600	121,367	3,155	8,766	133,288	171,532	(4)	0	0
Total	805	805	164,913	3,496	53,787	222,196	303,741	600	600	121,367	3,155	8,766	133,288	171,532	(205)	(88,908)	(132,209)
New CT																	
Jud-District CT	-	-	-	-	-	-	-	96	96	69,450	-	70,610	140,060	161,069	96	140,060	161,069
Jud-Probation	-	-	-	-	-	-	-	165	165	36,587	-	1,015	37,602	43,242	165	37,602	43,242
Jud-Pub Def	-	-	-	-	-	-	-	39	39	12,393	-	400	12,793	14,712	39	12,793	14,712
Jud-PreTrial	-	-	-	-	-	-	-	50	50	13,577	-	785	14,362	16,516	50	14,362	16,516
JD-US Marshals	-	-	-	-	-	-	-	100	100	22,834	775	9,890	31,114	35,781	100	31,114	35,781
Joint Use	-	-	-	-	-	-	-	-	-	2,500	-	-	2,500	2,875	0	2,500	2,875
GSA	-	-	-	-	-	-	-	-	2	1,750	812	-	2,562	2,946	2	2,562	2,946
Subtotal	-	-	-	-	-	-	-	450	452	159,091	1,587	82,700	240,993	277,142	452	240,993	277,142
Total	805	805	164,913	3,496	53,787	222,196	303,741	1,050	1,052	280,458	4,742	91,466	374,281	448,674	247	152,085	144,933

	Current	Proposed	Change
	Utilization		
Rate	N/A	N/A	N/A

Special Space	USF
Toilets	4,682
Food Service	2,050
Vaults	1,920
Detention Cells	7,930
Courtrooms	29,760
Library	1,260
ADP	1,200
Judges Chambers	19,960
Conference/Training	12,738
Sallyport	1,200
TOTAL	82,700

Usable square footage means the portion of the building available for use by an tenants' personnel and furnishings and space available jointly to the occupants of the building (e.g. auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g. craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

NEW U.S. COURTHOUSE
SAN ANTONIO, TX

BACKGROUND:

- Project Description: Construction of a 384,335 gsf Courthouse; including 55 inside parking spaces.
- Location: San Antonio, TX
- Project Purpose: To construct a courthouse that will include 12 courtrooms and 14 chambers to house the District Court, a Court of Appeals judge, and the U.S. Marshals Service (USMS).
- Project Justification: The project is driven by the court's projections for additional judgeships during the planning period and the need to consolidate the District Court and USMS (currently split between two buildings).

SCHEDULE:

- Design would start in October 2009.
- Construction is scheduled for FY 2012 if funded.

AUTHORIZATION AND FUNDING:

The House Transportation and Infrastructure Committee authorized $26,177,000:

- $6,926,000 for design for a 325,113 gsf Courthouse, including 37 inside parking spaces, on July 24, 2002; and
- $1,251,000 for additional design for a 377,691 gsf Courthouse, including 37 inside parking spaces on July 23, 2003; and
- $18,000,000 for site for a 377,691 gsf Courthouse, including 37 inside parking spaces on July 21, 2004.

The Senate Environment and Public Works Committee authorized $26,177,000:

- $6,926,000 for design for a 325,113 gsf Courthouse, including 37 inside parking spaces, on September 26, 2002; and
- $18,000,000 for site and $1,251,000 for additional design, or $19,251,000, for a 377,691 gsf Courthouse including 37 inside parking spaces, on June 23, 2004.

Congress appropriated $8,000,000 for FY2004 (Public Law 108-199).

Authorization and funding required for FY 2010 is $3,266,000 for additional design.

Estimated Total Project Cost: $142,612,000

Recent recommendations from Congress (in the ARRA conference report) concerning courtroom sharing may reduce the number of courtrooms and total space in the proposed building.

CONGRESSIONAL INTEREST:

Senator Kay Bailey Hutchison is a member of the Senate Committee on Appropriations.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, D.C.
PDC-05-WA10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a lease extension of up to 71,914 rentable square feet for the Federal Emergency Management Agency, currently located 395 E Street, SW, Washington, D.C., at a proposed total annual cost of $3,523,786 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS –LEASE
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, DC

Prospectus Number: PDC-05-WA10

Project Summary

The General Services Administration (GSA) proposes a lease extension for up to 71,914 rentable square feet (rsf) for the Federal Emergency Management Agency (FEMA) currently located in the Patriots Plaza Building at 395 E Street, SW, Washington, DC.

GSA proposes to extend the current lease at Patriots Plaza to coincide with the occupancy of FEMA's new headquarters space at St. Elizabeths. Funding for design for a consolidated FEMA facility at St. Elizabeths has been requested in fiscal year 2009 and has been funded as part of the American Recovery and Reinvestment Act of 2009 (P.L.111-5). Construction funding will be requested in a future fiscal year to commence construction of the new FEMA headquarters. The space is currently scheduled to be ready for occupancy in 2014. GSA will negotiate termination rights with the current landlord to provide the flexibility needed as the occupancy date for St. Elizabeths approaches.

Description

Occupants:	FEMA
Delineated Area:	Washington, DC
Lease Type:	Extension
Justification:	Expiring lease (August 2011)
Expansion Space:	None
Parking:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years
Maximum Rentable Square Feet:	71,914
Current Total Annual Cost:	$3,012,192
Proposed Total Annual Cost: [1]	$3,523,786
Maximum Proposed Rental Rate: [2]	$49.00

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

PROSPECTUS –LEASE
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, DC

Prospectus Number: PDC-05-WA10

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2009

Housing Plan
Department of Homeland Security
Federal Emergency Management Agency

Washington, DC
PDC-05-WA10

Location	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Patriots Plaza	300	300	64,071			64,071	300	300	64,071			64,071
TOTALS	**300**	**300**	**64,071**	-	-	**64,071**	**300**	**300**	**64,071**	-	-	**64,071**

	Current	Proposed	
	Utilization Rate		
	167	167	

Current UR excludes 14,096 usf of office support space
Proposed UR excludes 14,096 usf of office support space

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. ARMY CORPS OF ENGINEERS
PORTLAND, OR
POR-02-PO10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 126,500 rentable square feet for the U.S. Army Corps of Engineers, Portland District Office, currently located at Robert Duncan Plaza, 333 SW First Avenue, Portland, OR, at a proposed total annual cost of $5,060,000 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. ARMY CORPS OF ENGINEERS
PORTLAND, OR
POR-02-PO10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 126,500 rentable square feet for the U.S. Army Corps of Engineers, Portland District Office, currently located at Robert Duncan Plaza, 333 SW First Avenue, Portland, OR, at a proposed total annual cost of $5,060,000 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: **November 5, 2009**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
U.S. ARMY CORPS OF ENGINEERS
PORTLAND, OR

Prospectus Number:	POR-02-PO10
Congressional District:	01, 03

Project Summary

The General Services Administration (GSA) proposes a replacement lease of 126,500 rentable square feet (rsf) of space and 25 parking spaces for the U.S. Army Corps of Engineers (USACE), Portland District Office, currently located at Robert Duncan Plaza, 333 SW First Avenue, Portland, OR.

Description

Occupants:	USACE
Delineated Area:	Portland CBD
Lease Type:	Replacement
Justification:	Expiring lease (September 17, 2011)
Number of Parking Spaces:	25
Expansion Space:	2,186 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	126,500
Current Total Annual Cost:	$3,195,097
Proposed Total Annual Cost[1]:	$5,060,000
Maximum Proposed Rental Rate[2]:	$40.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
U.S. ARMY CORPS OF ENGINEERS
PORTLAND, OR

Prospectus Number: POR-02-PO10
Congressional District: 01, 03

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Hor Plan

Pe d, OR

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
Robert Duncan Plaza	528	528	108,099	0	0	108,099	0	0	0	0	0	0
New Lease	0	0	0	0	0	0	549	549	98,400	0	11,600	110,000
Total:	**528**	**528**	**108,099**	**0**	**0**	**108,099**	**549**	**549**	**98,400**	**0**	**11,600**	**110,000**

	Current	Proposed
Utilization		
Rate	160	140

Current UR excludes 23,782 USF of office support space
Proposed UR excludes 21,648 USF of office support space

Special Space	
Laboratory	662
Clinic	568
Conference	3,229
Library	5,600
ADP	491
Retail	1,050
Total:	**11,600**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA
PPA-01-PH10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a superseding lease and space alteration of up to 345,000 rentable square feet for the National Archives and Records Administration, currently located at 14700 Townsend Road, Philadelphia, PA, at a proposed total annual cost of $3,795,000 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH10
Congressional District: 08

Project Summary

The General Services Administration (GSA) proposes a superseding lease and space alterations to the National Archives and Records Administration (NARA) facility currently located at 14700 Townsend Road, Philadelphia, PA. This facility, which was occupied in 1994 under a 20 year, firm term, non-cancelable lease, provides 1.58 million cubic feet of records storage in 345,000 rentable square feet (rsf).

The proposed alteration project, to be amortized in the rent paid to the lessor, will allow the conversion of approximately 40,000 usf of soon-to-be vacant record storage bays into bays capable of housing archives and permanent records. In order to comply with NARA's 2010 archive standards as detailed in 36 CFR 1228 Subpart K, the archive and permanent records space requires more stringent paper storage conditions and requires improvements to the HVAC, filtration, humidification, and fire protection systems, and light diffusion improvements.

Approximately 40,000 usable square feet (usf) of IRS taxpayer records, currently housed at this location will be destroyed in 2009 resulting in extra storage capacity. Upon completion of the conversion, archives currently housed in two existing federal facilities, the Robert NC Nix US Post Office and Courthouse in Philadelphia, PA and the Federal Building on Varick Street in New York, NY will be transferred into this space.

Justification

The existing federal facilities cannot be upgraded economically to meet NARA's archival facility standards. The archive vaults at the Nix Post Office and Courthouse are below grade and are incapable of meeting the proposed 2010 archival standards, and it would be cost prohibitive to upgrade the Varick Street Federal Building to meet these standards. In both locations NARA will keep its offices and public contact functions. The vacated archive vaults will be marketed to Philadelphia federal tenants with basic record storage needs.

The 30-year, present value cost of a superseding lease with alterations in the NARA records center is $28,965,000 less than the cost of new construction and $12,742,000 less than the cost of a leasing new space that would meet NARA's requirements.

PROSPECTUS - LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH10
Congressional District: 08

Alternatives

CONSTRUCTION - This alternative proposes the construction of a new 345,000 rsf NARA facility. The 30-year, present value cost of this alternative is $123,035,000.

NEW LEASE - This alternative proposes leasing a new 345,000 rsf NARA facility. The 30-year, present value cost of this alternative is $106,812,000.

SUPERSEDING LEASE WITH SPACE ALTERATIONS - This alternative proposes alterations and a 20-year superseding lease of the existing 345,000 rsf building. The 30-year, present value cost of this alternative is $94,070,000.

Recommendation

SPACE ALTERATIONS AND SUPERSEDING LEASE are recommended.

Major Work Items

Mechanical	$2,069,000
Electrical	993,000
Interior Architectural	1,071,000
Demolition	167,000
Estimated Construction Cost (ECC)	$4,300,000
Management and Inspection Costs (M&I)	$200,000
Total Alteration Authority Requested in this Prospectus[1]:	$4,500,000

[1] Design funding in the amount of $90,000 is being provided by NARA; ECC and M&I totaling $4,500,000 will be amortized in the rent paid to the lessor.

GSA PBS

PROSPECTUS - LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number:	PPA-01-PH10
Congressional District:	08

Description

Occupants:	National Archives And Records Administration
Delineated Area:	14700 Townsend Road Philadelphia, PA 19154
Lease Type:	Lease/Alterations in Leased Space
Justification:	Consolidation and Relocation of Government-Owned Space
Number of Parking Spaces:	0
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	345,000
Current Total Annual Cost[2]:	$3,039,700
Proposed Total Annual Cost[3]:	$3,795,000
Maximum Proposed Rental Rate[4]:	$11.00 per RSF

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to alter approximately 40,000 rsf and enter into a superseding lease at the existing NARA facility.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[2]Current Total Annual Cost includes $338,341 of operating costs only for the Government Owned Locations.
[3]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[4]This estimate is for fiscal year 2010 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH10
Congressional District: 08

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

National Records av chives Administration

Philadelphia, PA
PF -PH10

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
NARA RECORD STRG CTR												
NARA - Records Depositing Operations	40	40	9,000	1,200	289,800	**300,000**	40	40	9,000	1,200	289,800	**300,000**
Sub Total:	**40**	**40**	**9,000**	**1,200**	**289,800**	**300,000**	**40**	**40**	**9,000**	**1,200**	**289,800**	**300,000**
ROBT N C NIX FB USPO												
NARA	63	63	8,250	0	21,105	**29,355**	63	63	8,250	0	0	**8,250**
Sub Total:	**63**	**63**	**8,250**	**0**	**21,105**	**29,355**	**63**	**63**	**8,250**	**0**	**0**	**8,250**
FEDERAL BLDG--201 Varick Street												
NARA	10	10	14,434	0	11,000	**25,434**	10	10	14,434	0	0	**14,434**
Sub Total:	**10**	**10**	**14,434**	**0**	**11,000**	**25,434**	**10**	**10**	**14,434**	**0**	**0**	**14,434**
Total:	**113**	**113**	**31,684**	**1,200**	**321,905**	**354,789**	**113**	**113**	**31,684**	**1,200**	**289,800**	**322,684**

	Current	Proposed
	Utilization	
Rate	216	216

Special Space	
Other - Record and Archive Storage	289,800
Total:	**289,800**

Current UR excludes 7,279 USF of office support space
Proposed UR excludes 7,279 USF of office support space

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
INTERNAL REVENUE SERVICE
WASHINGTON, D.C.
PDC-07-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 100,500 rentable square feet for the Internal Revenue Service, currently located at 1750 Pennsylvania Avenue, NW, Washington, D.C., at a proposed total annual cost of $4,924,500 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
WASHINGTON, DC

Prospectus Number: PDC-07-WA09

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 100,500 rentable square feet (rsf) for the Internal Revenue Service (IRS) currently located at 1750 Pennsylvania Avenue, NW, Washington, DC.

Description

Occupants:	IRS
Delineated Area:	Washington, DC: Central Employment Area, North of Massachusetts Avenue and Waterfront
Lease Type:	Replacement
Justification:	Expiring lease (7/31/2010)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating
Proposed Maximum Leasing Authority:	10 Years
Maximum Rentable Square Feet:	100,500
Current Total Annual Cost:	$3,167,833
Proposed Total Annual Cost:[1]	$4,924,500
Maximum Proposed Rental Rate:[2]	$49.00 per rsf

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
WASHINGTON, DC

Prospectus Number: PDC-07-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2008

Housing Plan
Internal Revenue Service

Washington, DC
PDC-07-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1750 Penn Ave. NW	420	420	83,026	700		83,726					-	
Proposed Lease		-					420	420	81,000	676	2,050	83,726
Total	420	420	83,026	700	-	83,726	420	420	81,000	676	2,050	83,726

	Current	Proposed
Utilization Rate	154	150

Current UR excludes 18,266 USF of office support space
Proposed UR excludes 17,820 USF of office support space

Special Space	USF
Conference	1,350
Food Service	250
Mail room	250
Copy room	200
Total	2,050

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C.
PDC-04-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 254,267 rentable square feet for the Small Business Administration (SBA), currently located at 409 Third Street, SW, Washington, D.C., at a proposed total annual cost of $12,459,083 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that within six months of the date of the resolution and prior to exercising the authority granted in the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a draft housing plan, including Federal Government ownership options, for the SBA in the National Capital Region.

Provided further, that within two years of the date of the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a final housing plan approved by the Office of Management and Budget that provides Federal Government ownership for the SBA in the National Capital Region.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-04-WA09

Project Summary

The General Services Administration (GSA) proposes a replacement lease for up to 254,267 rentable square feet (rsf) of space for the Small Business Administration (SBA), currently located at 409 Third Street, SW, Washington, DC.

Description

Occupants:	SBA
Delineated Area:	Washington, DC: Central Employment Area, North of Massachusetts Avenue, and Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (11/23/2010)
Expansion Space:	None
Number of Parking Spaces:	4 (Inside)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	254,267
Current Total Annual Cost:	$9,324,171
Proposed Total Annual Cost:[1]	$12,459,083
Maximum Proposed Rental Rate:[2]	$49.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2011 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-04-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Octobe[illegible]97

W[illegible]gton, DC
[illegible]J4-WA09

Ho[illegible] Plan
Small Bus[illegible]dministration
409 Third Street, SW

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)*				Personnel		Usable Square Feet (USF)*			
	Office	*Total*	*Office*	*Storage*	*Special*	*Total*	*Office*	*Total*	*Office*	*Storage*	*Special*	*Total*
LEASED												
409 Third Street												
Small Business Administration	636	636	184,613		27,276	211,889						
Proposed Lease			-	-	-	-	636	636	184,613	-	27,276	211,889
Total	636	636	184,613	-	27,276	211,889	636	636	184,613	-	27,276	211,889

Utilization Rate (UR)		
	Current	Proposed
Rate	226	226

Current UR excludes 40,615 USF of office support space.
Proposed UR excludes 40,615 usf of office support space.

Special Space	USF*
ADP	7,500
Auditorium	8,000
Conference	7,977
Food Service	2,799
Laboratory	1,000
Total	27,276

*Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND
PMD-01-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 159,731 rentable square feet for the National Institute of Allergy and Infectious Disease, currently located 6700 Rockledge Drive, Bethesda, MD, at a proposed total annual cost of $5,430,854 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND

Prospectus Number: PMD-01-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 159,731 rsf for the National Institute of Allergy and Infectious Diseases (NIAID) located at 6700 Rockledge Drive, Bethesda, MD.

GSA is considering a consolidation of the tenants at 6700 Rockledge Blvd with other NIAID entities in neighboring buildings and plans to extend the 6700 Rockledge Blvd lease on a short-term basis. NIH leases in neighboring buildings were acquired directly by NIH through a delegation of authority from GSA and will expire on September 30, 2011 and March 31, 2012. NIAID plans to consolidate into a single leased location by 2012 under the authority of a consolidation prospectus to be submitted in a future fiscal year program. Since the present prospectus covers a short-term requirement, GSA has determined that it is not practical to consider relocating NIAID.

Description

Occupants:	NIAID
Delineated Area:	6700 Rockledge Drive, Bethesda, MD
Lease Type:	Succeeding
Justification:	Expiring lease (5/31/2010)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years with termination rights
Maximum Rentable Square Feet:	159,731
Current Total Annual Cost:	$4,991,221
Proposed Total Annual Cost[1]:	$5,430,854
Maximum Proposed Rental Rate[2]:	$34.00

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND

Prospectus Number: PMD-01-WA09
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2008

Housing Plan
National Institutes of Health

Suburban Maryland
PMD-01-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
NIAID 6700 Rockledge	603	603	128,635		8,800	**137,435**	603	603	128,635		8,800	**137,435**
Total	**603**	**603**	**128,635**	**-**	**8,800**	**137,435**	**603**	**603**	**128,635**	**-**	**8,800**	**137,435**

Utilization Rate		
	Current	Proposed
Rate	166	166

Current UR excludes 28,300 USF of Office for support space
Proposed UR excludes 28,300 USF of office for support space

Special Space	USF
Food Service	500
ADP	1,800
Conf/Training	6,500
Total	**8,800**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
ARLINGTON, VA
PVA-01-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 102,238 rentable square feet for the Federal Emergency Management Agency, currently located at 1800 South Bell Street, Arlington, VA, at a proposed total annual cost of $3,885,044 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar
James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
ARLINGTON, VA

Prospectus Number: PVA-01-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 102,238 rentable square feet of space for the Federal Emergency Management Agency (FEMA), currently located at 1800 South Bell Street, Arlington, VA, known as Crystal Mall One. GSA plans to continue to house FEMA in this building until FEMA can be consolidated at St. Elizabeths West Campus. The succeeding lease term will be aligned with the date FEMA is scheduled to consolidate into the St. Elizabeths campus. The new proposed lease expiration date would coincide with the occupancy of FEMA's new headquarters space at St. Elizabeths West Campus. GSA requested a portion of design funding for a consolidated FEMA facility at St. Elizabeths in its fiscal year 2009 budget request. Construction funding will be requested in a future fiscal year. GSA will also negotiate cancellation options with the current landlord to permit flexibility should there be a change in the St Elizabeths schedule.

Description

Occupants:	FEMA
Delineated Area:	1800 South Bell Street, Arlington, VA
Lease Type:	Succeeding
Justification:	Expiring Lease (October 2010)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years with cancellation rights
Maximum Rentable Square Feet:	102,238
Current Total Annual Cost:	$3,119,281
Proposed Total Annual Cost:[1]	$3,885,044
Maximum Proposed Rental Rate:[2]	$38.00

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2011 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
ARLINGTON, VA

Prospectus Number: PVA-01-WA09
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

October 2007

HOUSING PLAN
Federal Emergency Management Agency

Northern Virginia
PVA-01-WA09

Location(s)	Current						Proposed					
Leased Space	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Crystal Mall One	400	400	83,456	-	-	83,456	400	400	83,456	-	-	83,456
TOTALS	400	400	83,456	-	-	83,456	400	400	83,456	-	-	83,456

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings and space available jointly to the occupants of the building (e.g. auditorium, health units, and snack bars).

Utilization Rate		
	Current	Proposed
	163	163

Current UR excludes 18,360 usf of office support space
Proposed UR excludes 18,360 usf of office support space

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
HOFFMAN I
NORTHERN VIRIGINA
PVA-03-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 312,976 rentable square feet for the Department of Defense, currently located at the Hoffman I building, 2461 Eisenhower Avenue, Alexandria, VA, at a proposed total annual cost of $10,641,184 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
HOFFMAN I
NORTHERN VIRGINIA

Prospectus Number: PVA-03-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 312,976 rentable square feet (rsf) for the Department of Defense (DoD) located at the Hoffman I building, 2461 Eisenhower Avenue, Alexandria, VA.

The 2005 Base Realignment and Closure Act (BRAC) requires that DoD tenants in leased space relocate to DoD owned space by September 2011. The current lease expires September 30, 2010 and will need to be extended until DoD moves to owned space. Since this is a short-term requirement, GSA has determined that it is not practical to consider relocating DoD prior to their BRAC relocation date. GSA will negotiate with the lessor for termination rights.

Description

Occupants:	DoD
Delineated Area:	2461 Eisenhower Avenue Alexandria, VA
Lease Type:	Succeeding
Justification:	Expiring lease (9/30/2010)
Expansion Space:	None
Number of Parking Spaces[1]:	5 outside
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years (termination rights to align with final relocation date)
Maximum Rentable Square Feet:	312,976 rsf
Current Total Annual Cost:	$7,031,741
Proposed Total Annual Cost[2]:	$10,641,184
Maximum Proposed Rental Rate[3]:	$34.00 per rsf

[1] The Department of Defense security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[3] This estimate is for fiscal year 2011 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
HOFFMAN I
NORTHERN VIRGINIA

Prospectus Number: PVA-03-WA09
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

April 2008

Housing Plan
Department of Defense
Hoffman 1

Northern Virginia
PVA-03-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Hoffman 1												
DoD	1,500	1,500	259,021		13,291	272,312	1500	1,500	259,021		13,291	272,312
Vacant *			13,024			13,024						
BRAC Swing									13,024			13,024
Total	1,500	1,500	272,045	-	13,291	285,336	1,500	1,500	272,045	-	13,291	285,336

*** Vacant space will be used to temporarily house DOD BRAC requirements moving from other locations.**

	Current	Proposed
Utilization		
Rate	141	141

Current UR excludes 59,850 USF of office support space
Proposed UR excludes 59,850 USF of office support space

Special Space	USF
Auditorium	451
Food Service	232
Loading Docks	184
Conference/Training	12,424
Total	13,291

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
HOFFMAN II
NORTHERN VIRIGINA
PVA-04-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 204,783 rentable square feet for the Department of Defense, currently located at the Hoffman II building, 200 Stovall Street, Alexandria, VA, at a proposed total annual cost of $6,962,622 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: **November 5, 2009**

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
HOFFMAN II
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 204,783 rentable square feet (rsf) for the Department of Defense (DoD) located at the Hoffman II building, 200 Stovall Street, Alexandria, VA.

The 2005 Base Realignment and Closure Act (BRAC) requires that DoD tenants in leased space relocate to DoD owned space by September 2011. The current lease expires September 30, 2010 and will need to be extended until DoD moves to owned space. Since this is a short-term requirement, GSA has determined that it is not practical to consider relocating DoD prior to their BRAC relocation date. GSA will negotiate with the lessor for termination rights.

Description

Occupants:	DoD
Delineated Area:	200 Stovall Street Alexandria, VA
Lease Type:	Succeeding
Justification:	Expiring lease (3/2/2010)
Expansion Space:	None
Number of Parking Spaces[1]:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years (termination rights to align with final relocation date)
Maximum Rentable Square Feet:	204,783 rsf
Current Total Annual Cost:	$4,718,795
Proposed Total Annual Cost[2]:	$6,962,622
Maximum Proposed Rental Rate[3]:	$34.00 per rsf

[1] The Department of Defense security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
HOFFMAN II
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA09
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

October 2007

Housing Plan
Department of Defense
Hoffman II

Northern Virginia
PVA-04-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Hoffman II	1,000	1,000	179,355			179,355	1,000	1,000	179,355			179,355
												-
Total	1,000	1,000	179,355	-	-	179,355	1,000	1,000	179,355	-	-	179,355

	Current	Proposed
Utilization Rate	140	140

Current UR excludes 39,458 USF of Office for support space
Proposed UR excludes 39,458 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX
PTX-02-FW09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement/expansion lease of up to 530,039 rentable square feet for the Federal Aviation Administration, currently located at the 2601 Meacham Blvd., Fort Worth, TX, at a proposed total annual cost of $18,551,365 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that any lease agreement entered into pursuant to this resolution shall include an option to purchase and obtain fee title to the facility leased to the Federal Government. The lease agreement shall provide for the exercise of the purchase option on such dates prior to the expiration of the leasehold interest and under such terms and conditions deemed by the Administrator to be in the best interest of the Federal Government.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX

Prospectus Number: PTX-02-FW09
Congressional District: 12

Project Summary

The GSA proposes a replacement/expansion lease for 530,039 rentable square feet (RSF) of space and 2,532 surface parking spaces for the Federal Aviation Administration (FAA) in Fort Worth, TX. FAA currently occupies 254,630 RSF at the FAA Building, 2601 Meacham Blvd., Fort Worth, TX. The current lease expires on October 28, 2013 (with termination rights in October 2011). Because the FAA has changed their business model on a national scale, they requested expansion space to meet their continuing space requirements in Fort Worth. It is anticipated that lease construction will be required to meet this need.

The FAA recently realigned their largest group, the Air Traffic Organization (ATO) from nine regions into three service areas. The ATO Central Service Area (CSA) is headquartered in Fort Worth, TX and includes the legacy Southwest, Central, and Great Lakes Regions and serves a seventeen state geographic area. Currently authorized positions are already relocating from Central ATO, Kansas City, MO and Great Lakes ATO, Chicago IL, to Fort Worth. Due to this realignment, the existing leased building no longer has adequate space to meet FAA's present and future requirements. The FAA has leased temporary space under their own authority to handle this ongoing expansion in Fort Worth, but the existing building is nevertheless overcrowded. Expansion space is needed as soon as possible to alleviate the overcrowding, and to consolidate operations. The existing GSA and FAA leases will be terminated when the new space is available.

Description

Occupants:	DOT - FAA
Delineated Area:	An area of Fort Worth, including the CBD, which is roughly bounded by Beach Street and Texas 121 on the east, IH 30 on the south, Texas 199, IH 820, and Farm Road 156 on the west, and North Tarrant Parkway on the north.
Lease Type:	Replacement/Expansion
Justification:	The FAA is consolidating operations from three regions into the Fort Worth region.
Number of Parking Spaces:	2,532 surface spaces
Expansion Space:	119,790 rsf

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX

Prospectus Number:	PTX-02-FW09
Congressional District:	12

Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	530,039
Current Total Annual Cost:	$4,866,745
Proposed Total Annual Cost[1]:	$18,551,365
Maximum Proposed Rental Rate[2]:	$35.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2012 and may be escalated by 2.1 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX

Prospectus Number: PTX-02-FW09
Congressional District: 12

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Apr[illegible]008 | Ho[illegible]g Plan | PTX[illegible]-FW09

Federal Aviatio[illegible]ministration (FAA)
Fort Worth, TX

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
FAA Building - 2601 Meacham Blvd.												
DOT - FAA	915	915	188,530	9,651	36,683	234,864	0	0	0	0	0	0
FAA Leases - Various Locations												
DOT - FAA	659	659	98,850	0	15,000	113,850	0	0	0	0	0	0
Replacement Lease												
DOT - FAA	0	0	0	0	0	0	1,704	1,704	305,850	12,100	132,583	450,533
Total:	**1,574**	**1,574**	**287,380**	**9,651**	**51,683**	**348,714**	**1,704**	**1,704**	**305,850**	**12,100**	**132,583**	**450,533**

	Current	Proposed
Utilization		
Rate	156	140

Current UR excludes 41,477 USF of office support space
Proposed UR excludes 67,287 USF of office support space

Special Space	
Laboratory	1,216
Restroom	208
Physical Fitness	7,209
Conference	34,015
Auditorium	10,422
Library	1,130
ADP	12,680
Food Service	15,779
Control Booth	1,928
Vaults	2,693
Press Room	1,737
Training Room	5,159
File Storage	32,519
Command Room	5,888
Total:	**132,583**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL AVIATION ADMINISTRATION
RENTON AREA, WA
PWA-01-RE09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 518,865 rentable square feet for the Federal Aviation Administration, currently located in multiple locations in the Renton, WA area, at a proposed total annual cost of $24,386,655 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that any lease agreement entered into pursuant to this resolution shall include an option to purchase and obtain fee title to the facility leased to the Federal Government. The lease agreement shall provide for the exercise of the purchase option on such dates prior to the expiration of the leasehold interest and under such terms and conditions deemed by the Administrator to be in the best interest of the Federal Government.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: **November 5, 2009**

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
FEDERAL AVIATION ADMINISTRATION
RENTON AREA, WA

Prospectus Number:PWA-01-RE09
Congressional District: 7th, 9th

Project Summary

The General Services Administration (GSA) proposes a new lease of up to 518,865 rentable square feet (rsf) and 1,600 parking spaces to consolidate the Department of Transportation, Federal Aviation Administration (FAA) currently located in multiple locations in the Renton, WA, area.

Background

FAA's largest organization and one of their 24 Lines of Business (LOB), the Air Traffic Organization (ATO), has recently restructured from a nine (9) region to a three (3) Service Center Model. As a result of this restructuring, the Northwest Mountain regional office in the Renton area is now recognized as the Western Service Center (WSC) for the ATO LOB and consists of current FAA offices in Renton and surrounding communities as well as in California and Alaska. This reorganization is expected to spur tremendous growth in personnel for 2009 and beyond. This growth will be phased in over several years.

Currently, the FAA is scattered in over 419,000 rsf of space throughout several locations in the Renton area. FAA personnel are currently housed in 251,003 rsf of space at two separate GSA leased locations: the Federal Administration Building, 1601 Lind Avenue, and Valley Office Park, 1801 Lind Avenue; and in 115,164 rsf in three separate FAA leased locations: Seattle Manufacturing Inspection District Office (MIDO), Alaska Certificate Management Office (ACMO), Seatac City Hall 188th Street and, the Landmark Building, 1601 East Valley Road. A portion of FAA's warehouse space in GSA's facility in Auburn, WA will be moved to the proposed location and lastly, additional FAA personnel (approximately 230) will relocate to Renton from FAA and GSA leased locations in other western states (primarily CA and AK) as FAA's LOB structure evolves.

The existing FAA facilities are incapable of meeting FAA's enhanced security requirements and providing the square footage necessary to support the new expansion and consolidation requirements of the FAA. A new consolidated location will provide FAA with the space to meet the future requirements of its new functions.

PROSPECTUS – LEASE
FEDERAL AVIATION ADMINISTRATION
RENTON AREA, WA

Prospectus Number:PWA-01-RE09
Congressional District: 7th, 9th

Description

Occupant:	DOT/FAA
Delineated Area:	Cities of Renton, Tukwila, SeaTac, Des Moines and Kent
Lease Type:	New
Justification:	Consolidation/Expansion
Expansion Space:	101,398 USF
Number of Parking Spaces:	1,600 surface
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	518,865 RSF
Current Total Annual Cost[1]:	$6,667,485
Proposed Total Annual Cost[2]:	$24,386,655
Maximum Proposed Rental Rate[3]:	$47.00/RSF

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Current Total Annual Cost is for GSA locations only.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[3] This estimate is for fiscal year 2012 and may be escalated by 2.1 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
FEDERAL AVIATION ADMINISTRATION
RENTON AREA, WA

Prospectus Number:PWA-01-RE09
Congressional District: 7th, 9th

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim lease(s) if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June 2008

Housing Plan
Federal Aviation Administration

Renton, WA
PW01-RE09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
FAA (RENTON AREA)												
GSA Leased												
1601 Lind Ave.	981	981	139,357	5,820	33,005	**178,182**	-	-	-	-	-	-
1801 Lind Ave.	300	300	50,898	0	0	**50,898**	-	-	-	-	-	-
Sub Total:	**1,281**	**1,281**	**190,255**	**5,820**	**33,005**	**229,080**	-	-	-	-	-	-
GSA Owned												
Auburn GSA Center Warehouse 5	0	0	0	44,475	0	**44,475**	-	-	-	-	-	-
Sub Total:	**0**	**0**	**0**	**44,475**	**0**	**44,475**	-	-	-	-	-	-
FAA Leased												
Seattle MIDO	15	15	3,600	0	0	3,600	-	-	-	-	-	-
Seatac City Hall on 188th St.	43	43	8,900	0	0	8,900	-	-	-	-	-	-
Landmark Bldg. on 1601 E. Valley Rd.	200	200	63,734	0	0	63,734	-	-	-	-	-	-
Sub Total:	**258**	**258**	**76,234**	**0**	**0**	**76,234**	-	-	-	-	-	-
Proposed GSA Lease												
DOT - FAA	-	-	-	-	-	-	1,950	1,950	343,533	37,000	70,654	**451,187**
Total:	**1,539**	**1,539**	**266,489**	**50,295**	**33,005**	**349,789**	**1,950**	**1,950**	**343,533**	**37,000**	**70,654**	**451,187**

	Current	Proposed
	Utilization	
Rate	135	137

Current UR excludes 58,628 USF of office support space
Proposed UR excludes 75,577 USF of office support space.

Special Space	
Restroom	531
Physical Fitness	5,810
Child Care	10,000
Conference	31,704
Auditorium	3,320
ADP	9,329
Food Service	8,300
Joint Use/Retail	1,660
Total:	**70,654**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.
PDC-03-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 136,787 rentable square feet for the U.S. Department of Agriculture (USDA), currently located at 800 9th Street, SW, Washington, D.C., at a proposed total annual cost of $6,702,563 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that prior to exercising the authority granted in the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a draft housing plan, including Federal Government ownership options, for the USDA in the National Capital Region.

Provided further, that within 60 days of the date of the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a final housing plan approved by the Office of Management and Budget that provides Federal Government ownership for the USDA in the National Capital Region.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: **November 5, 2009**

Jim Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC

Prospectus Number: PDC-03-WA09

Project Summary

The General Services Administration (GSA) proposes a replacement lease for up to 136,787 rentable square feet (rsf) of office space for the U.S. Department of Agriculture (USDA), Cooperative State Research, Education, and Extension Service (CSREES), currently located in the Waterfront Center Building at 800 9th Street, SW, in Washington, DC. CSREES is responsible for administering competitively awarded grant programs.

Description

Occupants:	USDA
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (1/17/2010)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	136,787 rsf
Current Total Annual Cost:	$3,295,780
Proposed Total Annual Cost:[1]	$6,702,563
Maximum Proposed Rental Rate:[2]	$49.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages vendors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC

Prospectus Number: PDC-03-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June 2008

Housing Plan
U.S. Department of Agriculture

Washington, DC
PDC-03-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
800 9th Street	430	430	113,989			113,989						
Proposed Lease							435	435	113,989			113,989
Total	**430**	**430**	**113,989**			**113,989**	**435**	**435**	**113,989**			**113,989**

Utilization Rate		
	Current	Proposed
Rate	207	204

Current UR excludes 25,078 usf of office support space.
Proposed UR excludes 25,078 usf of office support space.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF LABOR
SEATTLE, WA
PWA-03-SE-09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a consolidation lease of up to 85,608 rentable square feet for the Department of Labor, currently located at 1111 Third Avenue, and 719 Second Avenue, Seattle, WA, at a proposed total annual cost of $4,109,184 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: **November 5, 2009**

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF LABOR
SEATTLE, WA

Prospectus Number:	PWA-03-SE-09
Congressional District:	07

Project Summary

The General Services Administration (GSA) proposes a consolidation lease of up to 85,608 rentable square feet (rsf) of space for the Department of Labor (DoL) currently located at 1111 Third Avenue and 719 Second Avenue in Seattle, WA. The proposed lease will accommodate approximately eight percent growth in personnel while achieving more shared support spaces and the agency consolidation initiative.

Description

Occupants:	Department of Labor
Delineated Area:	Seattle CBD
Lease Type:	Consolidation
Justification:	Expiring leases (March 14, 2010)
Number of Parking Spaces:	25 (structured or outside)
Expansion Space:	7,561 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	85,608
Current Total Annual Cost:	$2,886,600
Proposed Total Annual Cost[1]:	$4,109,184
Maximum Proposed Rental Rate[2]:	$48.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2010 and may be escalated by 2.05 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF LABOR
SEATTLE, WA

Prospectus Number: PWA-03-SE-09
Congressional District: 07

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Apr[illegible]08 | Ho[illegible] Plan | S[illegible], WA
Depar[illegible] of Labor | PW [illegible]SE09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1111 Third Ave	83	83	18,889			18,889	-	-	-	-	-	-
Millenium Tower	215	215	48,784			48,784	-	-	-	-	-	-
New Lease	-	-	-	-	-	-	323	323	48,965	7,290	18,187	74,442
Total:	**298**	**298**	**67,673**	**-**	**-**	**67,673**	**323**	**323**	**48,965**	**7,290**	**18,187**	**74,442**

	Current	Proposed
	Utilization	
Rate	177	118

Current UR excludes 14,888 USF of office support space
Proposed UR excludes 10,772 SF of office support space

Special Space	
Conference	9,673
Library	3,748
ADP	1,755
Retail	3,011
Total:	**18,187**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL AVIATION ADMINISTRATION
DES PLAINES, IL
PIL-05-DE10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for an extension/expansion lease of up to 210,000 rentable square feet for the Great Lakes Regional Office of the Federal Aviation Administration currently located at 2300 Devon Avenue in Des Plaines, IL, at a proposed total annual cost of $4,979,100 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
DES PLAINES, IL

Prospectus Number:	PIL-05-DE10
Congressional District:	09, 06

Project Summary

The General Services Administration (GSA) proposes an extension/expansion lease for 210,000 rentable square feet of space at 2300 Devon Avenue in Des Plaines, IL for the Great Lakes Regional Office of the Federal Aviation Administration (FAA), currently located at that address. FAA has occupied space at this location since 1972.

In 1992, Congress authorized the current lease under Prospectus No PIL-93003 for 10 years with the exercising of renewal options requiring Congressional authorization. The current lease expires October 20, 2010. It includes two 5-year options, of which one must be exercised by October 20, 2009 and the other by October 20, 2010, to extend the occupancy under the current lease.

GSA conducted a rental rate survey from which it determined that fully serviced rates on similar space in the O'Hara Airport area range from $24.59 to $30.05 per rentable square foot, while the current lease rate is $21.46 per rentable square foot, and the extensions are $22.96 and $24.46 per rentable square foot for the first and second options, respectively, for a levelized rate of $23.71 per rsf.

It is in the best interest of the Government for FAA is to stay at the current location, owing to extensive improvements that were made specifically to address its operational needs. A location near O'Hara Airport is critical to its mission, given its functions are integral with the airport's key operations.

Description

Occupants:	DOT - FAA
Delineated Area:	2300 East Devon Ave, Des Plaines, IL
Lease Type:	Extension/Expansion
Justification:	Expiring Lease (10/20/10)
Number of Parking Spaces:	760 surface
Expansion Space:	4,748 rentable square feet
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	210,000
Current Total Annual Cost:	$4,404,708
Proposed Total Annual Cost[1]:	$4,979,100
Maximum Proposed Rental Rate[2]:	$23.71 per rentable sq. ft.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
DES PLAINES, IL

Prospectus Number: PIL-05-DE10
Congressional District: 09, 06

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Paul F. Prouty
Acting Administrator, General Services Administration

August 2009

Housing Plan
Federal Aviation Administration

Des Plaines, IL
PIL-05-DE10

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
2300 E. Devon Ave, Des Plaines, IL												
DOT - Federal Aviation Administration	645	645	144,513	6,680	20,765	**171,958**						
New Lease							645	645	144,513	6,680	24,671	**175,864**
Total:	**645**	**645**	**144,513**	**6,680**	**20,765**	**171,958**	**645**	**645**	**144,513**	**6,680**	**24,671**	**175,864**

	Current	Proposed
Utilization		
Rate	175	175

Current UR excludes 31,792 USF of office support space
Proposed UR excludes 31,792 USF of office support space

Special Space	
Laboratory	110
Restroom	360
Physical Fitness	4,415
Conference	9,077
Library	970
ADP	8,799
Other - Health Space	940
Total:	**24,671**

There was no objection.

FUTURE INVOLVEMENT IN AFGHANISTAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 60 minutes.

Mr. KAGEN. Madam Speaker, I rise this evening to begin a bipartisan conversation about the future investments of our resources in both human and capital resources in the region of Afghanistan and Pakistan. Everyone will agree that we must do whatever it takes to protect America and keep hostilities from our shores. And over time, I believe we'll also come to understand that religious fundamentalism is civilization's real enemy, no matter if it is disguised in Muslim, Judeo-Christian, Hindu, Sikh or any other religious clothing.

Terrorism is not really the enemy, for violent extremists simply use terrorism as a tactic. Overcoming the violent extremists will require skilled and talented police work as coordinated between civilized nations, not only our mutual military might. And we must hunt, capture and prosecute the violent extremists wherever they seek to establish themselves, sharing the expense and doing so with our colleagues in our mutual nations overseas, our friends, particularly in NATO. Most importantly, throughout this process, we must continue to defend ourselves within the laws as established by our United States Constitution. We're still paying for the poor judgments of the previous administration which, in 2003, placed our children in the middle of a centuries' old religious civil war in Iraq, when, in fact, our invasion of Iraq was not necessary. By continuing to spend millions of our hard-earned tax dollars over there, we are unable to solve our own problems here at home.

The truth about Iraq is this: no weapons of mass destruction were present in Iraq, and al Qaeda extremists were not based there before President Bush convinced Congress to go to war. And remember this: Iraq was not involved in the attacks against America, and did not pose a risk to our national security, and it was not a danger to our national security at all.

We all have the same goal, to support our troops before, during and after they've served in harm's way, as we begin to build a better and safer and more secure Nation for all of us. Recent testimony before Congress, before the Armed Services Committee in the last several weeks, by our military leaders has made it clear: first, that they all don't agree on what we should be doing in the region, and secondly, that there is no purely military solution in either Iraq or Afghanistan, only a political one. We must, therefore, move our troops away from Iraq, focusing again upon al Qaeda.

Tonight, here on the House floor we will be discussing our ongoing involvement in Afghanistan and Pakistan, which for centuries has been the graveyard of invading empires, a place where our Nation's most precious resources, our soldiers, are presently engaged in efforts to, as President Obama has stated, ''disrupt, dismantle and defeat al Qaeda and its safe havens in Pakistan and to prevent their return to Pakistan and Afghanistan.''

I'm very grateful that President Obama has taken time to listen, taken time as well and trust that he will design a strategy that has as its first goal the safe return of all of our troops as soon as possible, for there is really no purely military solution to the complex global problems that we're all facing. And as history has proven time and time again, making war is our worst human failure.

So what are some of the numbers in Afghanistan? Suicides, post-traumatic stress disorder, a wound that we cannot see, but which our soldiers carry with them all their lives, a wound that damages not just themselves but their families and their businesses when they come home, amputations, burns, shrapnel wounds, fractured spines.

Thirty percent of our returning servicemen have PTSD, post-traumatic stress disorder. Seventy thousand of our soldiers have traumatic brain injury since 2007. In January of this year through October of this year, 1,800 have been wounded in Afghanistan, 1,000 being wounded in the last 3 months alone. And for the cause? The cause of helping, in part, to support the very fraudulent government, a government that has been formed by an election process not witnessed in our country, no matter what election you take a look at.

I will quote now from an article:

''You can't build a new political system with old politician accused of war crimes,'' said lawmaker, Ramazan Bashardost, who finished third in the country's fraud-marred August election. ''You can't have peace with warlords in control.''

Rights groups have accused soldiers and police loyal to the warlords of kidnapping, extortion, robbery and the rape of women, girls and boys. In the countryside, local commanders run their own fiefdoms with illegal militias. They intimidate people into paying them taxes, extracting bribes, steal their land, and trade drugs. They essentially rule with impunity, and no government official, no judge, no policeman can stand up to them. This is the Afghanistan world as we know it. This is the Afghanistan situation as President Karzai may soon be sworn in and give his speech in several hours in Kabul.

Earlier today, there was a newspaper report that is entitled Afghan Official Said to Take Bribe for Copper Deal. This is how business is being done in Afghanistan. $20 million bribe to a minister who gave a contract to a Chinese corporation who was coming in to mine their copper. Fraud and bribery are the rule of the day today in Afghanistan, where nearly 40 percent of the money that our taxpayers are sending into the region is taken down in bribes and plain thievery.

Well, some of the testimony that has been offered by the Armed Services Committee was put forward by people that we know and people we trust.

□ 1845

Wesley Clark finished his testimony with these words: ''But it is important to face the reality of the situation at this point: much has already been accomplished: our obligations are limited; there will never be a complete and wholly satisfactory solution, and we must focus on meeting our own—the United States' and NATO's—security needs. And the real security need in the region now is to reduce the continuing threat of al Qaeda, reportedly located principally in Pakistan. It is their decisive defeat that we must seek.'' These are the counsel and opinion of the former NATO commander, Wesley Clark.

There is somebody else that testified, Kimberly Kagan. And she spells it with an A-N, so we are not related by marriage or by genealogy. Perhaps the most interesting sentence in her publication, which is entitled—I want you to read it some day—''Why the Taliban Are Winning for Now,'' Kimberly Kagan, Foreign Policy Magazine, August 10, 2009, was ''The fact that we have not been doing the right things for the past few years in Afghanistan is actually good news at this moment.'' I don't know if that is ''Saturday Night Live'' material, but I've got to tell you, this is not something we should be sending our troops in to when we are doing the wrong thing.

Andrew Krepinevich wrote: ''Simply stated, the military foundation of our global dominance is eroding.'' That's his opinion. It's also a fact. The empire of the United States, the global reach, may be coming to an end.

And the final quote I will offer as we begin our discussions comes from Gilles Dorronsoro, who is a visiting scholar with South Asia Program, Carnegie Endowment for International Peace. And he concludes his remarks before the Armed Services Committee with this sentence: ''The only solution to this problem is a political negotiation and the awareness of what is really at stake here: the credibility of NATO as a military alliance.''

These are some of the problems that we face today, but this is not a new problem. For 2,300 years ago, 1 day after the Battle of Kalinga, in 265 B.C., where over 100,000 people perished in the lands our Nation has sent its own children, trained in war, the then-King of Maurya dynasty, Ashoka, recorded his thoughts for our Nation's guidance today.

And Ashoka wrote: ''What have I done? Is this a victory? What is a defeat then? This is a victory or a defeat. This is justice or injustice. It's gallantry or a rout. Is it a valor to kill innocent children and women? I do it to

enwiden the empire or for prosperity or to destroy the other's kingdom or splendor? Someone has lost her husband, someone a father, someone a child, someone an unborn infant. What is this debris of corpses? Are these marks of victory or defeat? Are these vultures, crows, eagles, the messengers of death or evil? What have I done? What have I done?''

After he conquered the region of Afghanistan, he transformed his own personal philosophies and his kingdoms to promote peace, to promote Buddhism and a nonviolent way of solving problems.

I believe there is a better way of doing things in America; and I am convinced that by working together, we are going to be able to find it and to do that in a very bipartisan way.

I yield to my friend, my colleague, a physician and Congressman, RON PAUL of Texas.

Mr. PAUL. I thank the gentleman for yielding, and I want to express my appreciation for your getting this Special Order on this very important subject.

Of course, a lot of people in this country are asking, What should we do about Afghanistan? It's a pretty important question. It might be one of the most important questions that we are asking right now. And yet nobody seems to have an answer. I think the difficulty in finding an answer comes sometimes from not having fully understood why we got there. I just can't imagine this debate that's going on within our government today, the executive branch, the legislative branch, and with the people—can you imagine this going on during World War II? How many troops should we have? What is our exit strategy? Who is our enemy? How are we going to impose democracy? It's so far removed from what a traditional responsibility is of our government, which is to provide national security.

Now they have practically run out of excuses for why we are over in Afghanistan. The only one that is left that they seem to cling to is that we are there for national security; we want to fight the bad guys over there because we don't want to fight them over here. I will talk a little about that later; but, quite frankly, I think that's a fallacious argument and actually makes things a lot worse.

It just bewilders me about how we get trapped into these situations. I happen to believe that it's because we get ourselves involved too carelessly, too easily and we don't follow the Constitution, because under the Constitution, you're supposed to declare the war, know who your enemy is, and know when you can declare victory and bring the troops home. And we did that up until and through World War II. But since then, that hasn't been the case.

I recall a book I read in the 1980s written by Barbara Tuchman. She wrote a book called the ''March of Folly,'' and she went back as far as Troy, all the way up through Vietnam and took very special interest in countries where they were almost obsessed or possessed with a policy, even though it was not in their interest, and the foolishness and the inability to change course. She died in 1989, but I keep thinking that if she had lived, she would probably write a history of our recent years, another ''march of folly.''

Just think of what has happened since the Berlin Wall came down and the Soviet system collapsed. It didn't take us long. Did we have any peace dividends? No. There were arguments for more military spending, we had more responsibility, we had to go and police the world. So it wasn't long after that, what were we doing? We were involved in the Persian Gulf war.

And then, following that, we had decades of bombing in Iraq which didn't please the Arabs and the Muslims of the world and certainly the Iraqis, but it had nothing to do with national security.

And then, of course, we continued and accelerated our support of the various puppet governments in the Middle East. In doing so, we actually went to the part of not only supporting the governments, but we started putting troops on their land. And when we had an air base in Saudi Arabia, that was rather offensive. If you understand the people over there, this is a violation of a deeply held religious view. It is considered their holy land; and foreigners, especially military foreigners, are seen as infidels. So if you're looking for a fight or a problem, just put troops on their land.

But also, as a result of the policy that we have had in the Middle East, we have been perceived as being anti-Palestinian. This has not set well either. Since that time, of course, we haven't backed off one bit. We had the Persian Gulf war, and then we had 9/11.

We know that 9/11 changed everything. We had 15 individuals from Saudi Arabia, a few from Yemen and a few from Egypt, but, aha, this is an excuse that we have got to get the bad guys. So where are the bad guys? Well, Iraq, of course. Of course, they figured, well, we can't quite do that, let's go into Afghanistan. Of course, not one single Afghani did anything to us. They said, oh, no, the al Qaeda visited there.

But I just can't quite accept the fact that the individuals that were flying those airplanes got their training by going to these training camps in Afghanistan doing push-ups and being tough and strong. What did they do? Where was the planning? The planning was done in Spain and they were accepted there in legal bases. They were done in Germany; they were accepted there. As a matter of fact, they even came to this country with legal visas. And they were accepted by the countries.

And, no, no, we said, it's the Taliban; it's the people of Afghanistan, never questioning the fact that a few years back, back in 1989 when the Soviets were wrecking the place, we were allied with the people who were friends of Osama bin Laden, and we were over there trying to support him. So he then was a freedom fighter.

And the hypocrisy of all this and the schizophrenia of it all, they were on again and off again. No wonder we get ourselves into these difficulties. And it doesn't seem to ever lead up.

The one assessment that was made after Vietnam, and I think you can apply it here, is how do we get in and why do we get bogged down? And two individuals that were talking about this, East and West, Vietnam and the United States, they sort of came to the conclusion that we, the Americans, overestimated the ominous power of our military, we could conquer anybody and everybody. And we underestimated the tenacity of people who are defending their homeland, sort of like we were defending our homeland in the Revolutionary War, and the invaders and the occupiers were the Red Coats. There's a big difference, and you can overcome all kinds of obstacles; but we have never seemed to have learned that. And unless we do, I don't think we can solve our problems.

Indeed, we have to realize that we are not the policemen of the world. We cannot nation-build. And Presidential candidates on both sides generally tell the people that's what they want, and the people say, keep our fingers crossed, hope it's true. But then, once again, our policies continue down the road, and we never seem to have the energy to back off of this.

I emphasize, once again, that I think we could keep our eye on the target, emphasize what we should be doing if we went to war a lot more cautiously, if we have an enemy that we have to fight in our national defense and then there is a declaration of war.

Mr. KAGEN. Would the gentleman yield for a moment?

Mr. PAUL. I will yield.

Mr. KAGEN. In the beginning in the formation of the United States, we had an outside observer come over here, Alexis de Tocqueville. And de Tocqueville observed that with our Republic, it would be very difficult to get this country, this Nation, to go to war. But once involved in a war, it would be very difficult to stop it. And I think that MO, that picture, that frame is in part what is happening here. Now that we are involved in a ground game in other areas of the world, it's very difficult for our Republic to pull back.

I would like now to welcome to the floor Congressman MCGOVERN from the State of Massachusetts. And I thank you for joining us on this discussion on Afghanistan and Pakistan and where do we go from here.

Mr. MCGOVERN. Thank you very much, and I want to thank you and my other colleagues here for taking the time to come to the floor to talk about this issue. We are at war, and there is very little debate about this war. I think it is important and it is incumbent upon every Member of this House

to encourage the fullest possible debate on our policy in Afghanistan.

We are told that the President any day now or any week is going to come up with a new policy. There are rumors that it will include an increase in the number of U.S. troops in Afghanistan.

That needs to be debated.

Part of our job is to be a check and balance on the executive branch. And it is our constituents who are going to war. It is our constituents who are dying over there. It is our constituents who are getting wounded over there and coming back to the United States and requiring a lifetime of care. And we need to make sure they get the care that they deserve. They have earned that.

I am very concerned about our policy in Afghanistan. I'm concerned for a whole number of reasons. I'm concerned because I don't think there is any definition to our policy. Depending on whom you talk to, you get a different answer as to what our goal is. Originally, our goal was to get al Qaeda. After September 11, I, and I think virtually every Member of this House and every Member of the Senate, voted to use force to go after al Qaeda, who were responsible for the terrible atrocities of September 11. It was the right vote then, and I think it's the right vote now.

But al Qaeda, which used to be in Afghanistan, has now moved to Pakistan. We are told by our military experts that there are no al Qaeda in Afghanistan, maybe less than 100, some say. Well, do we need 100,000 American troops to go after less than 100 members of al Qaeda? And if that is not our goal, then this is an example of mission creep where our mission has suddenly enlarged itself without any kind of input from this Congress.

Now some say we need to have more troops there to make sure that al Qaeda never comes back to Afghanistan. Well, al Qaeda has not only been in Afghanistan, they have been in Sudan, they have been in Somalia, they have been in Yemen. They have been in south Florida. Do we want to deploy more troops all over there?

I'm concerned because there is not a clearly defined mission. When I ran for Congress, I said I would never vote to send anybody to war without a clearly defined mission. That's a beginning, a middle, a transition period and an end. I have asked over and over of the previous administration and this administration, At what point does our military contribution to the political solution that you say will happen in Afghanistan, at what point does our military contribution to that political solution come to an end? And I usually get, ''Good question.'' I don't think anybody knows.

I think that that's a problem, and that's something that we need to address.

Let me just say I'm also concerned because Afghanistan is not accustomed to a centralized government. Well, we have helped give them a centralized government. And the government of Mr. Karzai is corrupt and incompetent. By conservative estimates, we are told that in the last election, 30 percent of his vote was fraudulent. Thirty percent of his vote was fraudulent. And then there was going to be a run-off election, and then the opposition candidate, I think understandably, said, I don't see how you can put together a credible election in a couple of weeks.

□ 1900

And he backed out. So here is our President by default—here's the President by default, who is about to be sworn in again, and the examples of corruption and fraud in his government, the examples of the Afghan government using American taxpayer money for things that they're not intended to be used for—basically stealing from the American taxpayer. The examples of that are too numerous to mention in this debate.

Mr. KAGEN. Will the gentleman yield for a question?

Mr. MCGOVERN. I yield to the gentleman.

Mr. KAGEN. Mr. MCGOVERN, is there any word or any sentence or phrase that the newly ''elected'' President of Afghanistan could say to convince you that the fraud is behind him, he didn't mean it?

Mr. MCGOVERN. The answer is no. He's had his chance. He blew it. I wouldn't trust that government to tell me the correct time after what they have done over the last 8 years. We have been supporting this system for 8 years. This war just didn't start. We have been there for 8 years. At some point, enough is enough. The idea of supporting a government that is corrupt and incompetent and saying that we're going to keep this government in power, we're going to help support them, our men and women are going to die for this government, and then at some point magically everything is supposed to be perfect, that we hand over everything back to this government that has stolen from the American taxpayers, this government that is guilty of fraud—I think that this is a mistake. And 57 Members of this House, bipartisan Members of this House, sent a letter to President Obama saying ''no'' to the increase in American forces there. And I think there's a lot more that feel that way. I'd like to insert this into the CONGRESSIONAL RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 25, 2009.

Hon. BARACK OBAMA,
President of the United States,
The White House,
1600 Pennsylvania Avenue NW,
Washington, DC.

DEAR MR. PRESIDENT, as you consider the latest assessment of U.S. military engagement in Afghanistan by General Stanley A. McChrystal, we urge you to reject any recommendation to increase the number of combat troops there, particularly in the absence of a well-defined military exit strategy.

We have enormous confidence in the ability of the U.S. military, but we question the effectiveness of committing our troops to a prolonged counterinsurgency war that could last ten years or more, involve hundreds of thousands of troops, and impose huge financial costs on taxpayers already saddled with trillions of dollars of government debt.

According to General Charles Krulak (retired), the 31st Commandant of the Marine Corps, the current strategy of protecting the people of Afghanistan with U.S. forces would require an escalation of several hundred thousand additional troops. He warns that our military has already been overburdened: ''Not only are our troops being run ragged but, equally important and totally off most people's radar screens, our equipment is being run ragged.'' It is unlikely that our NATO allies will be able to sustain the political support necessary for continuing such a mission placing even more of a burden on American forces and the American people.

2009 is already the deadliest year for U.S. forces since the war began eight years ago. Fifty-one of the seven hundred and thirty-eight U.S. soldiers who have lost their lives in Afghanistan were killed last month alone.

The national Afghanistan election that U.S. Ambassador Karl Eikenberry hoped would lead to a ''renewal of trust of the Afghan people for their government'' was a disaster and will almost certainly have the opposite effect. The official Electoral Complaints Commission in Afghanistan has announced that is has found ''clear and convincing evidence of fraud.'' A government already mired in allegations of widespread fraud and incompetence is now facing serious charges and compelling evidence that it has attempted to steal the national election.

A February 2009 ABC/BBC/ARD poll found that only 18 percent of Afghans support increasing the number of U.S. troops in their country. This should come as no surprise. Historically, Afghans have always forcefully resisted the presence of foreign military forces, be they British, Soviet or American. The presence of our forces strengthens the hand of Taliban recruiters. Indeed, an independent analysis early this year by the Carnegie Institute concluded that the presence of foreign troops is probably the single most important factor in the resurgence of the Taliban.

We support your administration's declared goals of defeating Al Qaeda and reducing the global terrorist threat. But, we believe that adding even more U.S. troops to the military escalation that your administration ordered in March would be counterproductive. We urge you to consider and pursue the full range of alternative options including applying the lessons of the Cold War where we isolate and contain those who pose a threat to our national security.

Mr. President, the last thing that our nation needs as it struggles with the pain of a severe economic crisis and a mountain of debt is another military quagmire. We believe that this is why recent polls consistently show that a majority of Americans are opposed to a military escalation in Afghanistan. We urge you to reject any recommendation for a further escalation of U.S. military forces there.

Sincerely,

List of Signatures on Bipartisan Letter to President Obama Urging the Rejection to an Increase in Number of U.S. Combat Troops in Afghanistan:

James P. McGovern, Walter Jones, Ron Paul, Ed Whitfield, Neil Abercrombie, Jim McDermott, Pete Stark, Bruce Braley, Phil Hare, Raúl Grijalva, Lynn Woolsey, Lloyd Doggett, Bob Filner, John Olver, Jośe Serrano, Barbara Lee, Jerry Costello, Ben Ray Luján Alan Grayson.

Peter Welch, Kurt Schrader, Tammy Baldwin, Ed Pastor, Yvette Clarke, Sheila Jackson-Lee, John Lewis, Carolyn B. Maloney, Richard Neal, Diane Watson, John Conyers, Jr., Dennis Kucinich, Tim Johnson (IL), Steve Cohen, Keith Ellison, Donna Edwards, Laura Richardson, Michael Honda, Jan Schakowsky.

Daniel Maffei, Steve Kagen, Michael Capuano, Sam Farr, Chellie Pingree, Luis Gutierrez, Maurice Hinchey, Maxine Waters, Mazie Hirono, Jared Polis, Roscoe Bartlett, John J. Duncan, Jr., Dana Rohrabacher, Mike Michaud, Earl Blumenauer, Rush Holt, Mike Quigley, Peter DeFazio, Jerrold Nadler.

I think the American people are way ahead of us on this issue. The American people get it. They know we're getting sucked into a quagmire, they know we're getting sucked into a war that has no end, and they don't want any part of it. All I'm simply saying is, if al Qaeda is our enemy, then let's focus on al Qaeda. Let's not get bogged down in a war that has no end.

Alexander the Great found out he wasn't so great in Afghanistan. Genghis Khan couldn't do anything in Afghanistan; the British, the Soviet Union. I think we got bogged down in a war there, and I think there's a strong argument to be made that's one of the reasons the Soviet Union fell.

So we need to debate this thoroughly. We need to know what we're doing. We owe this to our constituents, we owe this to our country. So I hope that before any escalation of American forces occurs that there is a full and thorough debate in this Congress and a vote up or down on whether or not we should send more troops.

I thank the gentleman.

Mr. KAGEN. I couldn't agree more. I really appreciate your being here with your busy schedule. I align myself with your remarks.

We're also joined by Walter Jones from North Carolina. You've had some experience in representing soldiers, haven't you?

Mr. JONES. Yes. Congressman KAGEN, I want to thank you for giving me a chance to be a small part of this debate tonight. I'm glad its a bipartisan support. Yes, I have Camp Lejeune Marine Base in my district; Cherry Point Marine Air Station; and also Seymour Johnson Air Force Base.

I want to take just a few minutes; a very few. I wanted to share with this debate tonight that this is not—as Mr. MCGOVERN said, this is an American issue. It's not a Democrat or Republican, it's not a liberal or conservative. But let me start with two conservatives.

This was written by George Will, a nationally syndicated column of September 1, 2009. George Will, ''Time to Get Out of Afghanistan.''

'' 'Yesterday,' reads the e-mail from Allen, a marine in Afghanistan, 'I gave blood because a marine, while out on patrol, stepped on a (mine's) pressure plate and lost both legs.' Then 'another marine with a bullet wound to the head was brought in. Both marines died this morning.'

'I'm sorry about the drama,' writes Allen, an enthusiastic infantryman willing to die 'so that each of you may grow old.' He says: 'I put everything in God's hands.' And: 'Semper fi!' ''

George Will further writes, ''Allen and others of America's finest are also in Washington's hands. This city should keep faith with them by rapidly reversing the trajectory of America's involvement in Afghanistan, where, says the Dutch commander of coalition forces in a southern province, walking through the region is 'like walking through the Old Testament.''''

Let me read from another conservative, Peggy Noonan. This was written on October 10 in The Wall Street Journal. ''So far, oddly, most of the debate over Afghanistan has taken place among journalists and foreign-policy professionals. All power to them: They've been fighting it out on op-ed pages and in journals for months now, in many cases with a moral seriousness, good faith, and sense of protectiveness toward the interests of the United States that is, actually, moving. But nobody elected them. We need a truly national debate.''

Those two articles, I wanted to read those parts because I want to thank you, Congressmen KAGEN, MCGOVERN, and RON PAUL and myself, WALTER JONES, for being here tonight, for this reason: Mr. MCGOVERN is exactly right, you're right, so is Mr. PAUL. This is a debate that needs to take place in the daytime with 435 Members of Congress, because our men and women in uniform will go to their death for this country, but they're worn out. There are four and five deployments to Afghanistan and Iraq. And if we don't meet our constitutional responsibility—and I agree with Mr. PAUL, we should declare war, but we don't do that any more. We just pass these resolutions to give the authority to the President. The time has come for the Congress to act on behalf of the American people and, more important, to act on behalf of our troops that we are about to break.

The last point. Today, I wrote Mr. Obama a note and thanked him for taking time to look carefully at what the options should be. And I want to say as a conservative Republican, again, thank you, Mr. Obama, for taking the time, because our boys and girls, our young men and women, they deserve the right decision as it relates to Afghanistan. Thank you.

Mr. KAGEN. I thank you for your remarks, and I align myself with everything you just said. And I want to just express for a few moments some of the experiences I've had as a physician caring for our soldiers—our soldiers who served not just in World War II, but also Korea and Vietnam and elsewhere. And having served as a physician taking care of our soldiers, I can just say it this way. You know, it's really hard to put Humpty Dumpty back together again. Once a soldier has been broken mentally and physically, it is very difficult to put him or her back into the world they came from.

More recently, one of my son's friends from his speed skating days, who was a tremendous athlete, signed up and served in Iraq. And then we got the phone call from Andy's mother that when he came back she was afraid to be in the same house with him because of his anger that would just come out. The only place he felt safe was back in theater in Iraq, guarding not just the people visiting Iraq and Congressmen and women, but the Vice President, then-Vice President Cheney.

A story about a four-star general whom I took care of in 1976, giving him his chemotherapy. I spent a lot of time with him on his way out. And he told me this about the Marines, and it stuck with me forever. The Marines, Dr. KAGEN, the Marines are a killing machine. When politicians call us into a theater, we already know before we go in, within 2 percent, how many body bags to bring. Our purpose is to destroy human life. Don't ask us to build a bridge, don't ask us to build institutions or a new financial system. Our purpose is to destroy human life. That is what the military's job is to do, from his perspective. To destroy human life.

That is the instrument of the military that is being used with a very wide swath today. I think we can do better. I am so proud of this President. And I understand, judging not only by the time that he's taking but also by the number of gray hairs he's generated on his head, that he really is taking this very seriously, trying to find a way forward.

In my view, it's incumbent upon all of us Members of the House to find a way, to help find a way to debate this issue. And I think there are going to be three questions. It's the three questions I ask myself when I look at any bill before the Congress. Number one: Will it work?

So, Mr. President, whatever strategy you're putting together, if you're listening tonight, make sure it's a strategy that's comprehensive, something that's going to work for the American people, because right now we need the help here at home. We should be building a better Nation not overseas but here at home, rebuilding our own infrastructure, the lives and families that we represent. Will it work?

Secondly, can we afford it? What's the real price, not just in dollars and cents, not just in debt accumulation, but in human cost.

The third question is: Is it the right thing to do? Is it ethical? These are the three questions.

Mr. MCGOVERN.

Mr. MCGOVERN. I agree with the gentleman. I want to again also thank our friend, Mr. KAGEN, for organizing this, and, again, my friend WALTER JONES, who's been unbelievably eloquent on the need for there to be more debate on this issue—I appreciate that—and my friend, Mr. PAUL, for all of his work.

The gentleman raises, I think, a very important point, and that is that

there's a cost to this war. There's a cost in terms of human life. My friend is a doctor. He has seen firsthand the trauma that war can inflict on our soldiers. We have all been to Walter Reed Hospital. We have visited many young men and women who have been wounded in this conflict. But there's also a cost, as he mentions, in terms of dollars and cents.

I always find it somewhat ironic that we have debates on this floor about health care or child care or feeding the hungry or making sure people have adequate housing or even in terms of giving our veterans more. People always get up and say, Boy, we can't spend any more; we can't spend any more. We have to worry about our debt and our deficit.

Well, where is the outrage over the fact that we have spent all this money on these wars in Iraq and Afghanistan off budget? It's all gone on our credit card. I introduced a bill along with Mr. OBEY and Mr. MURTHA last year, a couple of years ago, saying that we should have a war tax. It got shot down in a bipartisan way. But I think that we need to understand that in these wars it is only really a tiny sliver of our country that is actually sacrificing—our soldiers and their families. The rest of us are being asked to do nothing. But understand one thing. These wars are adding incredible amounts to our deficit and our debt. People need to understand there's a cost here. And we need to have that debate.

I'll just tell you one other thing, if I can. Look, I, too, am grateful that the President is deliberating on this issue. I wish the deliberation had occurred before we had the surge that we had a few months ago, because I think it was important to have this debate before any more soldiers got sent there. But I am grateful that he is deliberating. And we don't know what his policy will be. But I'm going to tell you I am personally offended by the fact that the President of Afghanistan is openly taking on the United States, criticizing the United States, for what our motives may be and what our role may be over there when we are supporting him and he is guilty of fraud, he is guilty of corruption. If he were in this country, there would be a special investigation and he would go to jail. This is the extent of the corruption over there. And at some point you have to say that this doesn't work.

We have to ask: Why are we there while al Qaeda's in Pakistan, no longer in Afghanistan? What are we trying to do? I don't think it is worth spending the money or sacrificing the lives to defend a corrupt regime. And I think that is where we are right now.

Mr. Karzai has had 8 years to show what he is about. That's why when you asked me before whether if he adds anything to his speech about finding corruption, whether I will believe him. No, I will not, because he's had 8 years to prove what he's about. And we have had good members of our Foreign Service community who have resigned over the fact that this government is so corrupt.

So, enough. We need to develop a policy that has an exit strategy and it includes a flexible withdrawal strategy.

□ 1915

I want to help the Afghan people. I'm not against development aid. I think we should try to help them any way we can, in a way that is sustainable, in a way that works, and in a way that they want. But let's understand that there is no military solution to be had here, and expanding our military footprint will only allow the Taliban greater propaganda points for recruiting and will cost us dearly. So enough. It's time to reevaluate this policy. It is time to figure out a way to end our military involvement, and we need to do so in a sensible and thoughtful way.

Mr. KAGEN. Mr. PAUL?

Mr. PAUL. I thank you for yielding.

I want to just make a couple of points in closing. The statement at the beginning of this war was made that it's different this time. Even though the history is well known about Afghanistan—it's ancient history, but it's different this time because we're different, and it's not going to have the same result. But so far, you know, they haven't caught Osama bin Laden, and we don't have a national government, really. We don't have really honest elections. We haven't won the hearts and minds of the people. There is a lot of dissension, and it is a miserable place. It is really a total failure, let alone the cost, the cost of life and limb and money. I mean, it is just a total failure. The thought that we would pursue this and expand it and send more troops just blows my mind.

I just want to mention a couple of things that I think are bad arguments. One thing is we are involved there, we have invested too much, and, therefore, we have to save face because it would look terrible if we had to leave. But it is like in medicine. What if we, in medicine, were doing the wrong thing, made the wrong diagnosis? Would we keep doing it to prove that we are right or are we going listen to the patient and to the results?

Mr. KAGEN. You would lose your license.

Mr. PAUL. Yes, that's right. But it seems like politicians don't lose their license. Maybe they should. Maybe there will be more this year or something. But the other argument they make is, if you take a less militant viewpoint as we all do that we're not supportive of the troops. The troops don't believe that. The troops I talk to and the ones Mr. JONES talks to, they know we care about them, and they shouldn't be put in harm's way unless it is absolutely necessary.

This other argument is, well, we have got to go over there to kill them because they want to kill us. Well, like I mentioned before, it wasn't the Afghans that came over here, but if we're in their country killing them, we're going to create more terrorists. And the more people we send, the more terrorists, and the more we have to kill. And now it's spreading. That's what I'm worried about in this war.

There was one individual—I don't know his name—but they believed he was in Pakistan, so he was part of the terrorist group, the people who were opposing the occupation. So they sent 15 cruise missiles, drones, over looking for him. It took the 15th one to kill him. But 14 landed, and there was an estimate made that about 1,000 civilians were killed in this manner. How many more terrorists have we developed under those circumstances?

I do want to have 1 minute here to read a quote, and then I will yield back. This quote comes from a Russian general talking to Gorbachev, and Gorbachev went into office in 1985, and this was a year later. The general was talking to Gorbachev. Just think, Gorbachev was in office 1 year. He had the problem. He was trying to get out. He didn't get out until 1989. But the general says, ''Military actions in Afghanistan will soon be 7 years old,'' and told Mr. Gorbachev at a November 1986 Politburo session, ''There is no single piece of land in this country which has not been occupied by a Soviet soldier. Nonetheless, the majority of the territory remains in the hands of rebels.'' It reminds me of the conversation between Colonel Tu and Sumner after Vietnam. And Sumner, our colonel, says, You know, we defeated you in every battle in Vietnam. And Tu looked at him, and he said, Yes, I agree, but it was also irrelevant.

I yield back.

Mr. KAGEN. Thank you very much.

And Gorbachev also publicly said recently that there is no military solution. In his words, he said, Say ''yes'' to domestic considerations, ''no'' to war. And dialogue, he said, is best along with an international solution. Why? Because there is a dangerous concentration of terrorism and violent extremists in the Hindu Kush area. There is a concentration of violent extremists who seek to solve their problems not by dialogue, not by debate and conversation, but by vengeance and violence. There is a better way of doing things.

Mr. JONES.

Mr. JONES. Congressman, thank you very much for yielding. I will be brief.

I think what's been said by Mr. MCGOVERN, you, as well as Congressman PAUL, is that Congress needs to meet its responsibility to debate these issues. That's why I want to read from the former commandant of the Marine Corps who e-mailed me this information. I just want to read one brief paragraph.

''With all due respect to the 'COIN experts,' to execute the clear, hold and build strategy being put forth will require far more than the 40,000 to 80,000 more troops being discussed. No one who knows anything about counterinsurgency would argue that fact. I can

promise you, our troops are so overextended right now that they couldn't produce the numbers needed . . . and the equipment would not be available.''

One other point. I am certainly skipping around but trying to pick out something that would be of interest to this debate. ''Finally, Afghanistan is not Iraq . . . or Vietnam . . . or Iran. It is totally different!

''This is a country (notice I don't dignify it with the term 'nation') that is totally tribal in nature. It has no real government. You cannot even imagine it as a nation-state that can be dealt with and considered an ally.''

This, again, is why we are frustrated, the four of us tonight on the floor. We have seen the pain, the hurt. You've talked about it; JIM'S talked about it; RON'S talked about it; I've talked about it. This country owes it to the families of our military to debate this on the floor of the House with 435 here on the floor of the House to be part of the debate or we're not meeting our responsibility to the men and women in uniform.

I yield back.

Mr. KAGEN. I thank you and align myself with those comments.

Mr. MCGOVERN.

Mr. MCGOVERN. Let me just say in closing, I want to associate myself with the comments of my colleague, Mr. JONES.

I also will insert in the RECORD two recent articles, one that appeared in The Washington Post, entitled ''U.S. Envoy Resists Increase in Troops: Concerns Voiced About Karzai,'' in which Ambassador Eikenberry apparently has raised many of the same issues that we have raised here, and the other from the L.A. Times, ''Ridding Afghanistan of Corruption Will Be No Easy Task,'' and it's an article that goes into great detail about the corruption that exists in Afghanistan.

[From the Washington Post, Nov. 12, 2009]

U.S. ENVOY RESISTS INCREASE IN TROOPS

(By Greg Jaffe, Scott Wilson and Karen DeYoung)

The U.S. ambassador in Kabul sent two classified cables to Washington in the past week expressing deep concerns about sending more U.S. troops to Afghanistan until President Hamid Karzai's government demonstrates that it is willing to tackle the corruption and mismanagement that has fueled the Taliban's rise, senior U.S. officials said.

Karl W. Eikenberry's memos, sent as President Obama enters the final stages of his deliberations over a new Afghanistan strategy, illustrated both the difficulty of the decision and the deepening divisions within the administration's national security team. After a top-level meeting on the issue Wednesday afternoon—Obama's eighth since early last month—the White House issued a statement that appeared to reflect Eikenberry's concerns.

''The President believes that we need to make clear to the Afghan government that our commitment is not open-ended,'' the statement said. ''After years of substantial investments by the American people, governance in Afghanistan must improve in a reasonable period of time.''

On the eve of his nine-day trip to Asia, Obama was given a series of options laid out by military planners with differing numbers of new U.S. deployments, ranging from 10,000 to 40,000 troops. None of the scenarios calls for scaling back the U.S. presence in Afghanistan or delaying the dispatch of additional troops.

But Eikenberry's last-minute interventions have highlighted the nagging undercurrent of the policy discussion: the U.S. dependence on a partnership with a Karzai government whose incompetence and corruption is a universal concern within the administration. After months of political upheaval, in the wake of widespread fraud during the August presidential election, Karzai was installed last week for a second five-year term.

In addition to placing the Karzai problem prominently on the table, the cables from Eikenberry, a retired three-star general who in 2006–2007 commanded U.S. troops in Afghanistan, have rankled his former colleagues in the Pentagon—as well as Gen. Stanley A. McChrystal, defense officials said. McChrystal, the top U.S. and NATO commander in Afghanistan, has stated that without the deployment of an additional tens of thousands of troops within the next year, the mission there ''will likely result in failure.''

Eikenberry retired from the military in April as a senior general in NATO and was sworn in as ambassador the next day. His position as a former commander of U.S. forces in Afghanistan is likely to give added weight to his concerns about sending more troops and fan growing doubts about U.S. prospects in Afghanistan among an increasingly pessimistic public and polarized Congress.

Although Eikenberry's extensive military experience and previous command in Afghanistan were the key reasons Obama chose him for the top diplomatic job there, the former general had been reluctant as ambassador to weigh in on military issues. Some officials who favor an increase in troops said they were surprised by the last-minute nature of his strongly worded cables.

In these and other communications with Washington, Eikenberry has expressed deep reservations about Karzai's erratic behavior and corruption within his government, said U.S. officials familiar with the cables. Since Karzai was officially declared reelected last week, U.S. diplomats have seen little sign that the Afghan president plans to address the problems they have raised repeatedly with him.

U.S. officials were particularly irritated by a interview this week in which a defiant Karzai said that the West has little interest in Afghanistan and that its troops are there only for self-serving reasons.

''The West is not here primarily for the sake of Afghanistan,'' Karzai told PBS's ''The NewsHour With Jim Lehrer'' program. ''It is here to fight terrorism. The United States and its allies came to Afghanistan after September 11. Afghanistan was troubled like hell before that, too. Nobody bothered about us.''

Karzai expressed indifference when asked about the withdrawal of most of the hundreds of U.N. employees from Afghanistan after a bombing late last month in Kabul. The blast killed five foreign U.N. officials.

''They may or may not return,'' he said. ''I don't think Afghanistan will notice it.''

Eikenberry also has expressed frustration with the relative paucity of funds set aside for spending on development and reconstruction this year in Afghanistan, a country wrecked by three decades of war. Earlier this summer, he asked for $2.5 billion in nonmilitary spending for 2010, a 60 percent increase over what Obama had requested from Congress, but the request has languished even as the administration has debated spending billions of dollars on new troops.

The ambassador also has worried that sending tens of thousands of additional American troops would increase the Afghan government's dependence on U.S. support at a time when its own security forces should be taking on more responsibility for fighting. Before serving as the commander of U.S. forces in Afghanistan, Eikenberry was in charge of the Afghan army training program.

Each of the four options that were presented to Obama on Wednesday were accompanied by troop figures and the estimated annual costs of the additional deployments, roughly calculated as $1 billion per thousand troops. All would draw the United States deeper into the war at a time of economic hardship and rising fiscal concerns at home.

Secretary of State Hillary Rodham Clinton and Defense Secretary Robert M. Gates have backed a major increase in U.S. forces to drive the Taliban from populated areas and provide Afghan security forces and the government the space to snuff out corruption and undertake development projects. They have argued that only a large-scale counterinsurgency effort can produce a strong Afghan government capable of preventing the country from once again become an al-Qaeda haven.

Those views have been balanced in internal deliberations by the hard skepticism of other Obama advisers, led by Vice President Biden. They have argued for a more narrow counterterrorism strategy that would not significantly expand the U.S. combat presence.

The most ambitious option Obama received Wednesday calls for 40,000 additional U.S. troops, as outlined by McChrystal in his stark assessment of the war filed in late August.

Military planners put the additional annual cost of McChrystal's recommendation at $33 billion, although White House officials say the number is probably closer to $50 billion. The extra troops would allow U.S. forces to attempt to take back and hold several Taliban havens in the southern and eastern regions of Afghanistan.

One compromise option put forward by the Pentagon, with the backing of Gates, would deploy an additional 30,000 to 35,000 U.S. troops—fewer than McChrystal's optimal number to carry out his strategy—and rely on NATO allies to make up the 5,000- to 10,000–troop difference. The third option, known by military planners as ''the hybrid,'' would send 20,000 additional U.S. troops to shore up security in 10 to 12 major population areas. In the rest of the country, the military would adopt a counterterrorism strategy targeting forces allied with the Taliban and al-Qaeda, primarily in the north and east, with fighter jets, Predator drones and Special Operations troops that leave a light U.S. footprint on the ground. The military puts the annual cost of that option at $22 billion.

The most modest option calls for deploying an additional 10,000 to 15,000 troops. While under consideration at the White House, the proposal holds little merit for military planners because, after building bases to accommodate 10,000 or so additional soldiers and Marines, the marginal cost of adding troops beyond that figure would rise only slightly.

[From the Los Angeles Times, Nov. 18, 2009]

RIDDING AFGHANISTAN OF CORRUPTION WILL BE NO EASY TASK

(By Alexandra Zavis)

Afghans have a name for the huge, gaudy mansions that have sprung up in Kabul's wealthy Sherpur neighborhood since 2001. They call them ''poppy palaces.''

The cost of building one of these homes, which are adorned with sweeping terraces

and ornate columns, can run into the hundreds of thousands of dollars. Many are owned by government officials whose formal salaries are a few hundred dollars a month.

To the capital's jaded residents, there are few more potent symbols of the corruption that permeates every level of Afghan society, from the traffic policemen who shake down motorists to top government officials and their relatives who are implicated in the opium trade.

Cronyism, graft and the flourishing drug trade have destroyed public confidence in the government of President Hamid Karzai and contributed to the resurgence of the Taliban by driving disaffected Afghans to side with insurgents and protecting an important source of their funding.

With casualties mounting and a decision on military strategy looming, President Obama and other Western leaders are finding it increasingly difficult to justify sending troops to fight for a government rife with corruption.

This month, when Karzai was declared the winner of an election marred by rampant fraud, the top United Nations official in Afghanistan warned that without major reforms, the Afghan president risked losing the support of countries that supply more than 100,000 troops and have contributed billions of dollars in aid since the Taliban was toppled in 2001.

Karzai has publicly acknowledged the corruption and pledged to ''make every possible effort to wipe away this stain.'' On Monday, the interior minister, national security director, attorney general and chief justice of the Supreme Court joined forces to announce a new crime-fighting unit to take on the problem.

But in the streets, bazaars and government offices, where almost every brush with authority is said to result in a bribe, few take the promises to tamp down corruption seriously.

''It's like a sickness,'' merchant Hakimullah Zada said. ''Everyone is doing it.''

In these tough economic times, Zada said, there's one person he can count on to visit his tannery: a city inspector.

The lanky municipal agent frowns disapprovingly when he finds Zada and five other leather workers soaking and pounding hides in the grimy Kabul River and demands his cut—the equivalent of about $40.

''He says we are polluting the river,'' Zada says. ''So we have to pay every day. Otherwise, he will report us to the municipality, and they will close down our shops.''

A 2008 survey by Integrity Watch Afghanistan found that a typical household pays about $100 a year in bribes in a country where more than half the population survives on less than $1 a day.

Government salaries start at less than $100 a month, and almost everything has its price: a business permit, police protection, even release from prison. When Zada was afraid of failing his high school exams, he handed his teacher an envelope stuffed with more than 1,500 Afghanis—about $30. He passed with flying colors.

The corruption extends to the highest government officials and their relatives. Even Karzai's brother, Ahmed Wali Karzai, has long been suspected of cooperating with drug barons, charges he denies.

Abdul Jabar Sabit, a former attorney general who between 2006 and 2008 declared a jihad, or holy war, against corruption, said he quickly learned that a class of high-ranking officials is above the law. They include members of parliament, provincial governors and Cabinet ministers.

''I wanted to tear that curtain down, but I could not do it,'' he said over tea in his modest sitting room at the top of a rundown apartment block.

As required by the constitution, he said, he wrote repeated letters to parliament requesting permission to investigate charges against 22 members ranging from embezzlement to murder. ''Despite all my letters, the issue never made it onto the agenda of either house,'' he said.

Sabit estimates that he filed corruption charges against more than 300 provincial officials before he was dismissed in 2008. Few were convicted, and ''none of them are in jail now,'' he said.

Obama and other world leaders have told Karzai that they expect him to take concrete steps to back up his promises to fight corruption. Karzai counters that donor countries share responsibility for the problem because of poor management of the funds pouring in for development projects, a concern shared by U.N. officials.

Among the practices raising alarm is the so-called flipping of contracts, which are passed along from subcontractor to subcontractor. Each one takes a cut until there is little money left for the intended project. The result is often long construction delays and shoddy workmanship.

Many foreign and local observers think Karzai can't begin to address corruption until he severs ties with former warlords who helped drive the Taliban from power in 2001 and shored up his administration when U.S. attention was focused on Iraq.

U.S. and other Western officials are pressing Karzai to form a government of competent professionals. But he will have to balance their demands against promises made to ethnic and regional strongmen who helped deliver the votes he needed for a second five-year term.

Western officials were particularly troubled by the recent return from Turkey of Abdul Rashid Dostum, a notorious former warlord who endorsed Karzai's campaign. He is accused of overseeing the deaths of up to 2,000 Taliban prisoners during the 2001 invasion, charges he denies. Karzai's two vice presidents, Mohammad Qasim Fahim and Karim Khalili, are also former warlords accused of rights abuses.

''There are also new figures who will try very hard to get their supporters in government,'' said Fahim Dashy, editor of the independent Kabul Weekly. ''They are coming with empty pockets and they will see this as a golden opportunity to make money, either by legal or illegal ways.''

Karzai has said there will be no place in his government for corrupt individuals. But his aides say that dismissals alone won't solve a pervasive and systematic problem.

An investigation by the High Office of Oversight and Anti-Corruption, set up more than a year ago to oversee the government's efforts to fight graft, found that on average it took 51 signatures to register a vehicle. Each signature had its price, for a total cost of about $400.

''It is hardly surprising if Afghans prefer to bribe policemen on a daily basis to turn a blind eye to their unregistered vehicles,'' said Ershad Ahmadi, the bureau's British-educated deputy director.

Ahmadi said his office helped streamline the process to four or five steps, and it requires that payments be made directly to the bank, thereby reducing the opportunities for corruption. But without the minister of transportation's cooperation, he said, his team would have been powerless.

''We do not have the necessary powers and independence to fulfill our mandate,'' Ahmadi said. For a start, it was never given the legal authority to investigate or prosecute corruption—only to refer cases to law enforcement agencies, themselves part of the problem.

''The police are corrupt. The prosecutors are corrupt. The judges are corrupt,'' Ahmadi said.

It was not clear whether the new anti-corruption unit, which was set up with the help of U.S. and British law enforcement agencies, would be more effective at pursuing individuals who indulge in corrupt practices. It is the third structure set up by Karzai's government to tackle the problem; the first was disbanded after it emerged that the head had been convicted and imprisoned in the U.S. on drug charges.

''The main problem . . . is that people have no confidence about the future,'' Ahmadi said. ''That makes them make hay while the sun shines.

''We need to persuade the people of Afghanistan that there is no returning to the miseries of the past,'' he said. ''The Taliban is not coming back. The international community is not abandoning Afghanistan, and there is going to be slow but steady improvement.''

Let me just say, finally, it doesn't take a lot of guts for a Member of Congress to stand up and say, Send more troops. And certainly I guess some think it is easier, more popular to say, Let's send more troops. The more troops we send, we can appear tough on terrorism. All of us want to be tough on terrorism, but what we're arguing here is that what is happening in Afghanistan is not helping us in the war against terror. If it was, if this was a war about holding to account those who committed these terrible atrocities on September 11, I wouldn't be here questioning what we're doing.

I think we're getting sucked into a war with no end. This is a quagmire. There is no end to this. And if we're going to enlarge our military footprint, then I think it is important for the American people to know that we're going to be there for a very, very long, long time; longer than any of us will be in Congress, longer probably than we're going to be on this Earth, that is how difficult it is in Afghanistan. I think, as Mr. JONES said, that we owe it to the men and women who serve in our Armed Forces to make sure that if we're going to send them into harm's way, that we had better be sure that we are doing it because the national security interest of this country is at stake.

I don't like the Taliban. They are a bad group of people, but they are not a threat to national security of the United States. We need to help the Afghan people because they have been neglected, and they have been abused for so long by so many people. We need to figure out a way to do that, and I think we will have better luck and we will encourage more sustainable development without a large military footprint.

But I'm going to end by saying that, at a minimum, we need to know what the exit strategy is here. When the President, after his deliberation, comes up with his policy, he needs to tell us how this all comes to an end, because I think that is the responsible thing to do. We owe that to our troops. We owe that to the American people. This war

has already cost us too much in terms of treasure and human life. I've been there. I think we need to change our policy dramatically, but we need to have this debate. We should not send one more American soldier over to Afghanistan without a full and thorough debate on this House floor about whether that's the right thing to do. And then every Member of this House, Republican and Democrat alike, will have to vote on it.

I am proud of this group that has gathered here today to continue to raise this issue. Mr. KAGEN, I want to thank you in particular for getting us all here tonight. This is an important issue. This is probably one of the most important issues that we're going to deal with during our service in Congress. I hope we get it right. And to me, getting it right is to change our strategy and begin a flexible exit strategy.

I thank the gentleman and yield back.

Mr. KAGEN. Thank you, Mr. MCGOVERN. There has never been a more important time in our Nation's history to get it right, to think it all the way through, and to make certain that we carry out our constitutional duties here in the House of Representatives.

Mr. PAUL.

Mr. PAUL. I would like to just make one more comment as we close the Special Order.

I opened my remarks talking about Barbara Tuchman's ''The March of Folly.'' We are on the same course. I would say it's time to march home. I'm not for sending any more troops. It is very clear in my mind that if the job isn't getting done and we don't know what we're there for, I would say, you know, it's time to come home, because I fear—and it's been brought up. Congressman MCGOVERN has brought it up, and everybody's talked about the finances of this because it is known that all great nations, when they spread themselves too thinly around the world, they go bankrupt. And that is essentially what's happened to the Soviet system. They fell apart for economic reasons.

So there are trillions of dollars spent in this operation. We're flat-out broke, a $2 trillion increase in the national debt last year, and it just won't continue. So we may not get our debate on the floor. We may not be persuasive enough to change this course, but I'll tell you what, the course will be changed. Let's hope they accept some of our suggestions, because when a Nation crumbles for financial reasons, that's much more dangerous than us taking the tough stance and saying, It's time to come home.

Mr. KAGEN. Thank you, Mr. PAUL.

Mr. JONES, go ahead, and I will wrap up afterwards.

Mr. JONES. I will be brief. I know time is getting limited. I want to thank you, Mr. MCGOVERN and Mr. PAUL for being here tonight because I've seen the pain as you mentioned earlier of PTSD, of TBI. I have seen the families when a marine came back and who needed counseling, and before it was all said and done, he killed his wife. We do not need to put these men and women under this pressure unless we know what we are trying to achieve and the end point. We need to have this debate. We will figure out some resolution that the four of us and other Members of Congress can force this House to come forward and have this debate.

Thank you for letting me be a small part of tonight.

Mr. KAGEN. I want to thank you, Mr. JONES, Mr. PAUL, Mr. MCGOVERN for this commencement of a conversation and a real discussion about what America's best interests are. I know that when we put our heads together, put our minds together, we'll find a more positive way forward in beginning to solve this problem. I will finish with a brief story.

In 1979, I was in training, in Milwaukee, at the Medical College of Wisconsin, and there training in the specialty of allergy and immunology with me was the son of a senator of Pakistan. And that was the time when Russia invaded Afghanistan. I came into the laboratory, and I said, Nassir, your country is going to be next. And he looked up at me, and he said, Oh, Steve, don't worry. It's easy to get into Afghanistan. It's very hard to get out, and when the Russians leave in 5 or 10 years, they'll be shot in the ''blank'' when they leave.

That same experience is being experienced today by our soldiers, by our Nation, by our pocketbook. So every time we hear about someone being wounded and injured, whether it's our own soldier or a civilian or an enemy, that bomb and that bullet has real echoes economically here at home. In the end, the exit strategy may be determined, as Mr. PAUL said, by our economy. The question is: Will the strategy work? Can we afford it? And is it the ethical thing to do?

At this point in time, I don't believe we can afford to stay on the current path we're on in Afghanistan and in Iraq. We have to make certain that our soldiers are safe here at home and that we have an economy that can support all of the people that we have the honor of representing.

□ 1930

AMERICA'S ROLE IN THE WORLD

The SPEAKER pro tempore (Mrs. HALVORSON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Madam Speaker. I appreciate being recognized to address you here on the floor of the House of Representatives.

Listening to the dialogue of the gentlemen in the previous hour, I generally have a pattern where I will discuss a bit of different viewpoints.

And returning to that subject matter, I understand their concern for military personnel and their families, for the lives and the health of all of our brave military personnel. In fact, I sympathize and support our military personnel and their families and the entire support network that is there. I've been six times to Iraq, twice to Afghanistan; and I meet with our military personnel as often as I possibly can. And, yes, like every congressional district—and perhaps every congressional district—we've lost soldiers and we've lost airmen and we've lost marines and we've lost sailors. And that has been the case, and it's ever been thus.

So as I listened to the gentlemen who argue that we should have a debate on the floor, it seems as though they come with a common purpose of arguing that we should not be in Afghanistan.

I would make the point, Madam Speaker, that they made the same argument when we were in Iraq. And the points that they made then were very similar to the points that are being made now and that is the position that it's not worth the price. It is a legitimate position to discuss, but I believe it is the one to have that debate before we engage in a war rather than when we're in the floor of it because the dialogue from the floor of this House echoes to our enemies; and they begin to wonder whether the Americans have the resolve to persevere and bring about the sustained effort that's necessary in order to win a war, especially a war that is protracted with an amorphous enemy that is scattered throughout the mountains that has sometimes the support of the network.

The Taliban is our enemy and al Qaeda is our enemy, and there are another six or seven organizations in that part of the world who are defined organizations that are our enemies, Madam Speaker.

But the position taken by these Members back during the Iraq war was to pull out, pull out at all costs, pull out immediately. Simply leave a rear guard to try to avoid being shot in the back as our troops loaded out of Iraq. Let it collapse, if that's what it would be. But they argued it wasn't worth the price—at least some of them, and I believe all of them, that were on the floor taking this position tonight.

And yet in spite of the naysayers, in spite of the distraction, in spite of the 45 votes that were brought to the floor of this Congress and led by the Speaker of the House, NANCY PELOSI, those votes were designed to undermine, unfund, and to damage the resolve of our troops. Those votes that came to this floor—and I have a collected Excel spreadsheet that links to each one of those resolutions, each one of those votes, 45 votes and debates on the floor of this House—these Members can't argue that we didn't have the debate on Iraq. It was pushed by the Speaker of the House. And whatever the motives, it demoralized our troops and encouraged our enemies.

And the result of those resolutions and different acts that were brought to

this floor was that this Congress stuck together. This Congress didn't crack. We stood with our military; we stood with our troops. We're at a time of war. And a decision was made, and this Congress made the decision to go into Iraq and to provide for the authority for the President of the United States to command the military forces to do what was necessary to protect the American people. We were operating off the best information we had at the time. That's what any nation does at any time in any crisis. And I think at any time in history if there has been a question whether it was a right decision, there's always the question of what was the information they had to work with at the time.

Regardless, the situation remains this: the people that were here on the floor that would like to pull us out of Afghanistan immediately are the ones who also predominantly were for pulling out of Iraq immediately. We know that the President of the United States, the current Commander in Chief, as a candidate for the Presidency, argued that Bush had taken his eye off the ball, that the ball was Afghanistan and the target was Osama bin Laden and that he would bring Osama bin Laden to justice. Even denigrated Senator JOHN MCCAIN for saying he would follow Osama bin Laden to the gates of hell if necessary, but not being willing to take on some of the tasks that the President thought should be taken on.

And so our current President, our current Commander in Chief, as a candidate and United States Senator, continually made the speech that President Bush had taken his eye off the ball, if the ball was Osama bin Laden and Afghanistan, and that we should immediately pull all of our troops out of Iraq without regard to those consequences, and diminished the calamity that almost certainly would have ensued.

And that calamity, just to paint that picture again, Madam Speaker, for the American people's benefit, the calamity that was pending in 2005, 2006, especially early 2007 and on into 2008, would have likely been this scenario: if we'd pulled out, the Kurds would have likely declared independence and found themselves in a two-front war: Iran on one side that had been throughout those years lobbing artillery rounds into Kurdistan, and war with the Turks on the west side who have gone in and done several raids against the Kurds there in the last few years.

So there's that open-arm conflict that exists on the east and west border of Kurdistan that likely would have swallowed up the Kurds that would not have had the help of the United States if we had pulled out of Iraq, and neither would they have had the help from Iraq because the Iraqis themselves were having significant difficulty in providing security for their own people.

Other problems that we had were militia groups that were warring against each other, Sunnis and Shias and the power vacuum that brought about this violence. There were neighborhoods that were purged and taken back over again. And we had, if not forgotten, the Mahdi militia and the other militias that had emerged within Iraq that were in the process of enforcement, and some might say ethnic cleansing and sectarian violence.

And al Qaeda was entrenched in the al Anbar province. Al Qaeda ruled al Anbar province. Al Anbar province was so bad that I could not go there during that period of time throughout all of 2006 and probably well before then. The cities of Ramadi and Fallujah had been fought over, and they needed to be fought over again before they could be liberated for the Iraqi people to take control of.

That was the scenario. And not only that, the great threat of the Iranians and their involvement and engagement in subversive activities across their border into Iraq was all part of this competition that was almost—almost—a military, political, economic conundrum.

And you have most of the oil in Iraq is over against the Straits—very, very close to the oil that's in Iran. And then in the south where you had the Shias, the Shias had some affinity to the Iranian Shias.

So that entire scenario, the worst-case scenario that I can paint for this—and it's the one that actually looked like it was the most likely it would be if the United States had pulled out of Iraq and an instantaneous sectarian violence situation where the Shias and the Sunnis would go at each other in an unrestrained way, where al Qaeda would have continued to maintain al Anbar province and expand their hold and a base camp for the world, the predictions—and they still remain true—that there are significant oil reserves in al Anbar province that would have been the wealth of that oil that could have gone into the pockets and the treasure chest of al Qaeda and funded their global operations.

The only significant refinery—I will say it this way—the most significant refinery in all of northern Iraq is in al Anbar province where Saddam put it so he could bring the Kurdish oil down and control the oil from Kurdistan for political reasons. That could have all been an al Qaeda base camp with lots of oil to fund it.

And it could have been the Shias and the Sunnis and the remaining Shias at battle with each other, and the Iranians making common cause with the Shias and taking over the oil fields in the south of Iraq where about 70 percent of the oil is and having control of both sides of the Straits of Hormuz and control of a lot more of the oil in the world, and the ability to shut off around 40 percent of the world's oil while the Kurds find themselves in a two-front war having declared independence.

That's just part of what would have happened if we had pulled out of Iraq, Madam Speaker. That was the advice of the gentlemen on the floor that argue against our involvement in Afghanistan.

And today, today, due to a brave and difficult decision made by our then-Commander in Chief, George W. Bush, who ordered the surge, that the courageous notion of investing American might and preserving a victory that may have been achieved in March and April and May primarily in 2003 that needed to be reachieved in a number of the cities that were taken over by al Qaeda and other forces that were contrary and in opposition to the United States, that order for the surge and noble bravery of our military, of all branches of service, came together in Iraq and provided the kind of security that has allowed the Iraqis to develop their own security forces.

And those forces now exceed—by the time—if you talk all of their security forces, they meet and exceed a number in the area of 600,000 that are providing for the safety of the Iraqi people.

The stability in Iraq today? Even though there are flareups of violence and flareups of suicide bombs that take place from time to time, there is a control of that country that has been taken over by the Iraqi people exactly within the design of President Bush—but not something that the gentlemen that spoke ahead of me could actually admit to, I don't believe, the level of success in Iraq.

I did introduce a resolution in February of this year that declares that we have achieved a definable victory in Iraq, and it defines the victory and it lays out the milestones along the way. A definable victory and by measure of a civil government that can provide for safety and security for its people at a level significantly higher than it was. American casualties that went down to the point of where it was as likely that we would lose an American in Iraq due to an accident as to the enemy.

The civilian government establishments there, the distribution of the oil revenue, the list of accomplishments ratifying a Constitution far faster than we were able to do so in the United States when we established our first Constitution. The drafting and the writing and the passage and the ratification process in its entirety were quicker in Iraq than it was in the United States of America.

So of all of the milestones, of all of the benchmarks that were imposed by this Congress on the Iraqi Government and the Iraqi people and the responsibility of our President Bush at the time and the Commander in Chief of our military and our military personnel, of the 18 benchmarks, 17 of the 18 benchmarks—even as of last February—had been wholly or substantially achieved. And the 18th benchmark was an amorphous benchmark that is moving in that direction. What matters is how you define it.

That's what happened. We've achieved a definable victory in Iraq,

and that accomplishment was done not because of people who wanted to pull out, that didn't have the resolve, that didn't understand the price that America pays down the line for lack of resolve in this moment of history.

I would use an example, Madam Speaker, and that would be on June 11 of 2004, I was sitting in a hotel room in Kuwait City waiting to go into Iraq the next morning. And I was watching Al-Jazeera TV. And on Al-Jazeera TV, June 11, 2004, with the English closed-caption, Moqtada al-Sadr came on—the head of the Mahdi militia who gave us so much trouble. And he said—judging by the closed caption that I read, and presumably it was in Arabic—he said, If we continue attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu. He was predicting that the Americans would not have the resolve to achieve a victory in Iraq.

And had that been the case, if the President of the United States, if the balance of the Republicans in this Congress and some of the national security Democrats had not had resolve, today we would be seeing the calamity in Iraq that I have just laid out as the likely scenario. And we would also be listening to Osama bin Laden and perhaps Khalid Sheikh Mohammed before a courtroom in New York say, Well, the Americans left Vietnam, and they left Lebanon, they left Mogadishu, and they pulled out of Iraq. Americans don't have resolve. All it takes to defeat American might is persistence and perseverance and a willingness to fight a war of attrition and accept the casualties. And if you do that long enough, Americans will lose their patience and will lose their will. That was the message that Moqtada al-Sadr got. He said it directly into Al-Jazeera TV, June 11, 2004. It was the message that Osama bin Laden got when he was inspired to attack the United States because he didn't believe that we had the resolve to strike back or the resolve to keep the pressure on.

□ 1945

And because America sent a weak message—Vietnam, Lebanon, Mogadishu—it inspired our enemies to take us on and challenge us because if they see a sign of weakness, that is where they would attack.

The Japanese didn't think that America had that kind of resolve when they attacked us on December 7, 1941. We did show the resolve when we were attacked, and we showed the resolve after September 11, 2001, and we need to show the resolve in Afghanistan, although it is a much more difficult nut to crack. To that extent, I will give my colleagues in the previous hour their due.

My first trip to Afghanistan, it was in the middle of the most difficult times in Iraq, when most didn't see a way out that would be victorious in Iraq. I came back and said, We will be in Afghanistan a lot longer than we will be in Iraq because Afghanistan is a lot closer to the Stone Age than Iraq. They don't have the transportation. They don't have the infrastructure. They don't have a modern education system. They are living closer to the Stone Age. There is only one highway that transfers assets across the country, and that is a highway that we turned into a paved highway. Other than that, it was a trail.

The Afghanis, many of them live up in valleys in the mountain, and that zone in a particular valley is where the tribe is. So it is much more difficult to maintain security in a country that has been at war and has been able to reject or eject any of its conquerors.

The difference is that Americans are not invaders and occupiers. We are liberators. Where we have gone, we have liberated people. And wherever American soldiers have gone, there has been a tremendous blessing that is left in the aftermath, especially if we stay and pass along American values.

Some few years ago, I was at a hotel here in downtown Washington, D.C., to hear a speech from President Arroyo of the Philippines, and I guess this was about 2004. She said, Thank you, America. Thank you for sending the Marine Corps to our islands in 1898, thank you for freeing and liberating us. Thank you for sending your priests and pastors who taught us your faith. Thank you for sending us 10,000 American teachers—and she had a Filipino name for them which I missed—and the American teachers and the priests and pastors and the soldiers.

She forgot to mention actually the Army, she said marines, they taught us the American way of life. You taught us the English language. You taught us the values, and I will summarize it in my words, not hers, the values of Western civilization. She said today, 1.6 million Filipinos leave the islands to work wherever in the world they want to go, and they send a lot of their money back to the Philippines, representing, and she gave the number, but a high percentage of the gross domestic product of the Philippines.

The benefit of having the American civilization arrive in the Philippines is evident more than 100 years later, and we are thanked for it by the President of the Philippines.

And now we look around the world and we see, is Japan better off or worse off in the aftermath of Imperial Japan, in the aftermath of Hiroshima and Nagasaki? Is Japan better off because the Americans went into Japan and helped set up a free market capitalistic system, a system of representative government that is no longer run by the Emperor that our Commander in Chief gave a 90-degree bow before a couple of days ago?

Madam Speaker, I wasn't particularly alarmed when I heard that the President had bowed to the Emperor of Japan until I saw the videotape of the President of the United States bowing 90 degrees. It was almost a genuflection before the Emperor of Japan, so far different than it was before the ceremonies of surrender on the USS Missouri. And never in the history of the country do we have the record of a President of the United States bowing before any foreign leader, and no President of the United States should ever bow before another foreign leader. And yet we have seen this happen and we have seen this unfold around the country, around the world, a global tour of contrition that has diminished the power and the influence of the United States.

Some Nation has to be the superpower in the world. We should have adjusted to this fairly easily. It was a struggle that we were involved in. At the beginning of the Cold War, and you can pick your date on when that starts. Was it the blockade that brought about the Berlin Airlift? Was it the 1948 speech at Fulton, Missouri, when Winston Churchill laid out the identification of the Cold War when he said an Iron Curtain has descended across Europe? But some place between 1945 and 1948, the Cold War began.

The Russians and the East Germans began building their Berlin Wall in 1961, and that wall stood until November 9, 1989. That period of time clearly is Cold War time, and you can expand onto that, back it up to about 1948 or earlier, and the Cold War wasn't quite over for some months after the Berlin Wall started to come down, about the time the Soviet Union imploded, and the date I will pick on that, the specific date, would be December 31, 1990. That is about as close a date as we can get to the end of the Soviet Union.

At that period of time, we could celebrate that the Cold War was over and that the United States of America had emerged as the world's only superpower, and that this contest, this struggle, that was between this communism, hardcore socialism, militarily imposed economies with a regime that believed that the person, the individual, the human being, God's unique gift of the now six billion plus of us on this planet, that people existed for the State. That was their position. That was Karl Marx's position, and that is what has evolved in the thought process of the utopianists for 150 or more years.

And yet we saw the Soviet Union implode after we saw freedom echo across Eastern Europe in nation after nation. We just celebrated yesterday or the day before the Velvet Revolution in Czechoslovakia, where thousands and thousands of Czechs stood in the square in Prague peacefully and held their keys up, Madam Speaker, and rattled their keys for hours on end, rattling their keys for freedom. We can hear what that is like. That echoes back 20 years, and we saw Vaclav Havel step forward and become the leader of that nation, and they divided it into the two separate parts also in a peaceful way.

A little bit of violence along throughout Eastern Europe, but from the

standpoint of the hundreds of millions of people who became free in the aftermath of the fall of the Berlin Wall, and part of that was the Velvet Revolution in Czechoslovakia, the maximum number of people breathe free air for the least amount of blood I believe in the history of the world, and that freedom echoed, I would argue then, all of the way across Eastern Europe, from the wall in Berlin, all of the way across Eastern Europe, all of the way across Russia, all of the way to the Pacific Ocean, at least for a time.

And the optimism that I had, and that hope, that faith, that belief that the Cold War was really over and that then the free market capitalism and the freedom that we have that the rights—our rights come from God, and they are enumerated in our Constitution, but they are God-given rights, we hold these truths to be self-evident, that the image of that, the inspiration of our freedom and the power of the free market system had set aside, had pushed away, had defeated every competing model for a civilization that had been designed by the world, Madam Speaker.

I have to characterize this another way, more succinctly in the words of another, and that was Jeanne Kirkpatrick who in the early part of the Reagan administration was the ambassador to the United Nations. Jeanne Kirkpatrick, as she stepped down as ambassador to the United Nations to pursue other endeavors, she said, What is going on in this Cold War is this: That the Soviet Union and the United States of America, these two superpowers clashing in this Cold War, are the equivalent of, the contest is the equivalent of playing chess and monopoly on the same board. With our free market economy and monopoly, and with the Soviet Union's massive buildup in military ability, she said playing chess and monopoly on the same board, and the only question is will the United States of America bankrupt the Soviet Union economically before the Soviet Union checkmates the United States militarily. Chess and monopoly on the same board. Do the Russians go bankrupt before they checkmate us with their ICBM missiles and their other military equipment and hardware, the massive military that they were developing?

We know the answer to that now. That was about 1984 that Jeanne Kirkpatrick made that statement. And November 9, 1989, and the ensuing months up until the last day in 1990 when the Soviet Union was I think officially imploded, we saw that free market capitalism, freedom, the inspiration of the rights that come from God that are enumerated in our Constitution and that flow, that the government is of, by, and for the people, and that the people grant the authority that comes from God to their legitimate elected representatives to govern them in an orderly fashion, that that system of government, our constitutional Republic prevailed, prevailed over the utopian mistake, the colossal error that cost the lives of hundreds of millions of people, Karl Marx's approach to utopianism. That is what we saw happen, Madam Speaker.

I believed then, in 1989, in the early winter of 1989 and throughout 1990, 1991, through the early part of the 1990s until the late 1990s some time, I believed that it was clear to the rest of the world that freedom had won, that free market capitalism had won. I didn't think it was arguable, and I thought somehow that those leaders in the world would realize the reality that they couldn't compete with a system that tapped into the vitality of the inspiration of every individual who had their own franchise and their own opportunity and their own rights to engage in making their lives better for themselves and their family, and to do so in a moral and ethical fashion within the framework of the rule of law. I believed the rest of the world would see that clearly.

Look at Eastern Europe, the region that so recently had won its freedom: How could they begin to think in this myopic, utopian fashion of, let's say, of Marx and Hegel and others that are part of the utopian philosophers in that part of the world. How could they think that? So they went underground for awhile and they drifted away and they became this amorphous, loosely and most often disorganized group of people who were still Marxists, they were still Communists, they were still believers in a managed society, a managed economy, a utopian world, the kind of world where liberal-thinking elitists would manage the resources of humanity and that every human being was a tool of the state and you were there to glorify the state.

And so they emerged again, Madam Speaker. And as they emerged, they began to form alliances against the United States. And those alliances that were formed brought about these alliances that we are faced with today.

I mean, it wasn't unpredictable that the Islamic fundamentalists would rise up and begin to attack the United States. That wasn't unpredictable. In fact, it was predicted, not by me, but by other people who had an insight into human nature and history that went beyond the things that I could sense at that time at least.

And so we have seen the philosophy of ''the enemy of my enemy is my friend.'' There is a certain factor, and I will just called it national jealousy, that envy factor that comes into play. Europe had lost a lot of its glory. They had formed in the 1970s, at least, and perhaps earlier than that, the European Union. The goal of the European Union was to establish the United States of Europe, to establish the United States of Europe incrementally by a common currency and opening up borders and providing for open and free trade in the European Union.

It was designed and it was in print as a policy position and objective and a goal. And the mission statement was to shape the European Union into the United States of Europe and to provide, quote, ''a counterbalance to the United States of America,'' close quote.

You can see where Europe didn't like the idea that the United States of America—the progeny of Europe is what we have been—could become the unchallenged superpower in the world. So that resistance and objection emerged from Western Europe, the Western Europe that represents, I think, the ancestors to modern day Western civilization. But there is a little nation envy that goes on, and there is an aspiration of a wannabe in trying to make the world a better place.

In Eastern Europe they hung onto their freedom a little bit more, and I have observed that those people who have most recently achieved their freedom are the ones who protect it and guard it the most jealously. That has been the case with the Eastern Europeans who remember what it was like to live under the yoke of communism who celebrated in this month, and will celebrate every November 9 of every year from here on, the fall of the Wall, the literal crashing of the Iron Curtain and the end of the Cold War and the beginning of freedom that echoed across Eastern Europe, and by some estimations all of the way across Asia to the Pacific Ocean, until the utopianists, the control people, the dictators began to emerge and to take away the freedoms.

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We believed, I think, for some time that in Russia, the remainder of the old Soviet Union, that they had that level of freedom that the people in Russia wanted. We believed they had free elections and freedom of press and a free market economy. At least it was emerging, and people were willing to learn how to compete in a free market economy. But today we see that Putin has diminished that dramatically, that the elections are not the legitimate elections that we had hoped we would see in Russia, that free market capitalism is instead controlled often by a Russian mob, a Russian mafia, and favoritisms that take place and the payoffs that go on within indicate a corrupt society that's now run for the glorification and the power and the enrichment of the rulers. That's the case in a number of other countries in the world.

But we're unique here in the United States of America. Madam Speaker, we're a unique people. And, yes, we are the progeny of Western Europe, and we are the progeny that came from primarily Western European stock. And at the time that we received the best that Western Europe had to offer, we also received a fundamental Christian faith as the core of our moral values.

This is a Judeo-Christian Nation, Madam Speaker. The core of our moral values is embodied within the culture. Whatever church people go to or

whether they go to church, wherever they worship or whether they worship, we still have the American people who, as a culture, understand Christian values and Christian principles, the Judeo-Christian values that are timeless.

So I would illustrate that, Madam Speaker, in this way. An example would be this: Let's just say if an honorable man from Texas were to pull into his driveway and his neighbor's dog had gotten loose and had run underneath the tire of his car. If you're in Texas or Iowa or most of the places in the country, if you run over your neighbor's dog, what do you do? This is how I'm going to illustrate this is a Christian Nation. You go over and knock on your neighbor's door and you say, Well, Joe, I just killed your dog. I'm sorry.

Well, there are two things that happened there. One of them is confession, I just killed your dog. I'm sorry, his repentance. The third thing you say is, Will you forgive me? I didn't mean to. It was an accident. So you would have confession, repentance, and you ask for forgiveness. And the neighbor, Joe, will say, Well, it wasn't your fault. Of course you're forgiven. And that is the path of Christian forgiveness that takes place even when we run over our neighbor's dog.

This is a Christian Nation, and the foundation of Western civilization are those kinds of values. And this is rooted going as far back as the Age of Reason in Greece where the foundations and the principles of logic and reason and science were developed, and it flows through Western civilization into the division of the Age of Enlightenment that took place, the English speaking half where we got our free enterprise and our freedom from and the non-English-speaking half of the Age of Enlightenment where we got a lot of these utopian ideas that flowed down here. And some of them have polluted the thought process, and they clearly pollute the thought process here in the United States Congress where many have suspended their ability to reason.

I recall even this week being criticized by a professor of political science who assigned me a belief system and then attacked the belief system that he assigned to me. You wouldn't have gotten by with that in front of Socrates or Milton Friedman, for example, and you shouldn't get by with that in this society either. If person after person in this Congress takes the posture that we should be legislating in part by anecdotes and by feelings and by emoting, by something sympathetic so that no one falls through anything, that we create a sieve that there are no cracks in, truthfully, Madam Speaker, society doesn't work that way. There is good and there is evil in all of us.

We're predominantly good. We have to punish the evil and reward the good. And our job in this Congress is to enhance and increase in public policy, to the extent we can, the average annual productivity of our people. And if that is brought about in a moral fashion, that improves the quality of life, the standard of living of everyone in the United States of America, and it strengthens us from a military, economic, social, and cultural standpoint. And we are being weakened by people who undermine our national security, by people who are constantly assaulting free enterprise, capitalism, by people who are constantly assaulting the rule of law. And the rule of law does apply and it applies in securing our borders.

I see my friend from Missouri has arrived on the floor, and whatever is on his heart at the time, I'd be so happy to yield to the gentleman. The gentleman from Missouri (Mr. AKIN).

Mr. AKIN. I thank my good friend from Iowa for yielding.

A number of the different words that you're using are so important to the foundation of the whole logic of how the American system works. You were talking about the idea of a rule of law, and that's one of those terms that sounds pretty straightforward. We believe in the rule of law.

What's the alternative to the rule of law? We have been seeing a whole lot of it this year. The alternative to the rule of law is special deals. If you recall, rule of law is depicted frequently by the marble statue of Lady Justice. And she has the blindfold across her eyes. She's holding up the scales. And regardless of who you are, man or woman or big or little or rich or poor, Lady Justice just simply says, Just the facts. So that's what is called the rule of law. People are equal before the law. But the alternative to that is, of course, rule by whims of mankind. It's special deals.

Mr. KING of Iowa. It could be anarchy.

Mr. AKIN. So we have the ''too big to fail'' rule. So we tax Americans, not so much Americans that live now but their grandchildren we're going to tax, and we pass these things like the porkulus bill, which is supposed to be stimulus, and we pass the Wall Street bailout. We take all this money and we give it to whom? Every small mom and pop shop that might fail? No. We give it to the ''too big to fail.'' So, therefore, you've moved from the rule of law to a special deals society. And that's the problem. Of course, that's really what socialism is. It's special deals administered by guess who, Big Brother government.

That's not what made America great. That's not what allowed our great Nation, my good friend Congressman KING, that's not what allowed us to have a list of the different nations throughout the world that Americans freed from horrible dictatorships. That's a long list. I saw it actually listed on a cartoon. It had the list of all of these countries that American GIs and that American treasure through the ages have freed. Places like Germany. Places like Japan where you have some dictator, where we went in and we freed them from that. Places like Grenada, where our sons and daughters went in and took a risk and left a free country. That's not why we were able to do that because we're another socialist Big Government-run country. It's because we're a country that was based on a different set of principles.

The thing that strikes me the most, and I don't want to overuse the welcome that you've extended to me, is this. There was a country not so many years ago, and this is how their thinking worked: They said, look, if you've got somebody and they don't have a house to stay in and it gets cold in the winter, they're going to freeze to death. And if they don't have food to eat, they're going to starve to death. And if they don't have medical care, they're going to die of some kind of medical condition. So they ought to have a right to housing, a right to food, a right to health care. And if they haven't had an education and they can't read, they ought to have a right to know how to read and to study and be educated. So that government created those rights for its citizens, and they marched forward boldly into the future until they became bankrupt and were disbanded. And it was called the Union of Soviet Socialist Republics. We call it the USSR. And we knew it wasn't a very good system because it was based on communism and socialism.

Yet here in America, we have heard, even as I have stood here on the floor with you my friend, Democrats say that you have a right to health care. So as a government, we are now saying that we're going to have the government get involved in housing. The government's going to get involved in food, in food stamps. The government is now going to take over health care. The government has now taken over most of the loans for colleges and education. And it's like how come we're repeating the same things that the Soviet Union did and anticipating that we'll get different results?

Instead, our Founders had a different concept. They said that our rights are basic things that come from God. In our Declaration of Independence, all are endowed by their Creator with certain inalienable rights. Among these are life, liberty, and the pursuit of happiness. If you'll note, those rights are not rights to something that somebody else has a claim to.

Those of you from Iowa do some farming. I think you grow some corn in Iowa. I know we do some in Missouri, but our next-door neighbor does a lot of wheat and corn. And when you have one of your Iowa farmers combine the sweat of his brow with the produce from the field, they own that corn. It is their corn because it was grown on their land. They worked hard and it belongs to them. We call that private property. We call that free enterprise. And because I'm hungry doesn't give me a right to something that belongs

to someone else. That's theft. That's stealing. And if the government takes someone's corn and gives it to someone else who didn't grow it, that's called stealing, except we just call it institutionalized theft. That's socialism. You never have a right to something that's the unique property of another person.

The Founders said you have a right to your life because God gives that uniquely to an individual. You see, you have a right to liberty because God gives you just one life and you can go choose a career of your choosing. Nobody else chooses your career. You get to do it yourself. But it doesn't say you own somebody else's career and should tell them what they should do with their life. That's what the Soviet Union thought.

So our system was based on freedom, was based on limited government; limited in the sense that it was the job of government to protect just those basic rights that God gives to all men. And we have been setting aside that formula that works, instead trying to adopt something that the Europeans have never made work, and, of course, it never worked in the Soviet Union. We're going in the wrong direction, and we need to go back toward freedom.

I didn't mean to get on too long a dissertation, but those distinctions between equal before the law as opposed to special deals, that's a very big part of what we're dealing with, Congressman.

Mr. KING of Iowa. I thank the gentleman from Missouri for coming in to add that.

The components of this freedom that seem to be completely disregarded over on this side of the aisle and the debate that we've gone through on health care and the argument that there are certain freedoms in that fashion, I recall Franklin Delano Roosevelt's Four Freedoms speech. And if you go down to the memorial down here at FDR's memorial, you can walk along and look at the display. He's the longest serving President of the United States. He had some ideas. I think he was very strong in leading this country through victory in World War II. I think that his economic leadership throughout the Great Depression extended and made the Great Depression greater than it might have been if we had allowed free market capitalism to prevail.

But Franklin Delano Roosevelt gave the famous Four Freedoms speech, and the four freedoms were painted and drawn by Norman Rockwell on the cover of Life Magazine, as I recall it. And the four freedoms were freedom of speech, good. Freedom of religion, also good. Both of those are constitutional freedoms. They are protected in the Constitution specifically. Freedom of speech, freedom of religion. The other two were freedom from want and freedom from fear.

Now, if any people can be free of want, that means that they don't have any desire to get up and go do anything. They don't want for anything. We know back during the 1970s when the American people were worried about the economic juggernaut of Japan swallowing our free market up because Japan was growing so fast and they were such intense competitors and they had cash left over and they were buying into the United States and competing directly, and I remember this from being a little boy.

We first started getting products from Japan that were little New Year's toys like the little whistles and those that spring out like that when you blow it. I don't know what you call those. I think the Japanese made the Chinese handcuffs we had to play with, too, if I'm not mistaken. Little paper products that came from Japan. And then things got a little better, and I can remember about the time I was in junior high school, I had a little Toshiba transistor radio where you could listen to a radio with a battery in it and walk around. That was a pretty neat deal. And as things went on, we started to see the Japanese make optics, and so the optical equipment today is state of the art. Very good. Very good recording, a very good electronic device.

The quality of what they were doing was pretty primitive just after World War II, which one would expect, and it got better and better and better. And by the 1970s, the Japanese were doing many things better than we were here in the United States. And we were worried that Japan was going to take us over, defeat us economically and eclipse the American economy because our production, our export markets were diminishing and theirs were increasing, and that was the first time, I think, in my lifetime we were worried about the balance of trade.

I said then and I will say today that if you wanted to destroy a culture, a free enterprise culture, a dynamic culture and civilization, the United States has a simple solution. What we would do is we would just go in and airdrop money over in Japan, and as long as they didn't work, we'd fly them in money. If you drop money down in the streets of Tokyo and if people could gather that up every day and spend it and buy what they needed, they wouldn't want for anything and they wouldn't work for anything. It would destroy the work ethic of a culture and a civilization. That's how you would do it. If you want to create a socialist state, I can tell you how to do that, too, Madam Speaker.

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And that is, go out into the middle of the Sahara Desert, where there isn't a soul, not even a camel, for 100 miles, and hang a pipe there from a sky hook—that's our expression for when you don't have anything to hang it to, you just hang it to a sky hook—and hang a pipe there and drop Federal dollars down out of that pipe, let them billow out onto the sand in the desert; and pretty soon somebody would find that money and they would go there to grab that money and somebody else would come, somebody else would come. It wouldn't be earned income. That would just be something free that comes from the sky.

Federal money comes from the sky. It's been dumped all over America by this President: $787 billion in the stimulus plan; $700 billion in the TARP fund. And when you give people something for nothing, they lose their desire, they lose their want. They have freedom from want as long as they're dependent upon the benefactor. We could create a socialist state in less than a generation in the middle of the Sahara Desert if we just dumped money out there and gave it to people, and they would become dependent upon it. That is how you destroy a culture or a civilization. We've got to have want. We've got to have desire. I think Milton Friedman talked about how greed was a good quality. As long as it is a greed that's built upon a moral foundation and aspiration. And aspiration is a good thing.

And why anybody would think that greed doesn't exist in a socialist state is amazing to me. The people that are advocating for a socialist state, don't tell me you aren't. You are. You've taken all kinds of steps to move this Nation into a socialist state. If anybody wants to step into that debate, just stand up, I will yield right now; but I don't think you believe strongly enough to take me on.

You're moving us towards a socialist state. The people in this Congress on the left side have nationalized eight large entities: three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors and Chrysler. $787 billion in the stimulus plan. They have nationalized several congressional districts in my State. They don't exist, but they must have nationalized them. They've dumped money in there now and created these jobs where districts don't exist, where jobs don't exist, but it's put out here.

The freedom of the free market system has been dramatically diminished. And the people that advocate for this socialist state, this freedom from want, simply create a dependency class in America. FDR's inspiration is not a right. You don't have a right to not wanting for something. The heart of the American people, the heart of free people, has to want for something. We've got to desire for something. We've got to desire that the next generation lives better than we do. We've got to desire that we live in a moral and virtuous and a faithful society. We've got to raise our children that way. If we tie this together, then the world is a better place, and more people succeed and more people live better. And the harder we work, and the more we produce, it raises the average annual productivity. But if we don't want, we don't produce and, therefore, our productivity diminishes, and the sun sets on the American empire. That's freedom from want's mistake.

FDR's other mistake is freedom from fear. Freedom from fear. Now, if we don't fear anything, we don't move away from anything or we don't face those fears either. How can any government guarantee that you have a right to freedom from fear? Yet the belief over here, on the ever-encroaching socialist side of the aisle, is that we have a right to be free from want, free from fear, a right to health care, a right to your own personalized health insurance program, a program that will be delivered to every American human being, probably to the chimpanzees too like they want to do in Austria and have tried, but to every American human being a health insurance policy of your very own. That's what's in the bill; for illegals as well.

Here's how it works, Mr. Speaker. It works in this fashion. They have now covered every possible scenario of someone who is illegally in the United States and made sure everybody's covered if this bill finally becomes law. First of all, they undermined the proof of citizenship requirements in the Medicaid language and did so in the SCHIP rewrite, where they expanded health insurance for children and families of four, for example, in my State, making less than $75,000 a year, and providing that health insurance at 300 percent of poverty. In that bill, which, by the way, provided health insurance premiums for families that were also paying the alternative minimum tax; they had to pay the rich man's tax, then we had to subsidize the health insurance premiums for their children. And in that same bill, they wiped out the proof of citizenship requirements, the requirements for a birth certificate and other documents that are the foundation of verification for Medicaid eligibility so we are not providing Medicaid to illegals. That got wiped out.

Now an illegal person in the United States just simply has to attest to a Social Security number. Here's a number. It's mine. Fine. Here are your benefits. There are 9.7 million people who, in the United States, don't bother to sign up. They're here in this list. I won't go into that so far, Mr. Speaker, except to say, now, here, they want to give health insurance policies to every illegal in America. I've just talked about those that now just have to sign up for Medicaid. But some of them have jobs. Those that are working, the employer will be required to give them a health insurance policy, legal or not, and prohibited from verifying whether they are legal because E-Verify doesn't allow an employer to check their current employees; only new hires.

So under these scenarios that are there, and, by the way, if they make too much money to qualify for Medicaid and the employer doesn't provide that health insurance, then the alternative is we will just cut them a check. We'll give them a refundable tax credit and say, take that and buy your health insurance, and they can go to the exchange that's created by this bill and they can buy health insurance from there. There is no scenario that can be contrived, Mr. Speaker, that an illegal in America would be denied, conceivably, a health insurance policy, much of it, we might even go so far, I'll say almost all of it, funded by the American taxpayer.

That's how far out of touch with reality the people over on this side of the aisle are. It is a lust for political power, and it's a direct assault on the rule of law in the United States of America, an assault on the producers in America, and it undermines the core of our character and who we are, and it dispirits the patriotic Americans. It undermines and erodes and corrodes our soul. That is what's at stake here.

I would yield to the gentleman from Missouri.

Mr. AKIN. I really appreciate your yielding to me.

One of the things that happens down here, as you're aware of, this legislative process gets a little bit complicated. Sometimes people pay attention to people like you and I on the floor of the Chamber of the House. People may even pay attention to what we're voting on here on the floor. But when you talk about this Nancy Pelosi health care/socialized medicine bill, on the floor, you're not going to have an amendment that says, yeah, but the illegal immigrants can't get free health care here. They're not going to have that amendment out here because people don't want to vote that because that might not be very popular back home.

But the interesting thing is, gentleman, as you know, in various committees, they do take those votes. In fact, that very amendment was offered in one of the committees where the Pelosi health care bill was for some number of months, and they offered an amendment saying that there will be no one that's eligible for any of this insurance pool, any of these insurance pools that has not passed the eligibility of citizenship, and they spelled out what that was. That was an amendment that was offered.

The bill had said originally, we're not going to give this to illegal immigrants. But there was no enforcement mechanism. So in order to add the enforcement mechanism, that amendment was proposed. That amendment then went up for a vote in the committee. Can you guess on you how the voting went? It was supported 100 percent by Republicans and rejected by the Democrats.

So, is there a protection in the bill for illegal immigrants to be able to get health insurance? The answer is, of course they can get it, because that amendment was defeated. Now there were all sorts of protest. Oh, it's not our intent that illegal immigrants are going to get this free health care. But the fact of the matter is, if that were really the intent to protect that, there would have been an amendment in the bill to say, we don't mean for people to get this unless they pass the citizenship eligibility requirements. But that amendment was defeated by the Democrats in committee. They knew that. It came to the floor without that protection, and it passed this floor without that protection. And that says that the way the Pelosi health care bill stands now, that you've got illegal immigrants that come to this country and they're going to get health care. And guess who's going to pay for it? The U.S. taxpayers are going to pay for it, or their children or their grandchildren with the multi-trillion dollar bill that has been proposed.

It's interesting that what you're saying, a lot of people say, Well, I don't like this partisan stuff. The Democrats claim this. The Republicans claim this. Can't you all just get along? The fact of the matter is you put an amendment like that up in committee and you see there's just this polar division of opinion as to what should be in this health care bill. And what you saw was that all of the Republicans said we need to protect against illegal immigrants getting this health care. And the Democrats voted—I think there may be one or two that voted with the Republicans, but certainly clearly a great majority, so that that amendment failed, and that's the way that Pelosi health care bill is now.

And so I just thought it interesting because people don't know about what happens in committees.

Mr. KING of Iowa. I just would inject this into our discussion. This was what James Russell Lowell had to say, a contemporary of Abraham Lincoln's, by the way. This is what he had to say about compromise: Compromise makes a good umbrella but a poor roof. It is temporarily expedient, often wise in party politics, almost sure to be unwise in statesmanship. That's James Russell Lowell's statement on compromise. A good umbrella but a poor roof.

I would yield back to the gentleman from Missouri.

Mr. AKIN. Well, I think that's something we need to be paying some attention to, too. So we've got the illegal immigration question that's part of these uninsured. There were other kinds of amendments that were offered, too, in committees. I don't know if you wanted to talk about them.

I thought another one that seemed to me to be very important and, that is, what's the heart of good health care? It seems like to me that the heart of it is that when a doctor and a patient come to a decision as to what they should be doing medically, that other people shouldn't butt in and tell the doctor and the patient what should happen. That seems to be fairly fundamental to the way we work. Maybe you want to get a second opinion with another doctor to make sure what you're doing is right. But that doctor-patient relationship is something that is very important. Most of the doctors go into the field assuming that they're going to

have that relationship with their patient, and so we put some emphasis on that.

Now one of the things that we don't like is when some insurance company injects themselves into that doctor-patient relationship. I've heard the Democrats complain about that. They say, Those greedy insurance companies, they get in between the doctor and the patient. As a Republican, we don't like that either. And so one of the things we did was we put in the bill, as an amendment, that no government bureaucrat would insert themselves between the doctor and the patient. That was another amendment that was passed, was offered by a Republican doctor, I think it was Dr. GINGREY if I remember, from Georgia. Again, Republicans voted for it 100 percent. The Democrats, with maybe one exception, voted against it.

And so we have this Pelosi health care bill, and it has no doctor-patient relationship protection in it at all. Now there is something, believe it or not, worse than some insurance person coming between you and your doctor, and that's when it's a bureaucrat, a Federal Government saying, No, we're sorry, STEVE. You're too old. You don't get to have this. You can take a bottle of aspirin home with you. But we're not going to do it.

Mr. KING of Iowa. I would just reclaim my time. You've inspired a recent recollection. I believe it was just yesterday when the Federal Government panel came out and said to women, You no longer need to start getting mammograms when you're 40 years old. Wait till you're 50. You no longer need to get them every year. You can wait 2 years and space them out for a 2-year period of time. This is the precursor of the panels that we're likely to see if this bill that's before this Congress becomes law.

I will put the diagram of these 111 new agencies up here just so we have a little bit of an image of what is coming at us in America if we're not able to kill this bill. In any case, the advice that came from the panel on breast cancer is the kind of advice you'll get from a death panel.

The freedoms have been dramatically diminished here in the United States of America. There's been an assault on them. The vigor and vitality of the United States is under assault from the liberal socialist left. This is socialized medicine. We've seen the nationalization of a third of our economy and we need to get it back. The President needs an exit strategy from the nationalization of our economy. We need to kill this bill, Mr. Speaker, and we need to reach out and grasp American freedom, American liberty and American vitality.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today on account of travel from the NATO Parliamentary Assembly's Fall Plenary Session on November 16 and November 17, 2009.

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. LUJÁN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. PITTS, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. GRIFFITH, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, November 19, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4688. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting proposed changes to the U.S. Army Reserve Fiscal Year 2008 National Guard and Reserve Equipment Appropriation; to the Committee on Appropriations.

4689. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting the final plan for the allocation of the Fiscal Year (FY) 2009 HIDTA discretionary funds; to the Committee on Appropriations.

4690. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8089] received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4691. A letter from the Program and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — School Food Safety Inspections [FNS-2005-0002] (RIN: 0584-AD64) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4692. A letter from the Secretary, Department of Health and Human Services, transmitting renewal of the July 26, 2009 determination of a public health emergency existing nationwide involving Swine Influenza A (now called 2009 — H1N1 flu), pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

4693. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations for the 2006 24-Hour Fine Particle (PM2.5) National Ambient Air Quality Standards [EPA-HQ-OAR-2007-0562; FRL-8969-2] (RIN: 2060-AP27) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Clean Air Interstate Rule [EPA-R04-OAR-2009-0455(a); FRL-8969-9] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0384; FRL-8959-7] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4696. 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 [EPA-R05-OAR-2008-0783; FRL-8971-9] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4697. 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 and Maricopa County [EPA-R09-OAR-2009-0042; FRL-8902-6] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State PM-10 Implementation Plan; Maricopa County Air Quality Department [EPA-R09-OAR-2009-0558; FRL-8975-06] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [EPA-R09-OAR-2009-0272; FRL-8970-4] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances; Technical Amendment [EPA-HQ-OPPT-2008-0251; FRL-8438-5] (RIN: 2070-AB27) received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4701. A letter from the Acting Chief, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Petition to Establish Procedural Requirements to Govern Proceedings for

Forbearance Under Section 10 of the Communications Act of 1934, as amended [WC Docket No.: 07-267] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4702. A letter from the Deputy Bureau Chief, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — Improving Public Safety Communications in the 800 MHz Band [WT Docket No.: 02-55] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4703. A letter from the Program Analyst, OMD-FO, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2009 [MD Docket No.: 09-65] Assessment and Collection of Regulatory Fees for Fiscal Year 2008 [MD Docket No.: 08-65] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4704. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rules of Practice received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4705. A letter from the Chairman, Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending September 30, 2009, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

4706. A letter from the Chair, Council on Environmental Quality, Executive Office of the President, transmitting notifying Congress that the report due under Section 5 of the Oceans Act will be delayed until the spring of 2010; to the Committee on Natural Resources.

4707. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric, transmitting the Adminstration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Alaska [Docket No.: 0910091344-9056-02] (RIN:0648-XR37) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4708. A letter from the Deputy Assistant Administrator of Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (Salmo salar) Gulf of Maine District Population Segement; Final Rule [Docket No.: 0808061060-91139-03] (RIN: 0648-AW77), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4709. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Critical Habitat for the Endangered Distinct Population Segment of Smalltooth Sawfish [Docket No.: 0707017355-91122-02] (RIN: 0648-AV74) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4710. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Ocianic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XR36) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4711. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases [Docket No.: PTO-T-2008-0021] (RIN: 0651-AC26) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4712. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Administrative Offset Under Reciprocal Agreements with States (RIN: 1510-AB23) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4713. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Arbitration for Public Assistance Determinations Related to Hurricanes Katrina and Rita (Disasters DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607) [Docket ID: FEMA-2009-0006] (RIN: 1660-AA63) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4714. A letter from the Under Secretary of Defense, Department of Defense, transmitting notification to Congress on Transfer Authorities Used in Fiscal Year 2009; jointly to the Committees on Armed Services and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. House Resolution 871. Resolution directing the Attorney General to transmit to the House of Representatives certain documents, records, memos, correspondence, and other communications regarding medical malpractice reform (Rept. 111–341). 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 Ms. KILROY (for herself, Mr. BLUMENAUER, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. ISRAEL, Mr. MOORE of Kansas, Mr. PERRIELLO, Mr. TONKO, Mr. WU, and Mr. SESTAK):

H.R. 4099. A bill to establish incentives to increase the energy efficiency of federally assisted housing; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. GOHMERT, Mr. HALL of Texas, Ms. GRANGER, Mr. COLE, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. BISHOP of Utah, Mr. MARCHANT, and Mr. POSEY):

H.R. 4100. A bill to amend the Internal Revenue Code of 1986 to provide individual and corporate income tax relief, to reduce the employee share of payroll taxes, and to rescind unobligated stimulus funds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, 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. MCDERMOTT:

H.R. 4101. A bill to amend the African Growth and Opportunity Act and the Trade Act of 1974 to provide improved duty-free treatment for certain articles from certain least-developed countries, and for other purposes; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Ms. BERKLEY, Mr. GINGREY of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MINNICK, Mr. ROYCE, Mr. ROSS, and Mr. BURTON of Indiana):

H.R. 4102. A bill to require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KLINE of Minnesota (for himself, Mr. GUTHRIE, Mr. MCKEON, Mr. HOEKSTRA, Mr. SOUDER, Mr. WILSON of South Carolina, Mrs. MCMORRIS RODGERS, Mr. CASSIDY, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, and Mr. EHLERS):

H.R. 4103. A bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH:

H.R. 4104. A bill to direct the Secretary of Transportation to establish and carry out a highway emergency responders safety grant program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL:

H.R. 4105. A bill to prohibit smoking near executive, legislative, and judicial branch entryways; to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration, 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. HIMES (for himself, Mr. WELCH, and Mr. OLVER):

H.R. 4106. A bill to authorize the Secretary of Housing and Urban Development to make grants and loans to owners of federally assisted housing projects for costs of making green retrofit improvements to such projects; to the Committee on Financial Services.

By Mr. KING of Iowa:

H.R. 4107. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. MCCLINTOCK:

H.R. 4108. A bill to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California; to the Committee on Natural Resources.

By Mr. PASCRELL:

H.R. 4109. A bill to amend the Internal Revenue Code of 1986 to allow the low income housing credit to be carried back 5 years, and for other purposes; to the Committee on Ways and Means.

By Mr. PAULSEN (for himself, Mr. WILSON of South Carolina, Mr. MCCARTHY of California, Mr. LEE of New York, Mr. PRICE of Georgia, Mr. LANCE, Mr. BURGESS, Mr. NEUGEBAUER, Mrs. BACHMANN, Mr. BACHUS, Mr. KLINE of Minnesota, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mrs. SCHMIDT, Mr. ROE of Tennessee, Ms. FALLIN, Mr. GARRETT

of New Jersey, Mr. THOMPSON of Pennsylvania, Mr. AKIN, Mr. CARTER, Mr. POSEY, Mr. MARCHANT, Mr. LAMBORN, Mr. KING of Iowa, Mr. ROONEY, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. COLE, Ms. GRANGER, Mr. HALL of Texas, Mr. GOHMERT, Mr. SHIMKUS, Mr. HENSARLING, Mr. CHAFFETZ, Ms. JENKINS, Mr. HARPER, Mr. LUCAS, Mr. TERRY, Mr. MANZULLO, Mrs. CAPITO, Mr. HELLER, Mrs. LUMMIS, Mrs. BIGGERT, Mr. BRADY of Texas, Mr. MCCLINTOCK, Mr. GARY G. MILLER of California, Mr. CASTLE, Mr. FLEMING, Mr. MCHENRY, Mr. PUTNAM, Mr. SMITH of Nebraska, Mr. TIAHRT, Mr. GUTHRIE, Mr. HUNTER, Mr. CAO, and Mr. PAUL):

H.R. 4110. A bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. TIAHRT:

H.R. 4111. A bill to prohibit the prosecution of unprivileged enemy combatants by the Department of Justice; to the Committee on the Judiciary.

By Mr. YARMUTH (for himself, Mr. ROE of Tennessee, Mr. MOLLOHAN, Mr. GORDON of Tennessee, Mr. CHANDLER, Mr. TANNER, Mr. DAVIS of Tennessee, and Mr. MOORE of Kansas):

H.R. 4112. A bill to amend the Internal Revenue Code of 1986 to modify the requirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property; to the Committee on Ways and Means.

By Ms. PINGREE of Maine:

H. Con. Res. 214. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. EHLERS:

H. Res. 911. A resolution requesting the Attorney General to appoint a special counsel to investigate allegations regarding the organization ACORN; to the Committee on the Judiciary.

By Ms. RICHARDSON (for herself, Mr. ROHRABACHER, Mr. THOMPSON of California, and Mr. CALVERT):

H. Res. 912. A resolution recognizing the Aquarium of the Pacific for winning the Super Nova Star of Energy and Efficiency Award and for providing national leadership in marine education, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself and Mr. ROGERS of Michigan):

H. Res. 913. A resolution recognizing and commending the American Speech-Language-Hearing Association on the 40th anniversary of the establishment of the Office of Multicultural Affairs; to the Committee on Energy and Commerce.

By Ms. DEGETTE (for herself, Mr. SMITH of Washington, Mr. AL GREEN of Texas, Mr. CRENSHAW, Ms. ESHOO, Mr. WEINER, Ms. LEE of California, Mr. HILL, Mr. GORDON of Tennessee, Mr. CHANDLER, Ms. SUTTON, Mr. DELAHUNT, Mr. FOSTER, Mr. ETHERIDGE, Mr. RUSH, Mr. ELLSWORTH, Mr. BRALEY of Iowa, Ms. SHEA-PORTER, Mrs. MCCARTHY of New York, Mrs. MCMORRIS RODGERS, Mr. GONZALEZ, Mr. DENT, Mr. MELANCON, Mr. CARNEY, Mrs. LUMMIS, Mr. MAFFEI, Mr. LIPINSKI, Mr. ISSA, Mr. CAMP, Mr. PRICE of North Carolina, Mr. SCOTT of Georgia, Mr. WU, Mr. MANZULLO, Ms. EDWARDS of Maryland, Mr. BLUMENAUER, Mr. MARKEY of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. LOBIONDO, Mr. PALLONE, Mr. UPTON, Mr. GENE GREEN of Texas, Mr. GEORGE MILLER of California, Mr. JOHNSON of Georgia, Ms. ROS-LEHTINEN, Mr. LANGEVIN, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. LEWIS of California, Mr. MATHESON, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BONNER, Mr. WILSON of South Carolina, Mr. BARROW, Mr. CULBERSON, Mr. DINGELL, Mr. TIERNEY, Mr. KLINE of Minnesota, Mr. LEWIS of Georgia, Mr. OLVER, Mr. SALAZAR, Mr. SHADEGG, Mr. SHIMKUS, Mr. SPRATT, Mr. TANNER, Mr. PITTS, Mr. SESTAK, Ms. CASTOR of Florida, Mrs. DAHLKEMPER, Mr. BOSWELL, Mr. LANCE, Mr. DOGGETT, Ms. BORDALLO, Mr. KIRK, Mrs. BLACKBURN, Mrs. BONO MACK, Ms. WATERS, Mr. BURGESS, Mr. CASTLE, Mr. HONDA, Mr. MCMAHON, Mr. DOYLE, Mr. MCINTYRE, Mr. ROSS, Mr. ABERCROMBIE, Mr. GRIFFITH, Mr. GINGREY of Georgia, Mr. NEAL of Massachusetts, Mr. ALEXANDER, Mr. NEUGEBAUER, Mr. KLEIN of Florida, Mr. BLUNT, Mr. HINOJOSA, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Ms. HERSETH SANDLIN, Mr. BUYER, Mrs. MYRICK, Ms. KOSMAS, Ms. BALDWIN, Mr. POE of Texas, Mr. MCCOTTER, Mr. WALZ, Mr. TIAHRT, Mr. COLE, Mr. CHILDERS, Ms. FOXX, Mr. CLAY, Mr. BECERRA, Mr. SPACE, Mr. WAMP, Ms. ZOE LOFGREN of California, Mr. PRICE of Georgia, Mr. KAGEN, Mr. WAXMAN, Mr. TIM MURPHY of Pennsylvania, Mr. STEARNS, Mr. WALDEN, Mr. BARTON of Texas, Mr. LOEBSACK, Mr. CLYBURN, Mr. KRATOVIL, Mr. PERRIELLO, Mr. NYE, Mr. HINCHEY, Mr. POMEROY, and Ms. KILPATRICK of Michigan):

H. Res. 914. A resolution supporting the observance of National Diabetes Month; to the Committee on Energy and Commerce.

By Mr. DONNELLY of Indiana (for himself, Mr. PENCE, Mr. HILL, Mr. BURTON of Indiana, Mr. ELLSWORTH, Mr. SOUDER, and Mr. CARSON of Indiana):

H. Res. 915. A resolution encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself, Mr. SMITH of Texas, Mr. GONZALEZ, and Mr. CUELLAR):

H. Res. 916. A resolution recognizing the significant contributions of the Fort Sam Houston Memorial Services Detachment to the veterans of the United States Armed Forces; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. BUCHANAN, Mr. ROONEY, Mr. CRENSHAW, Mr. MEEK of Florida, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, Mr. MACK, Ms. WASSERMAN SCHULTZ, Ms. CASTOR of Florida, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOYD, Mr. MICA, Mr. MILLER of Florida, Ms. KOSMAS, Mr. GRAYSON, Mr. BILIRAKIS, Mr. STEARNS, and Mr. POSEY):

H. Res. 917. A resolution recognizing the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK (for himself, Mr. DENT, Mr. GERLACH, and Mr. DOYLE):

H. Res. 918. A resolution recognizing the 60th Anniversary of Chuck Bednarik's debut in the National Football League and the contributions of all Slovak-Americans; to the Committee on Oversight and Government Reform.

By Mr. STEARNS (for himself and Mr. LEWIS of Georgia):

H. Res. 919. A resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. CUELLAR, Mr. MARKEY of Massachusetts, Mr. THOMPSON of Pennsylvania, Mr. SMITH of Nebraska, and Mr. JORDAN of Ohio.

H.R. 116: Mr. GALLEGLY.

H.R. 197: Mr. ROGERS of Kentucky and Mr. GALLEGLY.

H.R. 211: Ms. TSONGAS and Mr. RUPPERSBERGER.

H.R. 270: Mr. POSEY.

H.R. 313: Mr. KING of New York.

H.R. 330: Mr. SCOTT of Virginia.

H.R. 503: Mr. POLIS of Colorado, Mr. GRAYSON, Ms. SLAUGHTER, Mr. ALTMIRE, Mr. JACKSON of Illinois, and Mr. BUCHANAN.

H.R. 558: Mr. BOCCIERI.

H.R. 571: Mr. FATTAH and Mr. POSEY.

H.R. 678: Mr. DOGGETT, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. ROGERS of Alabama, and Mr. KILDEE.

H.R. 734: Mr. HOLT, Mr. SPACE, Ms. BEAN, Mr. SCHOCK, Mrs. CAPITO, and Mr. BUTTERFIELD.

H.R. 775: Mr. SESSIONS, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, and Mr. MCCOTTER.

H.R. 886: Mr. MARKEY of Massachusetts, Mr. BRADY of Pennsylvania, and Mr. MCNERNEY.

H.R. 948: Mr. HALL of New York.

H.R. 1066: Mr. GARAMENDI.

H.R. 1074: Mr. GALLEGLY.

H.R. 1084: Mr. ANDREWS, Mr. BARROW, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRALEY of Iowa, Mr. KENNEDY, Mr. MCINTYRE, and Mr. NYE.

H.R. 1126: Mr. HEINRICH.

H.R. 1177: Mr. BARTLETT.

H.R. 1203: Mr. TURNER and Mr. ALEXANDER.

H.R. 1230: Mr. CARNAHAN.

H.R. 1361: Mr. JACKSON of Illinois and Mr. COHEN.

H.R. 1443: Mr. SCHAUER.

H.R. 1454: Mr. LUETKEMEYER.

H.R. 1523: Ms. SLAUGHTER.

H.R. 1547: Mr. MAFFEI.

H.R. 1585: Mr. BOCCIERI.

H.R. 1613: Mr. KISSELL and Mr. PERRIELLO.

H.R. 1778: Mr. CONYERS, Mr. MAFFEI, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Mr. LOEBSACK, and Mr. DOGGETT.

H.R. 1831: Mr. RAHALL, Mr. COFFMAN of Colorado, and Mr. SCHRADER.

H.R. 1835: Mr. THOMPSON of Pennsylvania.

H.R. 1869: Ms. PINGREE of Maine.

H.R. 1873: Ms. NORTON.

H.R. 1897: Mr. TIM MURPHY of Pennsylvania.

H.R. 1956: Mr. COFFMAN of Colorado and Ms. MARKEY of Colorado.

H.R. 1964: Ms. CORRINE BROWN of Florida and Mr. JACKSON of Illinois.

H.R. 1995: Ms. FUDGE.

H.R. 2000: Mr. HEINRICH, Mr. MCCAUL, and Mr. ADLER of New Jersey.

H.R. 2026: Mr. POSEY.

H.R. 2102: Mrs. DAVIS of California, Mr. ROTHMAN of New Jersey, Mr. WALZ, Mr. CARSON of Indiana, and Ms. JACKSON-LEE of Texas.

H.R. 2112: Mr. MCINTYRE, Mr. NEAL of Massachusetts, and Mr. VAN HOLLEN.
H.R. 2142: Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. SHULER, Mr. CHANDLER, Mr. TAYLOR, Mr. HOLDEN, Mrs. DAHLKEMPER, and Mr. BACA.
H.R. 2160: Mr. SCHOCK.
H.R. 2254: Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, and Mr. LEWIS of Georgia.
H.R. 2296: Mrs. KIRKPATRICK of Arizona.
H.R. 2413: Mr. ORTIZ, Mr. CASSIDY, Mr. KILDEE, and Mr. CROWLEY.
H.R. 2425: Mr. LEWIS of Georgia.
H.R. 2426: Mr. PAYNE and Ms. SLAUGHTER.
H.R. 2460: Mr. HEINRICH, Mr. ACKERMAN, Mr. TONKO, Mr. SCOTT of Virginia, and Ms. RICHARDSON.
H.R. 2478: Mr. KILDEE, Mr. ROTHMAN of New Jersey, Mr. SCHIFF, Ms. JENKINS, and Mr. CLEAVER.
H.R. 2480: Mr. HASTINGS of Florida, Mr. CAMPBELL, and Mr. WU.
H.R. 2493: Ms. KOSMAS and Mr. MELANCON.
H.R. 2517: Mr. BACA, Mr. RUSH, Mr. SMITH of Washington, Mr. HALL of New York, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. Luján, and Ms. TITUS.
H.R. 2560: Ms. BERKLEY.
H.R. 2579: Mr. COHEN, Ms. NORTON, and Mr. JACKSON of Illinois.
H.R. 2712: Mr. SCHOCK.
H.R. 2733: Ms. KILROY and Mr. HARPER.
H.R. 2766: Ms. MCCOLLUM.
H.R. 2811: Ms. JACKSON-LEE of Texas, Mr. POSEY, and Mr. BLUMENAUER.
H.R. 2866: Mr. SESTAK.
H.R. 2897: Mr. MOLLOHAN.
H.R. 2906: Mr. CLEAVER.
H.R. 2946: Mr. ABERCROMBIE.
H.R. 3017: Ms. FUDGE and Ms. TITUS.
H.R. 3020: Mr. MITCHELL and Mr. ADLER of New Jersey.
H.R. 3101: Mrs. NAPOLITANO, Mr. BLUMENAUER, Ms. PINGREE of Maine, and Ms. Bordallo.
H.R. 3107: Mr. MCCOTTER.
H.R. 3129: Mr. MCCOTTER.
H.R. 3185: Mrs. NAPOLITANO.
H.R. 3202: Mr. MCDERMOTT.
H.R. 3227: Mr. SPACE, Mr. PERRIELLO, and Mr. GUTHRIE.
H.R. 3245: Mrs. CAPPS.
H.R. 3248: Mr. POLIS of Colorado.
H.R. 3421: Mr. BERMAN.
H.R. 3439: Ms. SPEIER.
H.R. 3457: Mr. KAGEN and Mr. SCHAUER.
H.R. 3458: Ms. SCHAKOWSKY.
H.R. 3464: Mr. CARTER.
H.R. 3480: Mr. KILDEE.
H.R. 3485: Ms. SCHWARTZ and Mr. LANCE.
H.R. 3488: Mr. HALL of New York.
H.R. 3497: Mr. LEWIS of Georgia.
H.R. 3524: Mr. LUCAS and Mr. GALLEGLY.
H.R. 3535: Mr. PLATTS.
H.R. 3554: Mr. BOUCHER.
H.R. 3564: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3569: Mr. INGLIS.
H.R. 3589: Mr. PASCRELL, Mr. SESTAK, and Mr. ROTHMAN of New Jersey.
H.R. 3604: Ms. SCHAKOWSKY.
H.R. 3644: Mr. POLIS of Colorado and Mr. FILNER.
H.R. 3646: Mrs. CAPPS.
H.R. 3652: Mr. CARNAHAN.
H.R. 3668: Mr. ELLISON, Ms. EDWARDS of Maryland, Mr. CALVERT, and Mr. CLEAVER.
H.R. 3695: Mr. GORDON of Tennessee.
H.R. 3711: Mr. SERRANO.
H.R. 3731: Mr. BRALEY of Iowa.
H.R. 3734: Mr. CONNOLLY of Virginia and Mr. SALAZAR.
H.R. 3749: Mr. LATTA.
H.R. 3781: Mrs. KIRKPATRICK of Arizona.
H.R. 3787: Mr. TIM MURPHY of Pennsylvania.
H.R. 3789: Mr. LATTA.
H.R. 3838: Ms. NORTON.
H.R. 3905: Mrs. EMERSON, Mr. COSTA, Mr. HALL of New York, and Mr. LUCAS.
H.R. 3910: Mr. REICHERT.
H.R. 3922: Mr. LAMBORN.
H.R. 3924: Ms. JENKINS.
H.R. 3927: Mr. CUMMINGS, Ms. ROS-LEHTINEN, and Mr. AL GREEN of Texas.
H.R. 3931: Ms. LEE of California, Mr. GARAMENDI, Mr. CARDOZA, and Ms. LORETTA SANCHEZ of California.
H.R. 3942: Mr. MICHAUD and Mr. MANZULLO.
H.R. 3943: Mr. CASTLE, Mr. PIERLUISI, Mr. CARSON of Indiana, Mr. SHERMAN, Mr. BERMAN, and Mr. CUELLAR.
H.R. 3963: Ms. RICHARDSON.
H.R. 3980: Ms. RICHARDSON.
H.R. 3985: Mr. THOMPSON of California.
H.R. 3995: Mr. CUMMINGS, Mr. DOGGETT, and Mr. KUCINICH.
H.R. 4022: Mr. PUTNAM.
H.R. 4045: Mr. BACA and Mr. COURTNEY.
H.R. 4046: Mr. NADLER of New York, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. KAGEN, Mr. BUCHANAN, and Mr. FILNER.
H.R. 4060: Mr. FILNER and Mr. SIMPSON.
H.R. 4073: Mr. GRIJALVA.
H.R. 4088: Mr. CRENSHAW, Mrs. KIRKPATRICK of Arizona, Mr. LUETKEMEYER, Mr. NUNES, Mr. TEAGUE, Mr. BROWN of South Carolina, Mr. CUELLAR, Mr. MORAN of Kansas, Mr. WILSON of South Carolina, Mr. OLVER, Mr. SOUDER, Mr. GRIFFITH, Mr. MCHENRY, Mr. HALL of Texas, Mr. BISHOP of Utah, Mr. LATTA, Mr. ORTIZ, Mr. ROONEY, Mr. LATHAM, Mr. BUCHANAN, Mr. POSEY, Mr. KLINE of Minnesota, Mr. SHADEGG, and Mr. MARCHANT.
H.R. 4089: Mr. TIAHRT, Mr. LATOURETTE, and Mr. CARDOZA.
H. Con. Res. 42: Mr. GUTIERREZ, Mr. MEEKS of New York, and Ms. LEE of California.
H. Con. Res. 43: Mr. GUTIERREZ, Mr. MEEKS of New York, and Ms. LEE of California.
H. Con. Res. 98: Mr. MOORE of Kansas and Mrs. MALONEY.
H. Con. Res. 200: Mr. MCHENRY.
H. Con. Res. 212: Mr. SESTAK and Mr. MCCOTTER.
H. Con. Res. 213: Mr. MCGOVERN, Mr. PIERLUISI, Mr. BURTON of Indiana, and Mr. ENGEL.
H. Res. 150: Mr. JACKSON of Illinois.
H. Res. 278: Mr. OBERSTAR, Mr. HOLT, Mr. RANGEL, and Mr. HONDA.
H. Res. 521: Mr. RUSH.
H. Res. 704: Mr. ISSA, Mrs. BONO MACK, Mr. SHERMAN, Mrs. BLACKBURN, Mr. EDWARDS of Texas, Mr. NEUGEBAUER, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mr. MILLER of North Carolina, Mr. GARRETT of New Jersey, Mr. HONDA, and Mr. MARKEY of Massachusetts.
H. Res. 812: Mr. ROTHMAN of New Jersey.
H. Res. 840: Mr. GALLEGLY and Mr. MCCOTTER.
H. Res. 852: Mr. BUCHANAN and Ms. FOXX.
H. Res. 874: Mr. INGLIS.
H. Res. 879: Mr. MCNERNEY, Mr. SCHIFF, Mr. SHULER, Mr. SHERMAN, Mr. DENT, Mr. MANZULLO, Mr. GRIJALVA, Mr. MCINTYRE, and Mr. PETERSON.
H. Res. 888: Mr. LAMBORN, Mr. MCCOTTER, and Mr. LATTA.
H. Res. 890: Mr. SCHIFF, Mr. CARSON of Indiana, Mr. FILNER, Mr. TOWNS, Mr. SNYDER, and Mr. FALEOMAVAEGA.
H. Res. 901: Ms. CLARKE, Mr. SERRANO, Ms. LEE of California, Mr. COHEN, Mr. YARMUTH, Mr. SARBANES, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Mr. HODES, Mr. CROWLEY, and Mr. BISHOP of New York.
H. Res. 910: Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. MCGOVERN, Ms. LEE of California, and Mr. PAYNE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Mr. LATOURETTE.
H. Res. 648: Mr. TERRY and Mr. COHEN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

81. The SPEAKER presented a petition of American Bar Association, Chicago, Illinois, relative to Resolution 301 supporting the enactment of federal legislation, and adoption of regulations and other governmental measures, designed to improve the regulation of financial institutions and markets in the United States; to the Committee on Financial Services.

82. Also, a petition of American Bar Association, Chicago, Illinois, relative to Resolution 300 supporting federal, state or territorial legislation, regulations, or court rules that promote the use of mediation to assist in resolving disputes that could lead to forclosure of mortagees on residential real property; to the Committee on the Judiciary.

83. Also, a petition of American Bar Association, Chicago, Illinios, relative to Resolution 111B supporting the enactment of legislation that would provide for a national study of the state of criminal justice in the United States; to the Committee on the Judiciary.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, NOVEMBER 18, 2009 No. 171

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the Lord of life, we love You but not enough. We look to You but depend too often on our own strength. We listen for You but make a lot of noise ourselves at the same time. We try to understand, as long as it doesn't change us more than we desire.

Today, draw our Senators closer to You. Empower our lawmakers to become what You desire them to be. Give them Your continual guidance so that they will console the downhearted and provide deliverance to those held captive by evil. Help our lawmakers to hear Your invitation to move to a higher level of ethical fitness.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 18, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business. Senator ROCKEFELLER will then be recognized for as much time as he may consume. Following his remarks, there will be an additional 2 hours of morning business. The majority will control the first hour and the Republicans will control the next hour.

Following morning business, the Senate will resume postcloture debate on the nomination of David Hamilton to be U.S. circuit judge for the Seventh Circuit.

The postcloture debate time expires about 11 p.m. tonight. It is my hope that time will not be necessary because it is basically wasted Senate time.

Yesterday, we were able to reach an agreement to consider S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2009 upon disposition of the Hamilton nomination. Senators should expect votes in relation to the Coburn amendment and passage of the bill.

CONGRATULATING SENATOR ROBERT BYRD

Mr. REID. Mr. President, when baseball legend Lou Gehrig retired after playing 2,130 consecutive games, every expert drew the same conclusion: this record will never be broken. Of course, they were wrong.

Throughout history, forecasters have sentenced themselves to ridicule for prematurely assuming a skyscraper's height would never be topped, for promising an invention's ingenuity would never be outdone, or for contending an athletic feat would never be surpassed.

Even so, I am willing to risk predicting that many of Senator ROBERT BYRD's records will never be matched. Since coming to the Senate in 1959, Senator BYRD has cast more than 18,500 votes. No one else, past or present, even comes close. He is the only Senator who has ever been elected to nine full terms in this body. He has presided over both the shortest session in Senate history—not even one second long—and presided for the longest continuous period—more than 21 hours. No one has ever served on a Senate Committee longer than Senator BYRD. Just days after being sworn in, he joined the Appropriation Committee he would later chair. He has held the most leadership positions in Senate history, and continues to serve as our President Pro Tempore.

And just moments ago, when this body was gaveled into session, Senator BYRD realized one more unparalleled accomplishment: he has just become the longest-serving Member of Congress in U.S. history.

Every day since January 3, 1953—that is 56 years, 10 months and 16 days—West Virginians have been proud to be presented in Washington, by ROBERT BYRD.

He began his service in the House the same day Alaska became our 49th State, and was months into his Senate service when Hawaii became our 50th.

Senator BYRD has served in this Nation's Congress for more than a quarter of the time it has existed. And he has served in Congress longer than more than a quarter of today's sitting Senators—and the President of the United

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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States—have been alive. That doesn't even count one Senator who was born just days after his first election to represent West Virginia's Sixth Congressional District, and a second who was born just weeks after that.

A dozen men have called the Oval Office his own while Senator BYRD has called the Capitol building his office.

He twice won every single one of West Virginia's 55 counties. And throughout one of the longest political careers in history, no one ever has defeated ROBERT BYRD in a single election.

But though each one of those campaigns—after each of the 12 times he has taken an oath to represent the people of West Virginia—on every single one of the 20,774 days he has served—he has never taken the privilege for granted.

As a former leader of both the majority and the minority caucuses in the Senate, he knows better than most that legislation is the art of compromise. It is telling that the man who has served here longer than any other American has come to the conclusion that we must work together as partners, not partisans, for the good of our country—and, of course, the State of West Virginia.

He has seen partisanship and bipartisanship; war and peace; recession and recovery; and his perspective is invaluable to the way we carry ourselves as U.S. Senators.

Senator BYRD's legislative accomplishments are many, and he continues to accumulate them. And while those accomplishments fortify his incomparable legacy, he is perhaps best known in this Chamber as the foremost guardian of the Senate's complex rules, procedures and customs.

He has not concerned himself with such precision as a pastime or a mere hobby. He has done so because of the unyielding respect he has for the Senate. And on this momentous occasion, I say to my friend that the Senate returns that unyielding respect to him.

By virtue of his longevity, ROBERT BYRD has known and worked with many of the greats of the United States Senate. By virtue of his integrity, he has long since established himself among the greats.

There will never be another Senator like Senator BYRD, and today's milestone is another record that will never be broken.

Congratulations, ROBERT C. BYRD, an orphan who changed history.

RECOGNITION OF THE MINORITY LEADER.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONGRATULATING SENATOR ROBERT BYRD

Mr. MCCONNELL. Mr. President, it has been nearly 30 years now since Senator BYRD started delivering a series of lectures that ultimately became the book that all of us are familiar with and which all of us admire. And the story of how those lectures came about says a lot about the man who has now served in Congress longer than any other man or woman in the history of our country.

The story goes that it was a quiet Friday morning here in the Senate and Senator BYRD, as the majority leader, went down to the floor without planning to say much of anything at all, except that there wouldn't be any votes that day. But then he looked up to the gallery, and he saw one of his granddaughters up there with some of her classmates, and he thought it might be a good idea if they had something to talk about when they got back to school.

So, quite extemporaneously and quite by happenstance, he delivered a speech to an empty Chamber on the history of the Senate. A week went by, and the same thing happened again. Senator BYRD came to the floor to make some brief statement about the floor business. He looked up to the gallery, and he saw another one of his granddaughters. Of course he couldn't give a history lesson to one and not to another. So he gave another history lesson.

Well, 7 years and about 2 million words later, he stopped giving those history lessons. And now we will always have them. And we are grateful for that, and for this man. ROBERT BYRD once said that what is sometimes considered to be the result of genius is more the result of persistence, perseverance, and hard work. To be a good Senator, he said, one has to work at it. And now, longer than anyone else in our history, he has lived by those words.

Today, ROBERT CARLYLE BYRD sets a record that has been more than 56 years in the making. The records just keep adding up. Three years ago, he became the longest serving Senator in our Nation's history. A few month after that, he became the only person ever elected to nine full terms in the Senate. He has now served in the U.S. Congress for 20,774 days.

He has cast 18,500 votes in the well of this Chamber. He is the longest serving member of the Senate Appropriations Committee. He has presided over the Senate's shortest session and its longest continuous session. He is the only sitting Member of Congress to receive a law degree, a degree that was presented to him by President John F. Kennedy, just one of 12 Presidents that Senator BYRD has served alongside during his distinguished career.

Senator BYRD will tell you that he has been anchored over the years by the values he learned at the feet of his foster parents, by the support and love of his beloved Erma, whom we were all sad to lose, by the U.S. Constitution, and by his faith in God. In a long life, he has known his share of hardships and triumphs. But he has run the race as if to win. He is still at it and we are grateful for his astonishing record of service to the people of West Virginia, to the United States Senate, and to the Nation he loves.

In achieving this latest milestone, Senator BYRD surpasses a former colleague of his—Carl Hayden, another legendary figure who served the people of Arizona in the Senate for 42 years. Carl Hayden was known to many as the ''Silent Senator.'' That probably isn't a phrase many would use to describe Senator BYRD. But what they both share is an undying love of this great country of ours and of the U.S. Congress. So I would like to join my colleagues, my fellow Americans, the people of West Virginia, and the Byrd family in celebrating this historic occasion. Senator BYRD, congratulations.

GUANTANAMO

Mr. MCCONNELL. Mr. President, this morning, the Attorney General will appear before the Senate Judiciary Committee for an oversight hearing. Among other matters, he will be asked questions about the Administration's recent decision to voluntarily bring terrorist detainees from Guantanamo Bay, Cuba, into the United States, including for purposes of civilian trial.

I, myself, have questions for the Attorney General.

The administration justifies sending Kahlid Sheik Mohammed and his fellow 9/11 plotters to civilian court, while prosecuting other foreign terrorists in military commissions because, it says, the former targeted civilians on American soil, while the latter attacked military targets overseas, like the warship USS *Cole*. I find this a truly troubling distinction.

First, is that rationale not internally inconsistent and, frankly, disingenuous? Everyone knows the Pentagon is a military target. Indeed, it is our Nation's foremost military command and control installation. What does it say to the military families of those service men and women who were killed that day to ignore that Kahlid Sheik Mohammed attacked a military target on 9/11?

Second, under this rationale, is the administration not telling terrorists that if they target defenseless U.S. civilians on our own soil they will get the rights and privileges of American citizens, whereas if they attack a military target, like the USS *Cole*, which can defend itself, they will not get these rights and privileges? Does that approach not reward terrorists with benefits—like potentially providing them access to sensitive information, and providing them a platform for propagandizing—for attacking civilians here in the U.S., rather than military targets abroad?

In short, I think the administration has made an ill-advised decision by bringing foreign terrorists from Guantanamo Bay into the United States. There are a lot of well-known

downsides and dangers from doing so. I have not heard of any benefit to us of bringing these terrorists here.

In his testimony before the Judiciary Committee today, the Attorney General has the opportunity to explain the administration's decision—something he has yet to do before the Senate.

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, at a time when unemployment is at a 25-year high and with a Federal deficit breaking the $12 trillion mark, the House of Representatives passed a health care bill that raises taxes more than $700 billion. This is the House-passed health care bill on this desk. I expect the Senate version, which may be produced today, will be of similar size.

Who gets taxed under the House-passed bill? Let's take a look.

At the top of the list is small business. A small business surtax in the bill takes $150 billion out of our job creators. That is on page 344 of this massive 2,000-page House bill. We all know small businesses are the biggest job generators in the country. They employ well over half of those who have employment in our country.

Second, we have an employer tax. The employer tax raises $135 billion in taxes through a new mandate on employers. That is on page 281 of this massive 2,000-page bill. The NFIB, the National Federation of Independent Business, which represents small business, estimates that mandate would cost about 1.6 million jobs. That is a 1.6 million job-killing tax at a time when the national unemployment rate is 10.2 percent.

Insured Americans, item No. 4 on this chart—let's look at the tax on insured Americans. Billions of new taxes to pay for comparative effectiveness research rationing in this 2,000-page bill. That is on page 1179, a tax on those who are insured.

Then we have attacks on those who are uninsured, item 3 on the chart. They get taxed as well, a 2.5-percent income tax on the uninsured. That is on page 303 of this roughly 2,000-page bill.

Medical devices, upon which those who are sick depend heavily, will also be taxed. People needing lifesaving medical devices will also receive a tax increase, on page 347 of this massive 2,000-page bill. There will be a $20 billion tax on medical devices. Of course, that will be passed straight on to the consumers. So that will, in effect, be a tax on those Americans who are sick and who need medical devices.

There is also a tax on the chronically ill. On page 332 of this 2,000-page effort to restructure the American health care system, we find flexible spending accounts would be capped at $2,500 and phased out over time. How does that affect the chronically ill? As a result, tens of millions of families, many of whom are managing chronic illnesses, will see billions in tax-saving benefits from these FSAs wiped out, right here on page 332 of this 2,000-page bill.

What does all this mean to small business? David Boland is the manager at Boland Maloney Lumber, Louisville. He wrote to my office to say what it means:

> Health care reform that does nothing to control costs—

And we already know from CBO and from the actuaries that the Health and Human Services bill does not control costs—

> but merely increases the burden on small businesses through mandates and tax hikes is a dangerous and risky proposition that will imperil my company and our national recovery.

Don't take it from me; listen to David Boland. He gets it. He knows that slashing Medicare, increasing premiums, and raising taxes in a recession is not reform.

It was actually a front-page story in the Washington Post this morning, a company in Louisville that kind of underscores what I am talking about. The front-page story in today's Washington Post describes the ongoing struggles of a small manufacturer in my hometown of Louisville who is fighting to save jobs. This business owner wants to be more productive so he can hold onto his workers. But all of these crushing taxes, many of which would apply to his company, are simply not going to be helpful.

Finally, yesterday I spoke about Medicare cuts, the massive Medicare cuts in this bill we are shortly going to be considering. It is important to remember that Senate Democrats recently tried to pass a so-called doc fix that would have forced seniors to pay higher premiums on top of $½ trillion they want to cut from Medicare. Fortunately, this bill was rejected by a wide bipartisan majority. While we all think this problem needs to be addressed, this is not the way to do it. I am confident that should a similar bill pass the House later this week, we will reject it again on a bipartisan basis.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business, with the Senator from West Virginia recognized to speak first and the next hour under the control of the majority leader or his designee and the next hour under the control of the Republican leader or his designee, with Senators, after Senator ROCKEFELLER, permitted to speak for up to 10 minutes.

The Senator from West Virginia is recognized.

CONGRATULATING SENATOR ROBERT C. BYRD

Mr. ROCKEFELLER. Mr. President, I could not be prouder to rise today to congratulate a public servant without any peer at all, that being Senator ROBERT C. BYRD of West Virginia. On this actually very momentous day, November 18, 2009, my dear friend and colleague becomes the longest serving Member of Congress in the history of this Nation. On Friday, he will also celebrate a warm and joyous birthday.

Senator BYRD passes the incredible Carl Hayden of Arizona who served honorably in the House and then the Senate for 56 years, 319 days. We come together today as an institution to recognize that no Senator in history has cast more votes or has been elected by his colleagues to more leadership positions than ROBERT C. BYRD, no one else—a sign of the enormous warmth and tremendous respect and the unwavering admiration we all share for Senator ROBERT C. BYRD.

I am lucky every day to call Senator BYRD my friend, as I have been able to work with him in the Senate for the last 25 years and for the preceding 8 years when I was a Governor. But most importantly and most powerfully, Senator BYRD always makes me so very proud to be a West Virginian.

At our State capitol in Charleston, they are honoring Senator BYRD with a special celebration today. The same is happening in small towns, cities and communities all across our State. My fellow West Virginians are giving thanks for Senator BYRD's voice and for his vision. We are grateful for his strength and his rock-solid principle, which over the years has come to define West Virginia as surely as our endless hills and beautiful streams.

The people of my State love and respect Senator ROBERT C. BYRD, in part because so many share his very powerful story. So many have battled against the odds and continue to fight every day to try to make a better life for themselves and for their community. They are proud of their State, even knowing their State is not known by many, but they take pride in their unity.

Senator BYRD learned early in life what it meant to be loyal, have a strong work ethic, and possess an untiring faith in God. And it was these values these innately West Virginia values that guided his every action, and made him such a strong fighter for our State. Even in the hardest, youngest days of his life, Senator ROBERT C. BYRD never grew discouraged. It was not his nature. Growing up, he faced enormous challenges, but he had something called an iron will and he had a sense of purpose.

Now years later, we can sum up that purpose with the phrase ''fighting for West Virginia.'' It has always rung true, whether it is his 50th birthday or, in fact, his 92nd birthday. Whether he was a freshman in the House or the Senate's longest serving Member, it

has never changed with ROBERT C. BYRD. His fight for West Virginia is fundamental to his world, which is West Virginia's world. It is in his blood. It is a sacred cause.

It is not just the building of roads, that which is so often associated with Senator BYRD—and to be sure, those roads have transformed our State and connected us with other parts of the Nation and to each other—but so much more. When you pick up a local newspaper, always some institution, some college, some volunteer fire department, some research institute at a university or college has been helped by Senator BYRD. It is his job, but it is also his very special honor at which he excels because of his love for West Virginia.

Ultimately, it is work: it is simply hard work, and ROBERT BYRD never shied away from it for the people of West Virginia, for the Constitution and, yes for this institution, the Senate and its special place in our government and our Nation.

This week, I think of the many birthdays past that he has shared with many of us and with his precious wife Erma, his partner in everything, who gave him the great strength and great faith to reach great heights. It was a little sad to me—and I think to all of us who know him—the cost to him of her death. He changed just a little bit in ways that are hard to explain but ways which are very deep within his soul because he loved and depended on her so much. And I know that as we mark this tremendous milestone today, she is with us with great joy in her heart.

Please allow me to take this special moment to thank my beloved friend and congratulate him on this profound day in the whole history of the Senate, which truly sets him apart from all the rest. I am delighted to celebrate such an incredible milestone.

I wish him a wonderful birthday, many years of service, and all the happiness in the world. But most of all, I thank him for what matters the most to me, and that is his profound service to the people of the State of West Virginia.

For more than half a century, West Virginia has had in ROBERT C. BYRD a great man leading us in our greatest battles. And for that, we are truly blessed.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I rise this morning, along with a group of my colleagues who will be here, to talk about the importance of addressing health care reform to help small businesses. Senator LANDRIEU is leading this effort, and she is going to be coordinating the speakers this morning.

Mr. President, before I begin, I want to thank Senator ROCKEFELLER for his eloquent comments about Senator BYRD. My family lived in West Virginia for about 30 years and truly appreciated the difference Senator BYRD made for the State, and I am very honored to be able to serve with him, even for a very brief time. So I say to Senator ROCKEFELLER, thank you very much for those comments.

HEALTH CARE REFORM

Mrs. SHAHEEN. Mr. President, as the former owner and manager of a small retail business, I know very personally what it is like to worry about meeting the payroll, about whether you can pay for the inventory to keep your business going, about complying with the myriad of regulations you have to comply with.

As a former Governor, I certainly understand it is business and not government that creates jobs and drives new ideas and innovation. But I also know that government has a vital role to play in addressing the challenges businesses and small businesses face, especially in these very difficult economic times. One of those challenges small businesses are struggling with is the high cost of health care.

In New Hampshire, between 2002 and 2006, small businesses paid 42 percent more in premiums for health insurance for their employees; and for our smallest businesses, those with fewer than 10 employees, the increase was almost double that—a 71-percent increase in the cost of premiums.

So what does that mean for the small businesses and their employees who want health care? It means small businesses have to make the tough decision to either drop coverage for their workers or to increase the employee contributions, often to the point where their workers cannot afford coverage.

Everywhere I go in New Hampshire, I hear from small business owners who tell me about these tough decisions they face. I heard this concern from Adria Bagshaw who testified this summer at a Small Business Committee field hearing Senator SNOWE and I did in Portsmouth, NH. Adria and her husband Aaron own the W.H. Bagshaw Company, a fifth-generation family manufacturing company in Nashua, NH. They offer health insurance to their 18 employees and cover a portion of the monthly premium for them. But with those premiums at $1,100 per month per family, they spent more on health insurance for the first half of this year than they spent on the raw materials they need to make their products at their manufacturing company. Understandably, Adria worries they are going to need to cut back on the quality of health insurance plans they offer their employees or the amount the company covers to help pay for those premiums.

I have also heard from people such as Chick Colony who is a small business owner in Harrisville, NH. He has a wonderful weaving company that has been in Harrisville for generations. He e-mailed me, saying:

> The cost of health insurance is the biggest problem that our small . . . business faces.

They have 24 employees. He went on to say:

> The present system is expensive, inefficient and broken. I can't tell you how the 20 to 35 percent annual rate increases depress us all and there is no end in sight. Over the past five years, most of our employees have had to drop coverage because they simply can't afford to pay their share of the premium. I really believe that the time has come to put the existing system out of its misery.

Certainly we hope we can do that.

I have also heard from Kevin Boyarsky, who is an owner of a small printing company in Concord. He told me:

> Health insurance premiums have gone up 30 percent last year and 22 percent the year before. It's now a very big item in our company's budget. We want to grow and be competitive, but the high costs make it hard. From a small business perspective, I can't attract employees without good coverage, but if I hire you now, I'll only be able to offer you 50 percent of the individual plan. It's all I can afford and it isn't very attractive to employees.

Small businesses in New Hampshire and across the country are burdened by high premiums for health insurance. In fact, statistics show us that small businesses pay, on average, 18 percent more than large plans for the same insurance policy. And for small businesses that do not offer their employees health insurance, they cite the high cost of premiums as the reason why.

We need comprehensive health reform to help these small businesses. The small business owners I have spoken with want to offer insurance to their employees, both because they believe it is not only the right thing to do, but it is critical to being competitive, to recruiting and retaining good employees. But as they so often tell me, the high cost of insurance stands in their way.

Health reform is critical to these folks. We can help them by passing comprehensive insurance reforms that rein in health care premiums, so it stabilizes costs, and provide tax credits to small businesses to help them afford the cost of health insurance. I believe we must take these measures to help level the playing field for small businesses and to make insurance premiums more affordable.

Small businesses are the backbone of our economy. That is where most of the jobs in this country are created. We have to control health care costs to relieve the financial burden, so that so many of these small businesses in New Hampshire and across the country no longer have to face the choice of whether they can keep health insurance or hire employees.

I urge all of my colleagues to work together so we can pass comprehensive health reform legislation. We need to pass it, and we need to pass it soon.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

CONGRATULATING SENATOR ROBERT C. BYRD

Mr. KIRK. Mr. President, as the 100th Member of the Senate, it is my great honor to pay tribute to this body's longest serving Member, Senator ROBERT C. BYRD of West Virginia, on the occasion of his record-setting 20,774th day as a Member of Congress.

I have the fondest memories, as a young staffer here, of listening to the sounds of Senator BYRD's fiddle wafting from his suite on the first floor of the Russell Senate Office Building. And I am proud today, as I do most days, to wear a wristwatch which was given to me, generously, by Senator BYRD over 20 years ago as I was completing my tenure as chairman of the Democratic Party of the United States.

I pay tribute to Senator BYRD on behalf of myself and the people of the Commonwealth of Massachusetts, but I also pay tribute on behalf of my predecessor and a great friend of Senator BYRD's, former Senator Edward M. Kennedy of Massachusetts.

It is true that Senator Kennedy and Senator BYRD did not always see eye to eye on every issue. Senator Kennedy used to joke that it was Senator BYRD who taught him how to count votes in their whip race in 1971. Actually, he taught us both how to count votes because I was a young aide to Senator Kennedy in his whip's office at the time and it turned out that Senator BYRD clearly could count votes more accurately than we could.

Over the years since, Senator Kennedy was always proud to be in this Chamber when his friend Senator BYRD would speak. As Senator Kennedy once said, he knew Senator BYRD was an expert on the Roman Senate, and he was sure Senator BYRD's ''wisdom and oratorical skill would make even Cicero envious.''

Senator BYRD and Senator Kennedy shared a love of the Senate, and they shared a love of poetry. One poem they returned to over the years was entitled ''A Psalm of Life'' by Henry Wadsworth Longfellow. Senator BYRD, of course, knows this poem by heart, and so I need not read it all today. Instead, let me recite the last few stanzas to the Senate and for the RECORD, as these words sum up the force that is Senator BYRD:

''Lives of great men all remind us
We can make our lives sublime
And, departing, leave behind us
Footprints on the sands of time;

''Footprints that perhaps another
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother
Seeing, shall take heart again

''Let us then be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.''

Throughout his brilliant career, Senator BYRD has made so many footprints on the sands of time. He has touched, taught, and inspired hundreds of colleagues from every State and thousands upon thousands of Senate staff members have marveled at his genius, his dedication to the people of West Virginia, and his unparalleled service to the Senate and to this country.

I join all my colleagues in wishing him well on this special day in the history of the Senate, and I congratulate him on his incredible service to the State of West Virginia, to the Senate of the United States, and to the United States of America.

We thank you, Senator BYRD, for your service, and we congratulate you.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, let me commend my colleague, the Senator from Massachusetts, for his comments about Senator BYRD. I also want to join in recognizing and celebrating Senator BYRD's service to West Virginia and to our country. As a new Member to this body, I did not have the occasion to work as closely with Senator BYRD as others. However, as a resident of the Commonwealth of Virginia, not only did I follow the enormous respect Senator BYRD has engendered here in the Senate, but I have also watched with awe Senator BYRD's ability to bring jobs back to West Virginia. He was able to relocate many Federal agencies and activities, oftentimes that may have previously resided in Virginia, to the State of West Virginia.

I join my colleagues in commending Senator BYRD, not only for his enormous service to this body and to our country, but as someone who has been a tireless advocate for his home State of West Virginia.

Ms. LANDRIEU. Mr. President, I join my colleagues in commenting on and thanking Senator BYRD for his extraordinary leadership, not just for the people of West Virginia but the people of our Nation—in fact, to millions of people around the world—because of the policies he has driven here, the speeches, the words he has put behind so many of the most remarkable policy decisions over the last half century. His work has had enormous impact, again, not just in his State and in our Nation but worldwide.

I am speaking also as a Senator from Louisiana to give firsthand witness to his sensitive and timely and extraordinary leadership after the Katrina and Rita disasters, now almost 4½ years ago; it will be 5 years this August. That is hard to believe. The hurricanes and the subsequent levee failures devastated one of the great cities in America and one of the great regions. There were very few people who stood up in Washington. The administration at the time had a hard time grasping the scope of the disaster. But there was one person who understood. There were several others, but one in particular understood—amazingly, without even having gone down there, which was very hard to understand if you didn't go to New Orleans or south Louisiana. But he instinctively understood because of his compassion and great empathy that has been developed over a lifetime of caring, giving, understanding, and listening.

Senator BYRD heard the cries of the people and he responded. Because of his leadership on the Appropriations Committee, despite having so much stacked against us, he was able to step up. I will never forget and the people of our State will never forget the friend we have had in Senator BYRD. He continues, to this day, to watch after our recovery and support it. When New Orleans makes its 300th anniversary, which will be 2018—our city will be 300 years old—there will be a person who needs to be thanked on that day for helping the city to reach its 300th birthday, and that would be the great Senator from West Virginia ROBERT C. BYRD.

Mr. REED. Mr. President, today I have the great privilege of rising to pay tribute to my chairman, the longest serving Senator in the history of this country, the senior Senator from West Virginia, ROBERT C. BYRD.

He has reached a milestone among many in his career. It is an extraordinary record of service and dedication and patriotism to the country, and it reflects the values of the people of West Virginia and of this great Nation. Senator BYRD's extraordinary service is measured not just in length but accomplishments, but the length is impressive, indeed. He has 20,744 days of service as a Member of Congress—over 56 years, 10½ months. Over that time, Senator BYRD has cast over 18,500 rollcall votes, witnessed the inauguration of 11 Presidents, and he has been successful in 15 out of 15 elections.

For over 60 years, Senator BYRD has represented the people of West Virginia tirelessly, with a great deal of energy and a great deal of success. He started in the West Virginia House of Delegates and then was elected to the West Virginia State Senate. Then he went to the U.S. House of Representatives. Finally, he came here to the U.S. Senate, where he is currently serving in an unprecedented ninth full term.

I think Senator BYRD's success is a reflection of his steady progress, learning first about the people of his home State as he worked among them, knowing them well because they were his friends and neighbors; and then going on into local government and dealing with the concerns as a State representative and then as a State senator; and then coming to the House of Representatives, understanding the operation of the House and how he could help the people of West Virginia; and finally, he coming here to the U.S. Senate.

What is incredibly impressive about Senator BYRD is that he is not only the longest serving Senator in the history of this country, he is the most knowledgeable Senator with respect to the history of our body. He is the author—he literally wrote the book on the U.S. Congress and the Senate, among so many others that he has written. This reflects his incredible talent and intellect but also his incredible hard work and tenacity, and it reflects the range of experience he has had.

No one knows this body better than ROBERT BYRD. No one has served it longer. Nobody has served it with the same kind of energy, insight, and dedication. It has been reflected in West Virginia, across the Nation, and across the globe. For example, in 1947, shortly before Senator BYRD first came to Washington D.C. as a U.S. Congressman, there were only four miles of divided four-lane highway, in West Virginia. Today, as a result of Senator BYRD's work, the expansive Appalachian Development Highway System is nearing completion. He understood, as we must today, that economic development is not only a fundamental need, but that it results largely from the infrastructure improvements that speed commerce and literally connect people to one another.

Senator BYRD also is a tireless advocate for miners, those men and women—principally men—who go down and literally risk their lives in the coal mines. He knows this firsthand. As a result, mining-related injuries in West Virginia have significantly declined since Senator BYRD came here—the results of his actions, the results of his understanding, and the results of his commitment to the people he served. He worked hard each and every day for those who risk their lives in a dangerous occupation and deserve the attention and respect of this body and our country.

He has done much more than help the people of West Virginia. As I indicated before, as the greatest scholar in our body, he has demonstrated a profound understanding and respect for the Constitution of the United States. He has shown that not just in words but in deeds. He has been prepared to stand up when he thought constitutional values were being impaired. Indeed, no commitment is greater to Senator BYRD than his commitment to the Constitution and the values therein. He has stood up forcefully and persuasively on so many occasions to defend the Constitution and to serve truly the oath we all take to preserve, protect, and defend the Constitution.

On Friday, Senator BYRD will celebrate his 92nd birthday. He will celebrate that in his usual fashion: He will work, I am sure. He will work for the people of West Virginia, for the people of this country, and for the people of the world. He will reflect back on his dearest partner, his wife, who was his support, comfort, and inspiration. He will reflect upon his children, grandchildren, and great-grandchildren. He will reflect upon a life well lived in service to his country. But more important, he will look ahead to the work he will do as he finishes this term and prepares for his next election to represent the people of West Virginia.

Mr. ALEXANDER. Mr. President, I would like to acknowledge the service of Senator BYRD, the senior Member of the Senate who, today, will become the longest serving Member of the U.S. Congress ever in our Nation's history.

When I first came to this body as a young aide to Senator Howard Baker 42 years ago, Senator BYRD had already been here as a Senator for 10 years. He had been in the Congress 6 more years than that.

I remember when he, Senator Baker, was elected majority leader and Senator BYRD was the Democratic leader, Baker went to BYRD and said: BOB, I have a proposal for you. I will never learn the rules as well as you know them, so I won't surprise you if you won't surprise me.

Senator BYRD said to Senator Baker: Howard, let me think about it.

So he thought about it overnight, came back, and that was their deal the next day, and that is the way they worked for 4 years in managing this Senate. Senator BYRD and Senator Baker both read David McCullough's book. Senator BYRD told me it changed their minds about the Panama Canal in 1980 in a decisive decision that was controversial in the Senate. I worked with him and the late Senator Kennedy, whom the Presiding Officer succeeded, on American history, and we have legislation pending which I hope we will pass when we reauthorize the Elementary and Secondary Education Act consolidating all the Federal Government's activities to encourage our children to learn U.S. history so they will know what it means to be an American.

Senator BYRD now more than ever is a part of that history. He is an indispensable Member of this body. He teaches us as well as serves with us and we honor him for his service.

I yield the floor.

HEALTH CARE REFORM

Mr. WARNER. Mr. President, I rise today to once again join my colleagues in addressing the need for comprehensive health care reform. The Senator from New Hampshire, Mrs. SHAHEEN, earlier spoke on health care reform and its effect on small business. I know my colleague, Senator UDALL from Colorado, is going to be speaking soon. And I know we are going to be joined, as well, a little bit later by Senator LANDRIEU, who takes a leadership role on the issues affecting small businesses, as chair of the Small Business Committee. I rise today to stress how important health care reform is to the small business community. Currently, there are small businesses across America that have been hit very hard by the effects of the recession. Small businesses are struggling as they try to keep their doors open, with the enormous constriction of credit that is taking place. Small businesses are struggling to have the finances to expand; even healthy small businesses, as we have seen. Banks continue to draw back in capital and try to build up their own balance sheets. The people who have taken the hardest hit by the restriction on capital and the restriction on lending have been small businesses across this country.

So we have the enormous challenges small businesses have felt by the recession that has been exacerbated by the constriction of lending, and then we add on top of that the enormous challenges that small businesses face in the health care market. The only people who pay retail—who pay full price for their health care benefits in America today—are small businesses and those who purchase health care on the individual-based market. There is no group that will more benefit, or have more to gain from meaningful health care reform, than small businesses.

Small businesses currently lack the bargaining power of large firms and pay as much as 18 percent more for the same health insurance as larger companies. If you work in a large company you get the benefit of the larger pool, and you are better able to bargain for your health insurance rates. If you are poor and cannot afford health insurance, you get access to Medicaid. If you are a senior, you get access to Medicare. Small businesses are the group that falls through the cracks. They don't have access to this purchasing power, and consequently pay, on average, about 18 percent more for health insurance than larger companies.

As health insurance costs continue to rise, more and more small businesses can no longer even afford to offer health insurance to their employees. And if they do, their employees can't afford the co-payments to purchase health insurance. In fact, nearly one-quarter of the uninsured in our country works for small businesses. Between 2000 and 2009, the percentage of firms with less than 10 employees—the heart of small businesses—offering insurance coverage fell from 57 percent to 46 percent. Among people with employer-based coverage in January of 2006, one-sixth lost their coverage by 2008. Nearly three-quarters of small businesses that do not offer coverage to their employees cite high premiums as the reason. Small businesses want to offer health benefits to their employees, but are priced out of the market and cannot afford it.

Many small business employees are left uninsured and, in turn, rely on the health care system to pick up the costs when they get sick. It is these people who show up at emergency rooms and access the most inefficient part of our health care system. They are oftentimes not people who are unemployed, but employees of small businesses. Enacting market reforms such as creating

insurance exchanges will finally give small businesses affordable options. Their employees will have a place to purchase insurance at large pool rates and, by insuring more people, reform will help drive down the cost of health insurance for all Americans. Insurance exchanges will also significantly reduce administrative costs for small businesses by enabling them to easily and simply compare the prices, benefits, and performance of health care plans.

I know a number of us are working on a series of amendments for when the health care bill gets to the Senate floor to try to make sure we add further disclosure requirements and more transparency to our health care system. Right now we don't have a free market in our health care system because nobody knows what the providers actually pay, and what the doctors and hospitals actually charge. Small businesses will benefit by trying to bring transparency to these health insurance exchanges.

Additionally, reform will enact consumer protections such as prohibiting insurance companies from denying coverage based on preexisting conditions and dropping people when they are sick. This is particularly a challenge to small businesses. If you only have a small group of employees and a few have preexisting conditions, those preexisting conditions drive up the cost of providing insurance for this smaller pool. Oftentimes this results in pricing small businesses out of the market. Reforms such as eliminating preexisting conditions will dramatically help small businesses and their employees obtain affordable health insurance.

These protections are vital for small business employees because they help level the playing field in the small group market. They guarantee the option of large pool rates, lower costs, and prohibit insurance companies from arbitrarily penalizing small businesses when one of their employees becomes seriously ill.

Lowering health care costs for employers is also key to our ability to compete in the global economy. If American business is going to come out of this recession and we can compete with countries around the world, we have to take on the cost of health insurance. American workers are more productive than any other workers in the world. But even with that increased productivity, if American businesses have to pay $3,000 to $4,000 more per employee because of higher health insurance costs than our competitors that puts American businesses at a dramatic disadvantage.

As health care costs continue to rise, other business investments are sacrificed. Forty percent of businesses say health care costs have a negative impact on other parts of their business. As I mentioned, with the great reduction of credit availability to small businesses and in this challenging economic climate, American businesses cannot afford to be at such a disadvantage. With health care reform, more of our Nation's dollars will go toward investments in our economy.

Health care costs also stifle productivity. Too many Americans end up staying in jobs simply because the employer provides health insurance. They aren't able to move around, or move into entrepreneurial startup firms where innovation and real growth potential takes place. Startup firms and, again, small businesses are often not able to offer health insurance. Consequently, we have good workers who are not able to move into these firms and help spur job growth because they are caught in dead-end jobs. They are constrained by the security of health insurance offered at their old jobs or perhaps because they have a preexisting condition and can't move to a new situation.

Again, if we do health insurance reform right, it will put in place reforms such as the elimination of preexisting conditions requirements that will allow more freedom of movement within the job workforce.

So, once again, I join my colleagues in making this case. We have made it time and again. Health care reform is necessary to make sure American businesses remain competitive. Health care reform is necessary because health care costs are the single largest driver of our Federal deficit. Health care reform is necessary because if we don't address rising costs, Medicare will be insolvent by 2017. If we don't reform the system, costs will also rise for families; an average Virginia family, for example, within the next decade, will be paying nearly 40 percent of their disposable income to meet their health insurance premiums.

I will close my comments with where I started. Small businesses are the only players in our market who still pay retail for their health care costs and are increasingly being priced out of the market. Reform is imperative for the small business community.

I know my friend, the Senator from Colorado, is about to speak, and our leader on small business issues, the Senator from Louisiana, who has been so diligent on leading these efforts and making sure that small businesses are protected in health care. We must get this right. We must get this bill to the floor. And we must provide needed relief to the small businesses that will generate the economic recovery that we're all hoping for.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Good morning. I, too, before I speak on health care, wish to join my colleagues in congratulating Senator BYRD. I, too, am in awe of all of his accomplishments, and I, too, admire his affection for the Senate and will endeavor in my service here to model his example.

I join my colleagues this morning to discuss an issue of great importance to Colorado and to me. These past few weeks, as the Presiding Officer has, along with many of us on this side of the aisle, I have spoken about comprehensive health insurance reform as a key to strengthening and securing the lives of middle-class Americans. One of the most important components of that goal is ensuring that we do everything we can to help small business owners and their employees get affordable health coverage.

As the Senator from Virginia mentioned, over the last 15 years, small businesses have created over 65 percent of the new jobs in our country. Yet the power of this job creation machine is being threatened by the exploding costs of health care. It will only get worse if we don't act.

If we do not pass health insurance reform, small business owners will continue to see the costs of providing benefits eat away at their bottom line. In my home State of Colorado, premium costs for small businesses are projected to more than double over the next decade. These unsustainable cost increases not only harm current businesses, but they prevent the growth of new ones. More and more would-be entrepreneurs across the country are deciding not to start their own companies due to the fear that they would not have access to affordable insurance for their families or for their employees.

Unfortunately, this fear is too often justified. In the insurance market today, small businesses lack the bargaining power to get affordable rates that many large employers enjoy. They find themselves subject to unpredictable and massive spikes in premiums. That is why it is so important that we pass a health care reform bill that takes proactive steps to address the rising costs of health care. I have to tell my colleagues I have been encouraged by the proposals I have seen thus far.

For example, a recent analysis of the nonpartisan CBO, the Congressional Budget Office, score of the Senate Finance Committee bill estimates that the reforms therein would save small businesses $65 billion every year for the next decade. The proposal would do this, in part, by taking steps to transform our health care delivery system to one that produces higher quality care at lower costs. It would also include tax credits specifically designed to help cash-strapped small businesses provide coverage to their employees.

Additionally, new reinsurance programs would reimburse employers struggling with particularly high catastrophic costs. In addition to these probusiness proposals, we also need to make sure the market offers new and affordable options for those employers who want to offer coverage but currently cannot afford to do so. The new health insurance exchanges envisioned under the reform packages before us would permit small employers to purchase policies that spread risk across a

much larger population. New consumer protections would also keep costs down by prohibiting insurers from charging higher premiums on the basis of health status or gender.

Right now, being a woman is a preexisting condition under the terms of many insurance policies. That is just not acceptable. Employers would also be able to keep expenses down by promoting personal responsibility—offering wellness premium discounts to employees who make healthy choices.

Enacting meaningful health care reform is necessary for ensuring productive small businesses, new American jobs, and a strong economy. Independent and unbiased analyses estimate that in the next 10 years, reform can save upward of 80,000 small business jobs and raise wages by more than $30 billion annually. Those are very promising numbers.

As the Senate begins its historic floor debate on health insurance reform, you can expect that I and my colleagues will continue reminding the other side of the aisle just how critical reform is to the small business community. No amount of misleading rhetoric or misdirection by the defenders of the status quo will be enough to convince the American people we should continue forward on our current unsustainable path.

I say to all my colleagues: Let's work together over the coming weeks to strengthen this legislation, empower small businesses, and put America's health care system on the road to recovery.

Thank you, Mr. President. As I yield the floor, I wish to acknowledge the great leadership of the chairman of the Small Business Committee, the Senator from Louisiana.

Thank you.

The PRESIDING OFFICER (Mr. KIRK). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Senator from Colorado and the Senator from Virginia for their remarks earlier this morning on the subject I am also going to speak on, which is the urgency for us to provide important help to millions of small businesses out there that are depending on us to get this reform done right.

I wish to speak for a minute about reforms for small business in America. There were many different reasons expressed by Members of Congress about why they began engaging in this very tough debate on health care. Many different issues brought us to the table. One of the issues that brought me to this table of reform and negotiation was the desperate plight of small businesses in America that have nowhere to turn.

As my colleagues have said in their very excellent statements this morning, the unpredictable and unsustainable and skyrocketing costs of health care to small business in America is damaging their ability to grow, is participating in an uptick of bankruptcies, is diminishing their ability to hire people and create jobs at a time when our country needs those jobs created, perhaps more than ever in the last 25 or 30 years. Until we get health care right for small business, they cannot get job creation right for America. It is as simple as that.

So as difficult as this debate has been—and it has been very long, very arduous, with lots of different views—one thing we must do, in the final weeks and months of the debate, is get it right for small business. I have heard from hundreds of small business owners as chairman of the Small Business Committee. My members have heard from hundreds. We have heard from thousands, through their representative associations, from conservative associations, to moderate, to more liberal associations representing a broad stretch of small businesses in this country, saying this is their No. 1 issue.

Just this week, Barbara Biersmith, who owns Sylvan Learning Center in Monroe, LA, a small business owner—1 out of the 27 million that exist in the United States of America—and 27 million is a lot of people, a lot of businesses and employees. She is one. She is quoted in the Monroe News Star this week:

> As a business owner, I have struggled in vain for more than 22 years to find a way to provide health insurance for my employees.
>
> Health insurance providers tell me I have too few employees to make a group. Or they tell me that some of my employees have preexisting conditions that excludes them from a group and that would make the group too small.
>
> The kind of highly educated, experienced people I prefer to hire nearly always have preexisting conditions. Who doesn't have a preexisting condition by the age 30?

Considering that being a woman of childbearing age is considered a preexisting condition, I think she is right. Who doesn't have one these days based on the interpretation of these policies? She goes on to say:

> Because my business can't provide good health benefits effectively, I am restricted to hiring people who are covered by their spouse's medical insurance.

This is something that is not talked about often. I know my colleague from Washington is waiting to speak. I will go through this as quickly as I can. I hear this over and over again when I am on the streets and in towns and communities back home and I don't hear it here. Let me say it. I have any number of people who come up to me and say: Senator, thank you for working hard on health care. I am a little concerned or confused about what you all are doing but try to get it right because my health care is through my spouse who works for the government or my health care is through my spouse who works for a big company, and if I didn't have that health care, I wouldn't have any.

I was in a restaurant last week, and the gentlemen who owns it told me this: I couldn't be a small business owner but for my health care that is covered through my spouse.

It is right to get the policy right so everybody can have access to affordable health care coverage.

She goes on to say:

> I hope and pray our representatives and Senators soon pass Federal legislation to help the really small businesses of America.

Let me say I hope that help is on the way. If we can negotiate this bill, in terms of robust exchanges, subsidies for small businesses, particularly these very small businesses of under 10 employees or 25 employees, it would help. The situation Barbara is facing is not acceptable and must be corrected. But her situation is not unique, as I said. According to a report by the Small Business Majority, the health care costs for small businesses are expected to increase from $156 billion in 2009 to $2.4 trillion by 2018.

Before I put up the next chart, I need to repeat these numbers because they are dramatic. These are numbers published by the Small Business Majority's report, based on actual data. This is a bill that small business cannot pay. This is a bill they cannot pay. We must get the costs moving in a different direction. It will take some time, but we must get this chart going from up to down. That is why I have pushed every day of this debate to focus on cost containment. Not only is it important for taxpayers and government, it is absolutely critical for small businesses to have more choices at lower costs.

This chart shows the graph in a different way. This shows the cumulative cost of health care benefits—the first one. This is indicating job loss, and 178,000 small business jobs will be lost in 2018 due to the high cost of health care. That is up from 39,000. Companies can't continue to hire if they have to pay higher premiums for the employees they still have working for them.

Costs are high because of a broken insurance market where insurers, in order to satisfy their stockholders, put a greater focus on their bottom line. I understand that when you are in business, you need to make a profit. I understand that is why you are in business. I have no problem with people making profits—and significant ones—as long as the rules are fair and as long as there is opportunity to keep our values in order. One of the values we have in America is people going into business making a profit but making sure, if you are in the business of insurance and delivering benefits, that is what you are delivering to the people you are trying to serve. So we need some adjustments in those rules and regulations. That is what I think we are doing in our reform bill.

More alarmingly, getting back to the statistics, according to some reports, including a recent New York Times article, the insurance companies are planning to raise rates even higher today in anticipation of our reform effort. This is very unsettling, and the

sooner we act the better I think we will be—to help reform this market, to bring some order to the framework. That would be extremely helpful.

Lack of choice and competition is a problem, as I said. In Louisiana, our two top insurers maintain 74 percent of the market. In Alaska, I understand, there are two insurers maintaining 95 percent of the market. This is not real choice. It is not real competition. That is why the exchanges we have in most of the base bills, making them more robust, making subsidies as generous as we can to encourage individuals to assume responsibility for their health care, as well as subsidizing small businesses to encourage them to get into these large pools, I believe—and many of us believe—that will help to drive down costs, as we reform the private market.

To level the playing field for small businesses and to provide working families with more choices at lower costs, the bill we will vote on in the Senate will have as robust an exchange system as possible. These exchanges will allow businesses and individuals to pool to give them the negotiating power and to spread risk.

We estimate today that small businesses pay retail, as the Senator from Virginia. Mr. WARNER said. Everybody else pays wholesale. Small business pays retail. The price of paying retail is a minimum of 18 percent more on premiums that they are paying. So we want to get that savings. The exchanges will achieve that. The exchanges will also achieve lower administrative costs, so you don't have to hire a full-time lawyer or accountant to navigate the wide variety—actually, there are limited choices today, but you will have more transparency, more robust exchanges.

Finally, regardless of the level of benefit choices, there should be a limit on how much individuals must spend out of pocket and a minimum standard of care among all the plan levels. These are some of the protections we are working on for small businesses, which will benefit individuals as well.

Again, I thank my colleagues for being on the floor this morning. I think Senator CANTWELL, the Senator from Washington, who is here to give voice to this important part of the debate. Again, we have hundreds of Members of Congress. We all came to this debate carrying various issues and with greater concerns than others. One of my great concerns has been, as we try to find a way to dig ourselves out of this great recession—some say the worst economic situation since the Great Depression—the only way we are going to do that is for businesses to create jobs. Right now, there is a big burden that they have been carrying alone. They need help, support, and they need more tax credits, more robust subsidies, and a more orderly private market framework that allows the insurance companies to be in business and to make a profit but also allows small businesses to be able to afford quality coverage for American workers, so we can get back to being the most productive workforce in the world.

I yield the floor for the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I come to the floor to join my colleagues to talk about the rising cost of health care on small businesses. I thank the chair of the Small Business Committee, Senator LANDRIEU, from Louisiana. She has been an outspoken and articulate advocate for small business. She is constantly focusing on what we are going to do to help small businesses in America, and she wants to make sure any health care legislation that is passed out of the Senate focuses on that. That is very important because we know that when we talk about small businesses in this current environment, they are at a disadvantage when it comes to our health care system. That is to say they have long been the backbone of the American economy. Small businesses employ about 40 percent of our workforce. Even in a downturn, the job creation we are going to see is going to come from small businesses. If we can address their concerns in health care reform about the rising cost of health care, then we are going to be doing ourselves a favor because they are going to be able to grow more jobs and grow the economy.

I applaud the Senator from Louisiana for her efforts and join with my colleagues, Senators WARNER, UDALL, and SHAHEEN, in coming down here to describe why we think it is so important that we get health care reform and that we do something about this because we really do want to get our economy going, and we certainly want to control costs so that small businesses can grow jobs.

Why is this so important? We have seen a 120-percent increase in premiums over the last 10 years. That is to say, from 1999 to 2009, insurance premiums have increased 120 percent—120 percent. What family in America can sustain the constant increase in insurance premiums every year? The fact is, they cannot.

In my State, we have seen a sharp rise in those who are without health insurance because the premiums keep going up. More and more small businesses have to make choices between keeping employees on the rolls or cutting back on their health insurance. And they are making those choices. It puts all of us at a disadvantage.

What should we be doing instead about the rising costs of premiums in health care? We should be doing something to bend the cost curve. You will hear many of my colleagues, as you did this morning, talk about bending the cost curve and why it is so important. Right now, if we look at what is happening with health insurance, as I said, it already increased 120 percent over 10 years. The next 10-year period, it is supposed to increase in the same way, double in cost, increase about 7.9 to 8 percent a year. So that means if we do nothing, small businesses are going to continue to see this escalator of costs keep going up for, and that means they are going to employ fewer and fewer people because they cannot afford the health care coverage.

We see that general inflation is about 2 percent, but this increase in premiums is about, as I said, 7 to 8 percent. Why are we seeing this huge increase in the cost of premiums if general inflation is only about 2 percent? This, in my opinion, is what the health care debate should be about. This difference between general inflation and health care cost increases should be the entire debate. What are we going to do to drive down the costs so that health care costs are kept more in pace with inflation?

Why are these statistics so important? The issue is that, according to the National Small Business Association, only 38 percent of small businesses provided health insurance last year. That is down 61 percent from 1993. So we are continuing to see that shrinkage in people offering coverage. Of those who do offer coverage, 72 percent say they are struggling to continue to offer coverage to their employees.

An MIT study shows that the cost of health care to small business will more than double in the next 10 years, just as it has in the last 10 years, and that small businesses pay up to 18 percent more than the same coverage for larger firms. What that means is small businesses are being disadvantaged. They are being disadvantaged because they do not have the same clout in the marketplace as a large employer to negotiate benefits and drive down costs.

What do we want to do about that? What we want to do is give small businesses the same kind of negotiating power large companies have to negotiate for benefits. In fact, health care reform and helping small businesses should be able to negotiate with insurance companies to drive down the costs of their plans.

This is something that is already part of the underlying bill we passed out of the Finance Committee. I am sure that when we see legislation coming to the Senate floor this Friday, we will see the same kind of provision, at least with the basic health plan, a provision I helped coauthor in the legislation that would allow States to negotiate on behalf of the uninsured, allowing those who are employed in small businesses to help lower the costs. In our State, this plan has driven costs down 30 to 40 percent lower than what those individuals would be able to get in an individual market. That is amazing, the fact that they have been able to pool together 40,000 to 60,000 people, go to the marketplace, and say to insurance providers: If you want access to our insurance business, you have to

give us a discount. I call it the Costco model. I don't know how many people here this morning understand the Costco model, but the Costco model is something where you buy in bulk and you make large purchases. You should get a discount. That is what we are saying. We want to give small businesses the same kind of purchasing power large businesses have so they can drive down costs. That is going to be a critical component of this legislation, and this Senator, along with my colleagues who are out on the floor today, is going to make sure that negotiating power exists in a final bill for small business.

Second, we need to make sure we also have provider reform, that provider payments reward not just volume but value. Right now in our health care delivery system, there is a lot of focus given to what I would say is the quantity of health care that is delivered, the fee-for-service system that basically ends up having insurers paying physicians for the number of patients they have seen or the number of tests they have ordered but is not generated or focused on payment to a physician based on the outcome of the patient. There are provider reforms in this legislation that will also help drive down the cost to small businesses because those providers will be focusing on what it takes to deliver health care to those individuals.

Third, we need to have better transparency on drug pricing because transparency of cost is something that will help us in negotiating, as a government purchaser, better health care benefits. Right now, there is a lot of unknown about health care costs in drug pricing because middlemen basically negotiate discounts on behalf of their customers but end up pocketing some of those benefits.

We want to make sure all three of these points are part of vital legislation to help drive down the cost for small businesses.

I have many small businesses come into my office. I met with some in the State of Washington. We are very proud of the diverse array of companies that exist in our State. A lot of people look at some of the major employers such as Boeing or Microsoft or, as I mentioned, Costco, Starbucks. Washington State is home to many entrepreneurs. There are many great companies that may be the big companies of the future but are the small businesses today, and they need our help and assistance.

Two of those, Kent and Linda Davis, run a technology consulting firm and pay $1,500 per month for health insurance—$1,500 per month. They just learned that in 2010 their premiums will increase by another $300 per month. This is the third substantial increase they have had in a row. They want to hire more employees, but they cannot because of the cost of health care.

Another successful entrepreneur who has come into my office, Gene Otto, is the owner of the San Francisco Street Bakery. You might think the San Francisco Street Bakery is in San Francisco, but it is actually in Olympia, WA, and it employs 20 people. Over the past decade, the increases in health insurance premiums have forced them to take dramatic reductions in the level of benefits and the number of employees they can cover. This is a company that wants to grow. They want to expand. They have great products and great services.

It is people such as the Davises and Gene Otto who are the economic engine of our economy. They are going to continue to depend on us to make sure that in this legislation and in this legislative debate, we are going to do everything we can to help small businesses grow.

Small businesses cannot grow if health care costs are going to rise 8 to 10 percent a year. It will hamper the ability of those small businesses to meet the demands and challenges of their workforce and keep them healthy, facing an economy that has been certainly challenged by this big downturn we have seen but that needs to go back to growth in the future. They want to be part of that. They want to be part of that growth, and they want to be part of helping our economy recover. But to do that, we are going to have to do something to control health care costs.

I applaud my colleagues who I know share these same issues and concerns: the Senator from Virginia, who has been very outspoken on the fact that we have to change our system to make sure we are bending the cost curve and focusing on driving down costs with provider reforms; my colleague from Louisiana, who is focused on making sure small businesses have clout and access to small business negotiations that large companies have; my colleague Senator SHAHEEN, who also has been a big supporter of making sure we have provider reform in the system; and Senator UDALL, who comes from a State that knows health care costs are a key component. If we want our economy to grow, we have to drive down health care costs.

Two of our former colleagues have been on the floor in the last few minutes—the Vice President of the United States and the Secretary of Interior. We are glad they have come up to Capitol Hill to continue discussions with us about how important this legislation is. I thank them for that. I thank them for their service to our country and for their willingness to serve in the administration. We certainly miss them in the Senate. But I think it emphasizes the urgency of the health care legislation, that our economy is struggling, that we want it to grow, that we think small businesses are going to be a key component of that, but we have to give them negotiating power. We have to give them the ability to negotiate with insurance plans to drive down the costs, and we have to do better at reforming the system so we can see that growth happen in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, will you please let me know when 8 minutes has elapsed?

I, too, see the Secretary of Interior on the floor, who formerly was a Member of this body. We miss him. We are glad he is here. We are glad he is taking care of the treasured landscapes of America.

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, an unusual thing is about to happen here: an actual debate is about to break out on the floor of the Senate about health care. Sometimes we are talking past each other. My friends on the other side talk about jobs and small business, so let me start there.

The difference between the Democratic proposals for health care and the Republicans is the Democrats start with a 2,000-page bill, more or less, with a government takeover, with more than $1 trillion in spending, with new taxes, higher premiums, and Medicare cuts, and we don't believe they can spend that much more money without increasing the debt—in other words, all going in the wrong direction.

We believe we ought to be reducing costs step by step, and the Republican proposals say that step No. 1 should be small business health plans. They are saying they have an idea about small businesses, and we are saying the same thing.

In my few minutes today, I would like to show why our proposals are better than theirs. For example, Senator ENZI of Wyoming, who was chairman and is now the ranking Republican member of the Health, Education, Labor, and Pensions Committee, has a small business health plan he has been trying to get this Senate to vote on for years. In fact, this plan came up before the Senate, and our Democratic friends blocked it. They like to say Republicans are the party of no; they are the party of no because on May 11, 2006, they voted no to small business health plans which would lower health care costs for thousands of employees in this country.

Let me be specific about that and why it is superior to the suggestion that has been made in the Finance Committee bill, the 2,000-page bill which has come out of the Senate Finance Committee. In the Enzi plan, the Republican plan, we would allow small businesses to come together and pool their resources. What that means is, if I have a small business with 50 people and you have one with 100 people and you have someone with open heart surgery, you cannot afford to keep paying for health insurance anymore because that one employee's health care costs make it impossible for you to do that or you have to lay people off or you

have to reduce wages. That is what happens in the real world. What we are saying is, let's let small businesses come together, pool the resources, and offer insurance that way—spread the risk, in other words.

What does the nonpartisan Congressional Budget Office say the effect of that proposal would be on small businesses and their health care costs?

This is what the CBO said: No. 1, enacting the Republican proposal—which we would hope would gain Democratic support—would extend more insurance to at least 750,000 Americans who are employees of small businesses. That is No. 1, more people insured.

No. 2, it would lower the cost of insurance premiums, not raise them as this 2,000-page bill would—lower the cost of insurance premiums for three out of four employees.

No. 3, it would reduce the cost of Medicaid, the government program for low-income Americans, by $1.4 billion.

More people covered, lower premiums, and a lower cost—that is what they mean by bending the curve. So if that is the proposal, why do the Democrats not allow us to vote on it? You see, we believe these 2,000-page bills with higher premiums and higher taxes, with Medicare cuts—we have these bills all over the place. Senator REID, the distinguished majority leader, has one in his office. He has been meeting secretly for weeks with people—we don't even know who—writing a bill which may emerge as early as today. Then when we get it, we will all have to read it. I am sure we will find more premiums, more taxes, more Medicare cuts, probably additions to the debt, probably more transfers of cost to State governments.

We have Governors who are Democrats and Republicans saying: Please don't do that to us. We are in the worst condition we have been in since the Great Depression, and you are going to dump a lot of costs on us that we didn't volunteer to pay. We can't afford it. We have to balance our budgets.

That is probably what is coming. What should we do instead? We said day after day on this floor that we should set a goal—reducing costs, the cost of premiums, the cost of health care to the government—and we should move step by step toward that goal.

We said step No. 1 should be small business health insurance plans. Step No. 2 should be to allow competition for insurance across State lines. That would reduce costs. Step No. 3 would be to reduce junk lawsuits against doctors, which some States have done, and which everyone agrees drives up costs, encourages defensive medicine, and causes doctors to move out of rural areas so that pregnant women have to drive 60 or 80 miles to Memphis or halfway across Alaska to get their prenatal health care or check into hospitals for 3 weeks in a big city so when they have their baby they will have a doctor available. That is the effect of that.

Then health insurance exchanges so you can shop for cheaper health care, then reducing waste, fraud, and abuse. The General Accounting Office has said $1 out of $10 in the Medicaid Program, which the Democratic proposals will expand, is wasted. It goes down the drain every year—$32 billion.

If we really want to reform health care, why do we keep coming up with these 2,000-page bills and trillion-dollar costs and higher premiums and higher taxes and Medicare cuts and additions to the debt at a time when we have 10 percent unemployment? What is that going to do to small businesses? New taxes are going to create more jobs?

We have the Finance Committee bill with $900 billion of new taxes over 10 years when fully implemented. That is not going to create new jobs. New taxes are passed on.

If you run a business with 40 people or 100 people or 150 people, and you get a big new tax, what do you do? You layoff an employee, you reduce wages, you stop offering health care. You have to do that or you go out of business. That is what happens.

We would like to see a debate. We think the way to reform health care is, instead of these 2,000-page bills, let's set a goal—reducing costs. Let's go step by step in that direction to re-earn the trust of the American people. Instead of talking in grand rhetoric about small businesses—they do have a plan embedded in the Finance Committee bill, but it is typically different from the plan we have proposed. Instead of allowing small businesses to pool their resources in the way I suggested so they, the small businesses, could be in control of their own health insurance, make decisions about it—no; the Democratic small business plan would not allow small businesses to pool their resources. It puts the government in charge of making decisions about what kind of insurance the small businesses could purchase. That is really a debate we ought to have.

As President Obama, correctly said earlier this year, the health care debate is not just about health care. The health care debate, said the President—correctly, I would respectfully say—the health care debate is a proxy for the role of the Federal Government in American lives. So would this debate about how to help small businesses be the same.

The PRESIDING OFFICER. The Senator has consumed 8 minutes.

The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I would like to focus my remarks today on health care as many others have done. Actually, I am very glad to see the debate today was focused on small businesses and the impact of what we do on them.

I am surprised, however, to see those who are discussing the current legislation that is before us are discussing it as something that will benefit small businesses and will help to drive down the cost curve because, as remarkable as it may seem, this legislation that both the House and the Senate have had under consideration—hopefully what we will now see in the near future as the final product that we will be able to review—will drive up the cost curve and increase the cost of health care, not only for small businesses but for everybody in America.

If we ask most Americans what they want in health care reform, they will tell us they want to stop the spiraling cost of health care insurance. Yet the legislation we see does exactly the opposite. Over the last few weeks I have come to this floor to discuss tax increases that were contained in the health care legislation passed by the Senate Finance Committee, both in terms of the big picture and, more specifically, in terms of what it means to middle-income Americans and to small businesses and to any American who wants to answer the question: How would this bill affect me and my family?

We have already heard the answer to that question in a number of different contexts, but I think it bears repeating. Under the Senate Finance bill, if you have insurance, you get taxed. If you do not have insurance, you get taxed. If you don't want to purchase insurance, you get taxed. If you have a job, you get taxed. If you need medical devices, you get taxed. If you take prescription drugs, you get taxed. If you have high out-of-pocket medical expenses, you get taxed.

The list goes on. The reason is this legislation will create new, brandnew massive entitlement programs to the tune of what we do not clearly know yet but which will almost certainly be in the neighborhood of $2 trillion. It pays for them—or offsets the cost of those on the Treasury—by increasing taxes on the American people by hundreds of billions of dollars and by cutting Medicare by hundreds of billions of dollars.

We still do not have the ''merged'' Senate bill before us to review and debate, but we do have the House-passed bill to review. There have been a number of rumors and discussions in the media about what kind of new tax increases the Senate bill will have when it is finally disclosed. In fact, we hear we may find out, as a country—the people of America may find out tonight what this bill that has been negotiated and created behind closed doors actually contains. I would like to take a few minutes to review some of the provisions that we expect to be there.

The House version of the health bill contains more than $752 billion of tax increases. Some of these tax increases are the same ones we have already seen in the Finance Committee bill, such as the medical device tax, the $2,500 cap on flexible spending accounts, the prohibition on prepurchase health care accounts—FSAs and HRAs—and the doubling of tax penalties for those in emergency situations who must use a portion of their health savings account to pay for nonmedical bills.

There are many other new tax increases in the House bill which we have not seen in the Senate finance bill that we also need to review. From the beginning of this process the chairman of the Finance Committee has stated his intention to use only health-related offsets to pay for health-related spending. If there is to be new health-related spending, that is definitely the right approach. We all know what a difficult circumstance our country faces today when it comes to jobs. The current unemployment rate is 10.2 percent. The last thing we need to do is to enact policies that would make it even tougher for U.S. companies, particularly small businesses, to create new jobs. But, amazingly, the House bill contains more than $80 billion in tax increases on domestic U.S. job-creating companies that have no involvement in the health care industry.

Not only do these provisions violate the idea that we should be staying within the health care arena to find offsets on the health care bill, but these antijob tax increases are the last thing we need in this fragile economy. The largest tax increase in the House bill would also have a devastating effect on the job creators in our country, particularly small businesses, that are the top job creators. This $460 billion so-called ''millionaire surtax'' is bad policy for many reasons.

First, like the $80 billion tax increase on domestic companies that I just mentioned, this tax increase grabs hundreds of billions of dollars from outside the health care arena to pay for a massive expansion of a new health care entitlement.

Second, although this provision is being billed as a tax increase on millionaires, the Joint Tax Committee reports that one-third of the revenue it will generate is not from individual income of millionaires but from small businesses. As we know, many small businesses file their taxes as individuals, and it would be these small businesses, the job creators of our economy, that would be facing this new punitive surtax.

Third, although you would think we would have learned our lesson from the alternative minimum tax, like the AMT, this new surtax would also not be indexed for inflation. That means, over time, this would creep further and further down the income scale, and more and more small businesses and middle-income families would be suddenly hit by this surtax.

Fourth, this surtax would not only apply to ordinary income, it also applies to capital gains and dividend income which are currently taxed at lower rates. The capital gains and dividend rates are currently 15 percent. If Congress doesn't act before next year, the rates will go back up to the pre-2003 levels of 20 percent for capital gains and up to a maximum of 39.6 percent for dividends.

The President has said he doesn't intend to extend the current lower rates for individuals making less than $200,000 a year or for families making less than $250,000 a year. But if we add in this new surtax in the House bill, Americans above those thresholds who are currently paying a 15-percent capital gains tax rate would see their tax rate jump to 25.4 percent in 2011, and those currently paying the 15 percent dividends rate would see their rates jump to 45 percent by 2011.

Such a tax increase would violate yet another one of President Obama's tax pledges to the American people. Most of us are very familiar with his promise.

Most of us are familiar with his promise that no individual making less than $200,000 a year or a family making less than $250,000 a year would see any increase in their taxes. In fact, in his words, ''not by one dime''—not an increase of their income tax, their payroll tax, their capital gains tax. In his words, not any of their taxes. Yet we see hundreds of billions of dollars of these taxes falling squarely on the middle class. In a speech in Dover, NH, on September 12, 2008, President Obama said:

> Everyone in America—everyone—will pay lower taxes than they would under the rates Bill Clinton had in the 1990s.

This surtax clearly breaks that promise to millions of additional Americans.

Recent press reports have suggested that, in a need for even more tax revenue to pay for all of the new spending in the Senate, the Senate leader may include an increase and an expansion of the Medicare payroll tax. The Medicare payroll tax is funded by a 2.9-percent payroll tax levied on every dollar earned by employees. Half of this tax is paid by the employee and the other half by the employer, although in reality, the entire burden falls on the employee because the tax is taken from the employee's available wages. Revenue from this tax goes into the Medicare trust fund and is intended to be used for Medicare expenses when that individual enters retirement. Under this new plan, Senate Democrats are considering applying this Medicare tax to capital gains, dividends, interest, royalties, and partnerships for American families earning more than $250,000. None of this income is currently subject to the Medicare payroll tax.

In addition, Democrats are said to be contemplating raising the employee's share of this tax, currently 1.45 percent of wages, to 1.95 percent. Press reports indicate this would raise up to 40 or 50 billion new dollars in revenue. This proposal would make a bad bill even worse. It would fundamentally change the way Medicare financing occurs. By applying what has traditionally been a payroll tax to nonpayroll income and by using this money for a new non-Medicare entitlement, it breaks the link between the Medicare tax base and Medicare benefits. As the Wall Street Journal pointed out, this new tax would ''sever the link between the tax paid over a lifetime and the medical benefits received, officially making Medicare an income redistribution program.''

It would additionally hurt growth. These additional taxes on savings and investment act as disincentives for these activities which are the primary drivers of wealth creation. It would kill jobs. Imposing these new taxes would hurt small businesses. Because many small businesses pay their taxes at the individual level, imposing higher individual income taxes hurts these engines of job creation.

Finally, it doesn't fully finance health care shortfalls. According to Bloomberg, House Democrats rejected this proposal, now being considered by the Senate, ''because lawmakers concluded they may need to increase the payroll tax in the future to pay Medicare benefits that are projected to outpace revenue.'' The New York Times pointed out that ''the higher payroll tax would not be sufficient in the long run [to even protect Medicare].''

In closing, for all the talk about this need to rush the bill through so we can achieve the objective the American people seek in health care reform, the bill does not reduce the cost of medical care. It increases it. The bill does not reduce the cost curve for health care insurance. It increases it. And in accomplishing this, it also increases taxes across the board on Americans and cuts Medicare by deep rates that will cause Medicare to face insolvency even earlier than it otherwise would have.

For all these reasons, we need to slow down and start working together, step by step, to remember the original objective; that is, to bend the cost curve down and stop these spiraling increases in health care insurance that Americans are facing and that are driving American families to the edge.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Arizona.

Mr. McCAIN. Mr. President, from media reports, certainly not because Members on this side of the aisle have been told about it, I understand the majority leader is now corralling the final three Democrats, which I am sure he will succeed in doing, in order to secure 60 votes to move forward with the greatest takeover of the private sector in health care by legislation perhaps in the history of this country. Of course, I would not know that myself, nor would any Member on this side of the aisle, because of the fact that there is no communication between the majority leader and Republicans. I understand they have 60 votes. I understand they will get 60 votes. I understand that they may likely be able to railroad this through the Senate. Then, again, they will gather in a small room, and they will come out with significant changes and revisions in the form of a conference report.

I have been having townhall meetings around my State of Arizona, the

second hardest-hit State in America because of the economic downturn. I assure my colleagues on the other side of the aisle, there is a revolution going on out there. It is a peaceful revolution. They do not want increased costs of a reform commitment that would be up to $3 trillion, that would cut Medicare by $500 billion and tax Americans across the entire income spectrum by an additional $500 billion. My friends across the aisle may not have gotten the message from the elections in New Jersey and Virginia not that long ago. Americans want cost control, and they want affordable and available health care. They don't want increases in taxes. They don't want the government taking over the health care system. Yet that is what is going to be delivered.

A lot of people, may I say, may not trust the word of some of us on this side of the aisle and may think we are uninformed or we are just politicians. Maybe we ought to listen to Dr. Jeffrey Flier, dean of the Harvard Medical School. I have never been that great of an admirer of Harvard, but the dean of the Harvard Medical School states in today's Wall Street Journal, entitled ''Health Debate Deserves a Failing Grade''—and he has some criticism for this side of the aisle that perhaps is deserved—

> As the dean of the Harvard Medical School, I am frequently asked to comment on the health-reform debate. I'd give it a failing grade.
>
> Instead of forthrightly dealing with the fundamental problems, discussion is dominated by rival factions struggling to enact or defeat President Barack Obama's agenda. The rhetoric on both sides is exaggerated and often deceptive. Those of us for whom the central issue is health—not politics—have been left in the lurch. And as the controversy heads towards a conclusion in Washington, it appears that the people who favor the legislation are engaged in collective denial.
>
> Our health-care system suffers from problems of cost, access and quality, and needs major reform. Tax policy drives employment-based insurance; this begets overinsurance and drives costs upward while creating inequities for the unemployed and self-employed. A regulatory morass limits innovation. And deep flaws in Medicare and Medicaid drive spending without optimizing care.

During the last campaign, I proposed addressing the issue of employer-provided health benefits, doing away with it in return for a $5,000 refundable tax credit. Tens of millions of dollars in attack ads were leveled against it. I proposed it not because it was easy, not because I didn't think the American people didn't need straight talk. I did it because it is one of the fundamental problems with the cost of health care in America. If someone gets something for free, they are not going to be careful about the money that is spent.

Ronald Reagan once said: Nobody ever washed a rental car. He is right. So when people receive free medical care that they don't have to pay for and that they don't have to have accountability for, it is obvious that that is misused.

Again, there is the story this morning about some $49 billion in wasteful spending in Medicare. The numbers go on and on.

Why is it that the dean of the Harvard Medical School says ''the rhetoric on both sides is exaggerated and often deceptive''? Maybe it is. But the rhetoric on both sides becomes more intense because of a failure to sit down and try to work something out together. At no time during this entire, long, drawn-out process have there been serious negotiations between Republicans and Democrats. Not once. Of course, the rhetoric gets exaggerated on both sides and even deceptive. We are not doing what the American people expect us to do, and that is sit down together and work these things out on one of the greatest financial crises this Nation faces.

Dr. Flier goes on to say:

> Speeches and news reports can lead you to believe that proposed congressional legislation would tackle the problems of cost, access and quality. But that's not true. The various bills do deal with access by expanding Medicaid and mandating subsidized insurance at substantial cost—and thus addresses an important social goal. However, there are no provisions to substantively control the growth of costs or raise the quality of care. So the overall effort will fail to qualify as reform.

Dr. Flier is alleging that there is no control of the growth of costs or rise in the quality of care. We all know that the cost of health care is unsustainable. The Medicare trustees have said in 7 years it will go broke. I believe forcing more Americans into Medicaid, a public program that gets failing grades for access to care and the quality of care, is not the right approach to covering millions more Americans.

Dean Flier goes on:

> In discussions with dozens of health-care leaders and economists, I find near unanimity of opinion that, whatever its shape, the final legislation that will emerge from Congress will markedly accelerate national health-care spending rather than restrain it.

The whole problem with health care in America is not the quality of health care, it is the accessibility and affordability. Dr. Flier says ''the final legislation that will emerge will markedly accelerate national health care spending rather than restrain it.''

Dr. Flier continues:

> Likewise, nearly all agree that the legislation would do little or nothing to improve quality or change health-care's dysfunctional delivery system.

This isn't just Dr. Flier's opinion. Look at Samuelson's article the other day about the effects of what has been passed by the House and will apparently be before us. Democrats are proposing a $3 trillion expansion of government health care, including $1 trillion in Medicare cuts and tax increases. But experts tell us the legislation would do little or nothing to improve quality or change health care's dysfunctional delivery system. Senate committees have spent months writing bills and spinning the benefits of legislation, and experts tell us the efforts fail the basic test.

On March 5 of this year, the President is quoted as saying:

> If people think we can simply take everybody who's not insured and load them up in a system where costs are out of control, it is not going to happen. We will run out of money. The federal government will be bankrupt; state governments will be bankrupt.

The President is right. But the Democratic leadership writing these bills is not listening. Partisan reform designed behind closed doors will bankrupt this country, in effect committing generational theft. The majority leader continues to put his bill together in a secret committee of one with a deaf ear to what experts tell us is needed. And we wait. We wait with great anticipation to see how high taxes and fees will be increased. We wait with great anticipation to finally understand how Senate Democrats will force a government health insurance entitlement into our health care market. We will wait to see how much they will cut Medicare. And these are Medicare cuts, my friends, have no doubt about it. We will wait to see the new mandates on individuals and employers to buy government-designed insurance.

We already know that the Senate Finance Committee bill includes roughly $508 billion in new taxes on individuals and businesses.

Beginning in January of 2010, health insurers would also be required to pay annual nondeductible fees totaling $60.4 billion over 10 years.

Beginning in January of 2010, medical device manufacturers are required to pay $40 billion in new nondeductible fees.

Beginning in January 2010, prescription drug manufacturers are required to pay $22 billion in new nondeductible fees.

By the way, in case my colleagues missed it, surprise, surprise, the pharmaceutical industry has now dramatically increased their prices, while the cost of living has gone down. What a shocker. Those great people from the pharmaceutical lobby who have been willing to make such ''sacrifices'' for the American people are raising their prices in an unprecedented fashion, totally disconnected to the absolutely nonexistent increase in the cost of living. And the administration continues to oppose drug reimportation from Canada, where seniors could get prescription drugs for about half of what it is now costing them.

Beginning in 2013, Democrats raise taxes by $201 billion by increasing taxes by 40 percent on certain family health care plans with higher coverage values, payable by insurance companies or employers.

Beginning in 2013, taxpayers who deduct medical expenses on their tax returns will pay $15 billion more in taxes.

Taxes on individuals who fail to maintain government-approved health insurance coverage will pay $4 billion in new penalties, breaking President Obama's promise that no one with income under $250,000 would pay higher taxes.

Businesses that are struggling to keep the doors open and keep workers employed in this recession will see higher taxes of $23 billion in the form of mandates and penalties for failing to offer government-approved health insurance.

Again, I urge my colleagues to read the article in the New York Post entitled ''Obamacare: Buy now, pay later'' by the well-respected economist Robert Samuelson. He writes:

There is an air of absurdity to what is mistakenly called ''health-care reform.'' Everyone knows that the United States faces massive governmental budget deficits as far as calculators can project, driven heavily by an aging population and uncontrolled health costs. As we recover slowly from a devastating recession, it's widely agreed that, though deficits should not be cut abruptly (lest the economy resume its slump), a prudent society would embark on long-term policies to control health costs, reduce government spending and curb massive future deficits. The administration estimates these (deficits) at $9 trillion from 2010 to 2019. The president and all his top economic advisers proclaim the same cautionary message.

So what do they do? Just the opposite. Their far-reaching overhaul of the health-care system—which Congress is halfway toward enacting—would almost certainly make matters worse. It would create new, open-ended medical entitlements that threaten higher deficits and would do little to suppress surging health costs. The disconnect between what President Obama says and what he's doing is so glaring that most people could not abide it. The president, his advisers and allies have no trouble. But reconciling blatantly contradictory objectives requires them to engage in willful self-deception, public dishonesty, or both.

Those are not my comments, Mr. President. Those are the comments of Robert Samuelson, one of the most respected economists in America.

I want to take another minute to talk about how the influence of special interests—I mentioned the pharmaceutical companies and the deal they cut so the administration would oppose drug importation from Canada, that there would not be competition for Medicare patients. But let me talk about probably the most powerful force in this whole discussion of legislation, and that is the trial lawyers of America.

There is no provision for medical liability or medical malpractice reform in this legislation. In fact, it was passed by the House that if States have enacted reforms, they will not be eligible for any additional funding to try and fund demonstration projects to reduce the cost of medical malpractice.

Everybody knows, ask any physician, they will tell you, they practice defensive medicine. They do so because of their fear of finding themselves in court and being wiped out. Sometimes these additional procedures and tests are not so comfortable for the patient, but, most importantly, they dramatically increase costs. Time after time after time, any effort we have made to put in medical malpractice reform—and we will do it again when the majority leader gives birth to whatever you want to call this—then, the fact is, they are not seriously interested in reducing costs, but they are seriously dependent on the largesse and generosity of the trial lawyers of America, and it is an outrage. It is an absolute outrage.

I would point out, when the President talks about, ''demonstration projects,'' there is a demonstration; it is called Texas. The State of Texas was hemorrhaging doctors and physicians and medical care practitioners. They reformed the medical malpractice. There have now been reductions in premiums. There have been reductions in lawsuits. There have been doctors and physicians and medical care providers flowing back into the State of Texas. It is proven. It is not everything we want. But it shows that medical malpractice reform can reduce health care costs.

And what have my friends on the other side and a couple on this side done? They have refused to consider in any significant way what everyone agrees could reduce health care costs in America. Outrageous. So do not be surprised when our approval rating is 18 percent. The approval rating of Congress: 18 percent. And in the townhall meetings I have been having, I have not met anybody in that 18 percent.

We need truth and honesty in our national discussion on health care reform, not spin, not budget gimmicks, not cuts to Medicare, not higher taxes, not government takeover, and not trillions in new health care spending.

We have $12 trillion in debt, 10 percent unemployment—17 percent real unemployment in my State—and an economy that is still struggling. Meanwhile, Wall Street makes obscene profits and bonuses that are unbelievable. We cannot afford another $3 trillion open-ended health entitlement. Americans deserve an honest discussion of ideas without artificial deadlines, and real solutions that will bring our skyrocketing health care costs under control.

Finally, I guess we are told that maybe this evening there may be something that will emerge with white smoke from the majority leader's office and we will be given the manifesto that he will call health care reform, and that will begin a great debate. I believe the question will be: Will the special interests and the big spenders and those who are in favor of government control of health care in America win or will the American people win?

That is why the American people are aroused. If they stay aroused, and if we continue to see the tea parties and the townhall meetings and the expressions of anger and frustration the American people feel, we will beat this back and we will go back to the bargaining table—for the first time we will go to the bargaining table and sit down, Republicans and Democrats, together.

History shows there has been no successful reform in America without bipartisanship, and I do not believe this will be the first one. I hope—I hope and pray—it will not be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, one of the hallmarks of the Democrats' health care bill is that it spends a tremendous amount of money—more than $1 trillion. When the true 10 year costs are reflected, it is actually well over $2 trillion. That is a hefty price tag, and most Americans want to know who is going to pay for this.

Contrary to what Democrats want you to believe, this bill will be paid for by all Americans, including low- and middle-income families and small business owners. So for the next week, I want taxpayers as they go about their daily activities to take a moment to understand why they will be paying a new tax for each day of their hard-working week.

Monday is not usually a favored day for most folks during the week—and if this health care reform passes, it will be absolutely a miserable day for families making less than $200,000 a year. That is because 91 percent of you will start the week off by paying a $200 billion tax on health insurance.

I have talked about this before at length, this so-called tax on ''Cadillac'' plans. It is actually a 40-percent tax on high-cost premium ''Cadillac'' plans. But the people who are going to pay for these plans and for this tax are more likely driving minivans, used cars, and cars that are paid off. That is because it disproportionately impacts middle-income families.

That is new tax No. 1. But there are more.

The 40-percent insurance plan tax is what I just talked about. But all told, there are seven new taxes in this health care bill, and maybe more to come. These new taxes, as shown on this chart, fall on some people directly and on others indirectly. The nonpartisan Joint Tax Committee testified that these new taxes—however they are named—will act as excise taxes and will be passed on to consumers to some extent.

So, on Tuesday, as your kids are getting ready to get off for school, do not forget that you will be paying higher taxes on insurance premiums because of a new tax on insurance companies. It is the insurance tax. I want to quote a letter the Joint Tax Committee wrote. Remember, this is the nonpartisan Joint Tax Committee. They wrote to me in response to my concern over this debilitating tax. I quote:

An insurer offering a family health plan that exceeds the excise tax threshold and is subject to the excise tax faces an increase in the cost of offering that health coverage. Generally, we expect the insurer to pass along the cost of the excise tax to consumers by increasing the price of health coverage.

So Tuesday is not a great day either in this new week of taxes.

On Wednesday, our small businesses—the engine of our economy—will be taxed if they do not offer health insurance. That is the employer tax, tax No. 3. The employer tax will hit small businesses and make it more expensive to hire workers. I do not think that is a good idea when the Nation is facing an over 10-percent unemployment rate. Those who are hired will see their wages reduced because of the required employer ''responsibility'' payments. That is what they are called.

The Congressional Budget Office—which again is a nonpartisan entity—has explicitly stated:

> Although the surcharges would be imposed on the firms, workers in those firms would ultimately bear the burden of those fees. . . .

The tax credit to small businesses does little to help because it only helps firms with 25 employees or less, and it is temporary. Also, this tax credit drops off so suddenly for firms with more than 10 employees that some firms will be penalized—actually penalized—for adding jobs or raising workers' pay—clearly, a perverse incentive.

So Wednesday is clearly not a good day for small businesses or their employees, especially those making minimum wage. So I hope you didn't have to call in sick on Thursday, because if you go to a doctor and get a prescription, there is a new tax on the pharmaceutical companies that you will pay. This is tax No. 4, the drug tax. Don't think about using your health savings account or flexible spending account for the over-the-counter medication you need as well. Under the House plan, nonprescription medications can no longer be purchased with moneys from these accounts, and under the Senate plan, there is a $2,500 cap for pretax dollars that can be used in these accounts. The weekend is so near on Friday; but wait, if you need some lab work done, you will have to pay a new tax on clinical laboratories. This is the lab tax.

You think your work is over on Saturday, but you will still be paying more taxes under this bill. If you need surgery, there is a new tax on medical devices, such as pacemakers, prosthetics, and hearing aids. This is No. 6. This raises the cost of health care. This is passed on to the consumers. All these taxes have one thing in common: They do raise the cost of health care for middle-income Americans.

My Democratic colleagues may claim they are raising taxes on health care companies, not people, and people will be better off once all this tax money is collected in Washington and then used as subsidies. The truth is, the people are paying and many are in the middle class who Democrats claim would be spared. It is true some people may, on a net basis, get more subsidy than they pay in higher taxes, but over 46 million middle-income families will pay more than they receive. In other words, their health care costs in the net are going to go up. They lose under this health care bill and these are middle-income Americans.

According to the analysis from the nonpartisan Congressional Budget Office, from which I wish to quote now, these taxes:

> Would increase costs for the affected firms, which would be passed on to purchasers and would ultimately raise insurance premiums by a corresponding amount.

So now it is Sunday, historically a day of rest but not for these new taxes. There is one more tax that again falls squarely on lower and middle-income families, a penalty excise tax for failure to obtain insurance. That is tax No. 7. We are faced with a bill where, according to the Congressional Budget Office, at least seventy-one percent of the individual mandate penalties would fall on the backs of American families making less than $120,000 a year. Remember what the President said: No new taxes on anybody making $250,000 a year or less. Actually, probably over 90 percent of this tax will be paid by those on whom the President said not one dime in new taxes will be raised. Yet under this bill that is coming before the Senate, their taxes are raised and they are raised significantly.

Well, we have run out of days of the week, but the Democrats are not finished yet. If you have been using pretax dollars in a flexible spending account, which most Federal employees have and a lot of other people who are employed by other companies have as well, and you pay for services not covered by your plan, such as speech therapy for a child with autism, you are out of luck under this bill. As I said earlier, the Federal spending accounts are capped at $2,500 in this bill, so your income tax will rise as well as your medical expenses. If you have been dealing with extraordinarily high medical expenses and have been counting on qualified medical expenses tax deductions to pay for care or tuition for a special needs school, again, you are out of luck. The itemized deduction bar will be raised from 7.5 percent to 10 percent of your income in this bill. In other words, this bill hurts those who are being hit hardest by medical catastrophes.

In committee, my colleagues and I on the Republican side tried to inject some limits to this tax mania. We offered an amendment to carve out lower and middle-income families from paying taxes. I offered an amendment to protect the middle class, specifically, from the onerous penalty excise tax for those who fail to obtain insurance. Unfortunately, on party-line votes, the Democrats voted down those amendments.

I offered an amendment to eliminate the growing threat that the 40-percent insurance tax posed to every American with insurance, but, once again, the majority voted it down. We offered amendments to strike some of these specific, heavy-handed new taxes, but, once again, the majority, on party lines, voted them down. We tried to apply limitations so these taxes would not go into effect if they caused consumer costs to rise. The majority, again, voted them down. We tried to prevent these new taxes from hurting veterans, but as Democrats first accepted it, they then passed a second amendment to eliminate the protections. We tried to ensure that vulnerable Americans would not be hit with a tax increase on catastrophic medical costs. Again, the Democrat majority in committee voted it down. After losing every attempt to remove these new, onerous taxes, we tried to preserve the ability of Americans to continue to use their flexible spending accounts. Once again, that was voted down by the majority.

There are at least seven brand new taxes in this bill—one, two, three, four, five, six, seven new taxes—with more taxes being discussed. Before the final bill is completed, I am sure there will be more taxes in this bill. The House bill has a surcharge on small businesses. They are also talking about adding a value-added tax, which would be a regressive national sales tax on everyone, and a new windfall profits tax on insurance companies. There is even talk of a tax on soda pop. All these taxes do is cost Americans more money without giving them much in return. Even if the spending in this bill was worthwhile, these sweeping and unreasonable taxes would more than outweigh the benefits.

It is very clear America's lower and middle classes will bear the brunt of these new taxes. On top of that, they will not be allowed to keep the insurance plans they have. Instead, they will be forced into a new experimental system that will succeed only in exploding our deficit spending for generations to come.

So where is the break for hard-working families, we have to ask. Under this plan, they pay for government-run insurance to cover more Americans. They lose their own insurance—many of them—along the way, and they watch as deficits continue to eclipse their children's futures. That is not even close to the American way.

On behalf of millions of American workers, families, and small businesses that sent us to Washington to be their voice, I cannot stand by and watch the majority destroy our chance for meaningful health care reform that does not bankrupt our Nation. I am going to do everything in my power to stop these new taxes from becoming reality. I am confident, with the American people behind us, we can stop these new taxes. We can start over, in a bipartisan way, and go step by step and come up with health insurance reform that controls costs, preserves and even improves quality, and doesn't end up with a government-run health care system that cuts over $500 billion in Medicare and raises $500 billion in new taxes.

I urge our colleagues to work together—not as Republicans and Democrats but as Americans—so we can preserve the quality of health care we have enjoyed in this country for so long but do it in a way that is more affordable and provides more access to more Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GOVERNOR BRUCE KING

Mr. BINGAMAN. Madam President, this week, New Mexicans of all political persuasions have been recalling the life of a legendary figure of our State, Bruce King, who served as Governor during three different decades and who taught by example that public service is an honorable calling.

Governor King died last Friday at the age of 85. He used to tell the story about a former Governor who was the graduation speaker at Bruce's high school graduation. The former Governor looked at the very small class of teenagers and said:

> One of you could grow up to be governor of this state.

Bruce looked around at his other classmates and figured that the Governor had to be speaking to him. Sure enough, in the course of time, and after serving as Santa Fe County commissioner, a State legislator, and speaker of the house in New Mexico, he was, in fact, elected Governor. In fact, he served as Governor for 12 years, longer than anyone else in the history of New Mexico.

In all of those years, he never failed to make the people of New Mexico his first priority. With him at every step of the way, from their ranch in Stanley to Santa Fe and back again, was the remarkable Alice Martin King, his wife. She was a great force in her own right. She was a champion for children in our State. She died last December.

My own history with Bruce King began when I was just out of law school. I was serving then as an assistant attorney general in New Mexico and was assigned the job of being counsel to the constitutional convention which our State had in 1969. Bruce, who was then speaker of the house, was elected president of that convention. I learned a great deal about the legislative process and about New Mexico history and about our State in general as a result of the effort to work with Bruce in that capacity. His management of the process and the people involved with the constitutional convention was masterful. He was always inclusive, he was always listening, and he was always working to get the best result. In short, he was the model of a legislative manager.

Today I recall being privileged to serve as attorney general during Bruce's second term as Governor, from 1979 to 1982. We worked closely together on a number of issues. I was impressed all over again at his knowledge of New Mexico and his genuine love for its citizens. He was gregarious and kind. He never knew a stranger. He shook hands with everyone in our State. He shook every hand in our State, whether there was a voter attached to it or not. People were delighted to see Bruce coming and to hear his famous reply when asked: How are you doing, Governor? He would reply: Mighty fine—regardless of how difficult the circumstances the State and he were facing.

Our friendship extended for 40-plus years. With my fellow New Mexicans, I will miss him greatly. His sons Bill and Gary, his brothers Don and Sam, and the entire King family have lost tremendously. Every New Mexican feels this loss and joins his family in honoring his life.

Mr. UDALL of New Mexico. Mr. President, I rise to celebrate the life and mourn the passing of one of New Mexico's great public servants. This past Friday Bruce King, the three-time Governor of New Mexico and a constant advocate for regular folks, for the average person, left this world after 85 years of devotion to his family, to his community, and to his State.

Bruce King was a self-made man who came from modest roots. Back in 1918, his parents traveled to New Mexico from Texas and traded their Model T for a homestead tract where they raised Bruce and his siblings. Along the way the elder Kings instilled in their children an appreciation for a hard day's work, a compassion for people, and a love of public service.

Bruce carried those lessons into adulthood and into a life defined by public service. He served in the Army in World War II, as a Santa Fe County commissioner, as a member of the New Mexico House of Representatives and later speaker of that same House of Representatives and, finally, as a three-term Governor elected in 1970, 1978, and then, once more, in 1990.

Bruce's legacy as Governor will be felt for generations. Due in no small part to the advocacy of his devoted wife Alice, Governor King created a new cabinet level department focused on the welfare of New Mexico's children. We called it the Children, Youth and Families Department. Thanks to Bruce and Alice's vision, more New Mexico children are safe and secure. More are healthy and ready to learn, and more have the support they need to follow their dreams. Governor King's contributions didn't end there. His leadership was instrumental to the creation of New Mexico's large and enduring rainy day funds which to this day continue to provide substantial support for education. He reformed New Mexico's school funding formula so that money is equally distributed across the State. Thanks to Governor King, State education funding now follows the student, regardless of income or geography. He also was an advocate for aggressive economic development, recruiting a new Intel plant to Rio Rancho, for the creation of a better, safer Statewide road system, and for the establishment of a new border crossing with Mexico.

But despite all of these achievements, what New Mexicans will most remember Bruce for is something more simple and much harder to come by in politicians these days. Bruce was not in politics for the power, for the prestige. He was in politics because of the people. He loved the people of New Mexico and the people of New Mexico—from Lordsburg to Clayton to Shiprock and Carlsbad and everywhere in between—loved him right back. Bruce enjoyed nothing more than talking to New Mexicans. Almost every morning you would find him doing just that at El Comedor Restaurant in Moriarty, NM. He had a booming voice and was famous for greeting friends and strangers alike with a handshake and a down home ''How y'all doing? Fine. Fine.''

I will always remember Bruce as a true cowboy from Stanley who had the most generous spirit. He always saw the best in people. He always did the right thing for New Mexico. My family was fortunate to call Bruce and Alice our friends. Our daughter Amanda even went to work for Alice in her first job out of college. She stayed close with both of them, ever since.

New Mexico will miss the Kings. We all know our State is a better place for their service and dedication to its people. As Governor King is laid to rest this week, I ask my colleagues to join me in honoring this remarkable public servant.

MORNING BUSINESS

Mr. BINGAMAN. I ask unanimous consent that the Senate be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DAVID HAMILTON

Ms. MURKOWSKI. Madam President, when the Senate considers the nomination of David Hamilton to the Seventh Circuit U.S. Court of Appeals later this afternoon, I intend to vote no. Some may regard this as perhaps inconsistent with my vote yesterday when I joined with a number of my colleagues on this side of the aisle in voting for cloture on the nomination. I certainly do not regard the two positions as inconsistent.

While I do not believe this nominee should be confirmed, I do believe judicial nominees deserve a straight up-or-down vote. I have come to the Chamber today to explain my views on the Hamilton nomination and expand upon why I voted as I did yesterday.

Our process for consideration of judicial nominees is broken. It has been broken since I came to the Senate in 2003. In fact, on April 30, 2003, I was among 10 freshman Senators, bipartisan, who wrote our respective leaders to say the confirmation process needed to be fixed. For reasons I can't fathom, we still seem to be light-years away from a process in which a President's judicial nominees come to the floor expeditiously for a straight up-or-down vote. This is a far cry from the process I am told the Senate adhered to prior to 2001 when there existed a strong presumption against the filibuster of judicial nominees. A cloture vote on a nomination was virtually unprecedented.

I understand all of that changed in February of 2001 when our colleagues on the other side of the aisle decided they would engage in the regular practice of blocking the confirmation of courts of appeals nominees with whom they had ideological disagreements through the use of the filibuster process.

Miguel Estrada, deemed ''well-qualified'' by a unanimous vote of the American Bar Association, had to suffer through seven failed cloture votes. This was in his bid to serve on the DC Circuit. Finally, he decided to move on with his life.

Priscilla Owen, also a recipient of a unanimous ''well-qualified'' rating by the ABA, suffered through four failed cloture votes before ultimately being confirmed to the Fifth Circuit.

David McKeague, a Sixth Circuit nominee, unanimously deemed ''well-qualified'' by the ABA was filibustered. I could go on.

In the 2003 letter, my cosigners and I noted that in some instances when a well-qualified nominee for the Federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees, typically the nominees of a previous President, were treated.

Without doubt, a number of President Bush's nominees to the U.S. court of appeals were treated unfairly by this body. Off the top of my head, I can probably count 11 nominees to the courts of appeals, each of whom was deemed qualified to serve by the American Bar Association raters, many ''well-qualified'' in that rating, who had to suffer the filibuster.

It would not be my place to venture an opinion whether this entered into the cloture debate yesterday. However, I wish to make clear this is not how I evaluate judges for confirmation. In voting to end debate on the nomination of Judge Hamilton, I wanted to make the point that the qualified nominees of a President to the Federal bench deserve a straight up-or-down vote. This is what I believe the Constitution expects of this body in most cases.

Having said that, I have substantial concerns about the elevation of Judge Hamilton. I have considered his record on the Federal district court in Indiana as well as criticisms of his record. I regard it as my personal responsibility to consider these matters. My confirmation votes reflect my personal judgment as to the qualifications of the nominee.

As a Senator and as a mother, I have grave concerns about Judge Hamilton's judgment in recommending executive clemency for a 32-year-old police officer who was convicted of violating Federal child pornography laws. The defendant pled guilty to Federal charges that he photographed in one case and videotaped in the other sexual encounters with two women, one age 16 and the other age 17. Although it may have been lawful for the defendant to engage in these encounters under the laws of Indiana, it is not lawful to photograph them under the laws of the United States.

Judge Hamilton went out of his way to argue that the 15-year mandatory minimum sentence imposed by Congress for such violations was a miscarriage of justice in this case. He argued vociferously that executive clemency is warranted. This Senator does not understand why Judge Hamilton would choose this cause to champion. While I understand Judge Hamilton has imposed substantial sentences in other child pornography cases, I do not agree with his reasoning in this matter and cannot, in good conscience, support his confirmation.

With that, Madam President, I appreciate the attention of the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. INHOFE. Madam President, it is my understanding—and I wish to reaffirm this with a unanimous consent request—that I will be recognized at the hour of 1:30 for, let's say, 1 hour 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. CASEY. Thank you very much, Madam President.

I rise this afternoon to speak about health care. We all have been concentrating on this issue for many months, and we are now into a period of time when we will be getting a bill very soon to the floor. That is our hope and our expectation.

One of the parts of the Health, Education, Labor, and Pensions Committee bill that I voted on, as did the Presiding Officer this summer back in July when we passed our bill out of committee, one of the real priorities in that bill, and what I believe will continue to be a priority in the final legislation before the Senate, is children and what happens to children as a result of health care reform. We have a lot to be positive about in terms of legislation over the last decade or more as it relates to children, and I will speak about that.

In terms of that guiding principle, I have a very strong belief—and I think it is the belief of a lot of people in this Chamber and across the country—that every child in America—every child in America—is born with a light inside them. For some children, that light is limited by circumstances or their own personal limitations, but no matter what that light is, we have to make sure the light for their potential burns as brightly as we can possibly ensure. For some children, of course, that light is almost boundless. You almost can't measure it because the child has advantages other children don't have or they have a family circumstance that allows them to grow and to develop and, therefore, to learn and to be very successful. But I believe every child in America is born with a light, and whatever the potential is for that child, we have to make sure he or she realizes it. We have a direct role to play. Those of us who are legislators, those of us who are working on the health care bill have an obligation, I believe, to make sure that light shines ever brightly.

One of the other themes under this effort to expand health care for Americans is to focus on children who happen to be either poor or who have special needs. I believe the goal of this legislation, as it relates to those children, those who are poor or children with special needs, is four words: ''No child worse off.'' We need to ensure that a

poor child isn't worse off at the end of this debate and enactment of health care reform and that a child with special needs is not worse off. I think that is the least we should do when it comes to protecting our children.

There are at least two programs—one older than the other but both very important—that relate to our children. The older of the two programs is the Medicaid Program. It has been around for more than 40 years now. Medicaid, as it pertains to children, is a program we have come to rely upon to provide children with very good medical care, the best medical care, in some ways, that a child can have. We have to make sure we pay attention to how Medicaid is treated in this bill. We will talk a little bit more about that in a moment.

In Pennsylvania, the State I represent, we have a 15-year experiment with the Children's Health Insurance Program or CHIP. The one thing we know about CHIP is it works. It works very well for children. As we know, in a general sense, the Children's Health Insurance Program is for children of low- and middle-income families in America who can't get coverage from their employer, for one reason or another, and don't have a family income that is low enough to qualify for Medicaid. So it fills a gap that had been there for years. We know, with regard to the Children's Health Insurance Program, today there are about 7.8 million children covered. That is wonderful. I am very proud and happy about that, but we are even happier and more positive about the future because the reauthorization of the Children's Health Insurance Program means that by 2013, 7.8 million children covered will rise to 14.1 million children. So an easy way to think about children's health insurance is 14 and 13: 14 million kids covered in the year 2013. That is a tremendous achievement—historic in American history. We have never had anything close to that, to have 14 million children covered in a good program such as CHIP.

The caveat to that is we still have millions—by some estimates 8 million—of children who will not be covered even in 2013. One of the reasons we are debating health care reform is to make sure we are doing everything possible to strengthen the Children's Health Insurance Program and do not allow it to be weakened in any way.

One way to weaken it—and fortunately the Senate Finance Committee did not do this in their final bill—is to take a stand-alone, successful, effective Children's Health Insurance Program and put it in the health insurance exchange. It may sound good—within one system—but I believe, and many others believe, it would be very bad. The Finance Committee, led by Senator ROCKEFELLER, worked very hard to make it possible to keep the Children's Health Insurance Program as a separate stand-alone program. I believe we have to do that.

As we know, legislation passed recently in the House. The health care bill got through not just the committees but through the House itself. One of the problems with the House bill is it would end the Children's Health Insurance Program in 2013. We don't want to do that. We want to make sure, in the Senate, we do it differently than the House did.

One component that is good about the House bill on this subject, however, is it does expand Medicaid. The House bill expands Medicaid for children to 150 percent of poverty for all States, and States would get assistance in paying for this expanded population. But then there is another caveat in terms of what I think has to be improved upon in the Senate. Children above 150 percent of poverty will go into a new exchange, which I think is, as I said before, the wrong way to go. We want to make sure, if something such as that were to happen, they would have cost-sharing protections and better benefits. Unfortunately, if they go into that exchange, they would not. This could have a direct impact on a State such as Pennsylvania. By one estimate, in Pennsylvania alone, this means that nearly 100,000 children who currently have children's health insurance coverage would lose it because of that change. So we want to make sure we don't go in the direction the House did as it relates to this issue of children's health insurance and the exchange—keeping it out of the exchange.

We do need to expand Medicaid for children and we need to maintain CHIP as a stand-alone program. What are some of the numbers here? We are talking about nationally, in the Medicaid Program, 30 million children enrolled in Medicaid. As I said before, enrolled in CHIP are 7.8 million kids. Putting them together we have one-third of all children in America covered by those two programs. But as I said before, we still have plenty—millions and millions—of children who still are not covered by either program.

We hear a lot of acronyms around here, but one important acronym for this debate, as it relates to children and to health care, is EPSDT: early pediatric screening diagnosis and treatment. The American Academy of Pediatrics has called EPSDT the ''gold standard'' for children's health care. This is essential that we keep that kind of standard in place. That means Medicaid, for example, covers all medically necessary treatment for children, including preventive care, primary care, dental, hearing, vision, and it goes down the list.

Unfortunately, sometimes people say: Well, under commercial coverage you will get as much coverage for children of the same quality. Unfortunately, that is not true. There may be advantages to provider networks of commercial coverage for families who are wealthy enough, have the means to afford it and who can get out of the network and pay for something extra, but, of course, many families don't have that benefit.

I wish to spend a couple moments on EPSDT. I will go to the first chart. The Commonwealth Fund and George Washington University did an excellent comparison of the benefits between commercial insurance and Medicaid. The first benefit we have on this chart is called developmental assessment. Some of these terms get a little long and there is a lot of policy jargon. One of the most important things for any child, especially very young children, is to have regular and high-quality developmental assessments, so we can catch anything that might be going wrong at an early enough age and give that child the benefit of early intervention and treatment in the dawn of their lives, in the early months and years of their lives. We can see, under Medicaid, for example, that this developmental assessment is covered. We can also see that under the Federal Employees Health Benefits Plan, there is a lot of verbiage there which I will not read, but suffice it to say it is limited. It is not covered to the extent it is in Medicaid.

Another example is this phrase down here: ''Anticipatory guidance,'' another fancy term of policy, but it is this simple: It is helping parents understand what they should be expecting from their child physically, emotionally, and developmentally so they can get help, as I said before, early enough in the life of that child. This kind of guidance, again, is covered under Medicaid but not explicitly covered under the Federal Employees Health Benefit Program, which, as a beneficiary of that program, is a great health insurance program for Federal employees, but even something that significant, in terms of coverage and quality, would not be, in my judgment, good enough for poor children who should be covered in terms of developmental and anticipatory guidance with their parents under Medicaid. So Medicaid is better for poor children than even something as significantly good as the Federal employees plan.

Let me go to the next chart. I know we are getting close to our time and I will be observing that. This chart shows EPSDT as it relates to physical, speech, and related therapies. We have heard horror stories from mothers of children with disabilities—either mild or severe. Physical therapy, speech therapy, and occupational therapy, these are all critical to a child who may have a disability. Sometimes early intervention can help a child recover to normal functioning and sometimes it is a disability that persists throughout a child's life. Under Medicaid, again, beyond the medically necessary threshold, basic therapies, such as physical, speech, and occupational therapy, are covered without limitation. I think it is vitally important we ensure that under Medicaid we continue to fortify that program so our children can get that kind of quality coverage.

Let me conclude with a couple thoughts, very briefly. No. 1 is, at the

end of this process of getting a health care bill enacted, I believe we have to live up to that basic standard of four words for poor kids: ''No child worse off'' at the end of the road. Dr. Judith Palfrey, a pediatrician, child advocate, and president-elect to the American Academy of Pediatrics, spoke at one of our hearings earlier this year, and here is what she said:

Sometimes, we as child advocates find it hard to understand why children's needs are such an afterthought and why, because children are little, policymakers and insurers think that it should take less effort and resources to provide them with health care.

I think that challenges all of us to make sure children are not second-class citizens when it comes to health care reform and what we do.

Let me conclude with this thought: As I said before about that bright light inside every child who is born, we have to do everything possible to make sure that at the end of the road, at the end of this debate, and at the end of voting on this bill, we ensure that that light burns ever brightly, especially for children who happen to be poor or have special needs.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I understand that according to the unanimous consent agreement, I have the floor for a period of time now.

The PRESIDING OFFICER. The Senator is correct.

GLOBAL WARMING

Mr. INHOFE. Madam President, next month, thousands of U.N. delegates from over 190 nations, members of the press, and eco-activists from around the world will descend upon Copenhagen as a part of the U.N. Conference on Global Warming. Yet, even before it begins, that U.N. conference is being called a disaster.

Just this morning, the Telegraph—a UK newspaper—noted:

The worst-kept secret in the world is finally out—the climate change summit in Copenhagen is going to be little more than a photo opportunity for world leaders.

Not too long ago, however, the Copenhagen meeting was hailed to be the time when an international agreement with binding limits on carbon dioxide and other greenhouse gases would finally be agreed upon.

The eco-activists believed that with a Democratic President in the United States and a Democratically controlled House and a Democratically controlled Senate, we would finally push through mandatory cap-and-trade legislation, and the United States would finally be ready to succumb to the demands of the U.N. I say demands of the United Nations because there are so many people in this Chamber who think if something isn't multinational, U.N. or something else, it is not good. You have to ask: Whatever happened to sovereignty in this country?

Not too long ago, the Copenhagen meeting was hailed as a time that all this would come to an end and they would be successful and pass in this country the largest tax increase in history. In reality, it will be a disaster. Failure comes at a high cost. Despite the millions of dollars spent by Al Gore, the Hollywood elite, the U.N., climate alarmists, it has failed.

Perhaps the Wall Street Journal said it best in an article entitled ''Copenhagen's Collapse.'' I will read this because I think it is worthwhile:

The Climate Change Sequel is a Bust.

The editorial states:

''Now is the time to confront this challenge once and for all,'' President-elect Obama said of global warming last November. ''Delay is no longer an option.'' It turns out that delay really is an option—the only one that has worldwide support. Over the weekend, Mr. Obama bowed to reality and admitted that little of substance will come of the climate change summit at Copenhagen next month. For the last year, the President has been promising a binding international carbon-regulation treaty a la the Kyoto Protocol.

We remember that.

But instead, negotiators from 192 countries now hope to reach a preliminary agreement that they'll sign such a treaty when they meet in Mexico City in 2010.

Wait a minute. That is 2010. That is next year. This year, it hasn't even come yet. This is Copenhagen 2009.

I am continuing to read:

The environmental lobby is blaming Copenhagen's preemptive collapse on the Senate's failure to ram through a cap-and-trade scheme like the House did in June, arguing that ''the world'' won't make commitments until the United States does. But there will always be one excuse or another, given that developing countries like China and India will never be masochistic enough to subject their economies to the West's climate neuroses. Meanwhile, Europe has proved with Kyoto that the only emissions quotas it will accept are those that don't actually have to be met.

We say that because many of these Western European countries made commitments for emissions and they have not met them.

During my position as chairman and ranking member of the Environment and Public Works Committee, since 2003, I have been the lead Senator standing and exposing the science, the cost, and the hysteria about global warming alarmism. I will be traveling to Copenhagen leading what has been called the truth squad, to say what I said 6 years ago in Milan, Italy. Let's keep in mind what these meetings are. The U.N.—that is where this all started, with the IPCC at the U.N.—said that the world is going to come to an end because of CO_2 emissions. They started having these meetings, and they have had—I don't know how many. They started in 1999, I think. They had the one in Milan, Italy, in 2003, the only one I went to. They were inviting all the countries to come in and join this club, saying we are going to do away with CO_2.

It is interesting that one of the participants I ran into in 2003 was from West Africa—and I remember this well because I knew this guy knew better. I said: What are you here supporting this for? He said: This is the biggest party of the year. We have 190 countries coming in, and it is a big party. It is all you can eat and drink. So anyway, the United States is not going to support a global warming treaty that will significantly damage the American economy, cost American jobs, and impose the largest tax increase in American history. Further, as I stated in 2003, unless developing countries are part of the binding agreement, the United States will not go along, given the unemployment rate of 10 percent—10.2 now—and given all the out-of-control spending in Washington. The last thing we need is another 1,000-page bill that increases costs and ships jobs overseas, all with no impact on climate change.

That was in Milan, Italy. I remember in Milan, Italy, all the telephone poles had my picture on them, ''wanted'' posters, because of something I said, which I will quote in a minute. I said then that the science was not settled, and it was an unpopular view. Since Al Gore's science fiction movie, more and more scientists, reporters, and politicians are questioning global warming alarmism. I am proud to declare 2009 the year of the skeptic, the year in which scientists who question the so-called global warming consensus are being heard.

Rather than continue down a road that will harm the U.S. economy and international community, we should forge a new path forward that builds on international trade, new and innovative technology, jobs, development, and economic growth.

If you have followed the Senate, you will know that the Senate's position on global warming treaties couldn't be more clear. In 1997, let's remember what happened then. President Clinton and Vice President Al Gore were attempting to get us to ratify the Kyoto treaty. We passed something in the Chamber called the Byrd-Hagel resolution. It passed 95 to 0. It said this: If you bring back anything from Kyoto or anywhere else for us to ratify, and if that treaty we are supposed to ratify either doesn't include developing countries or is harmful to our economy, then we will not ratify it. I think the Byrd-Hagel resolution still commands strong support in the Senate. Therefore, any treaty President Obama submits must meet this criteria or it will be easily defeated.

Proponents of securing an international treaty are slowly acknowledging that the gulf is widening between the United States and other industrialized nations that are willing to

do what developing countries such as China want them to do. The gulf has always been wide, but it is continuing to get wider. When we talk about China and about the fact that they are talking about restricting CO_2 emissions in the United States, some think that surely China will follow our lead. It is interesting that China is cranking out two coal-fired power-generating plants every week.

With certain failure at Copenhagen, it is safe to say cap and trade is dead. Look at the record: the Byrd-Hagel amendment in 1997, the defeat in the Senate of the McCain-Lieberman bill in 2003, and defeat of McCain-Lieberman in 2005, defeat of the Warner-Lieberman bill, and no bill on the Senate floor in 2009.

From my very first speech on the Senate floor as chairman of the Environment and Public Works Committee, on July 28, 2003, I outlined the staggering cost of global warming solutions such as Kyoto. In my speech, I said the most widely—I am quoting now from what I stated in 2003:

> The most widely cited and most definitive economic analysis of Kyoto came from Wharton Econometric Forecasting Associates.

According to the Wharton School, their economists, Kyoto would cost 2.4 million U.S. jobs, reduce GDP by 3.2 percent, and that would equate to somewhere between a $300 billion and $330 billion tax increase annually—an amount greater than the total expenditure on primary and secondary education.

In terms of a tax, when I looked at that tax—and this was back in 2003 and they talked about a $300 billion tax increase—I wanted to look and see how I could better understand that. I recall, prior to that, the largest tax increase in the last three decades was called the Clinton-Gore tax increase of 1993. That tax increase was a $32 billion tax increase. I thought, wait a minute, we are about to impose upon the American people a tax increase that is 10 times greater than the 1993 Clinton-Gore tax increase. This chart shows what that would be. These are the tax increases. This is the increase we are talking about, the $32 billion tax increase. This is what it would have been had we signed the Kyoto treaty or any of the accords since that time. So we are talking about huge amounts of money. I said that because of Kyoto, American consumers would face the higher food, medical, and housing costs—costs for food, an increase of 11 percent; medicine, an increase of 14 percent; housing, an increase of 7 percent; and at the same time, an average household of 4 would see its real income drop by $2,700 in 2010 and each year thereafter. Under Kyoto, energy and electricity prices would nearly double, and gasoline prices would go up an additional 65 cents a gallon.

Again, we are not talking about JIM INHOFE, a Senator, making these statements. This was actually out of the Wharton School of Economics and their forecast at that time. I went on to note that CBO found that ''cap and tax'' is a regressive tax, arguing that the Congressional Budget Office found that the price increases resulting from a carbon cap would be regressive; that is, they would place a relatively greater burden on lower income households than on higher income ones. As to the broader macroeconomic effects of carbon cap-and-trade schemes, CBO said:

> A cap and trade program for carbon emissions could impose significant costs on the economy in the form of welfare losses. Welfare losses are real costs to the economy in that they would not be recovered elsewhere in the form of higher income. Those losses would be borne by people in their roles as shareholders, consumers, and workers.

Some might respond that government can simply redistribute income in the form of welfare programs to mitigate the impacts on the poor, but CBO found otherwise. They said:

> The government could use the allowance value to partly redistribute the costs of a carbon cap-and-trade program, but it could not recover these costs entirely.

Further:

> Available research indicates that providing compensation could actually raise the cost to the economy of a carbon cap.

That was what we quoted from the CBO in 2003. Yet, as the saying goes, the more things change, the more they stay the same. CBO, EPA, the DOE, CRS, the National Black Chamber of Commerce, NAM—everyone now agrees that cap and trade would be extremely costly and destroy jobs. No matter how hard alarmists try to recast their cause—whether it is green jobs or clean energy jobs or clean energy revolution—and they are starting to reword it from ''global warming'' to ''climate change.'' The general public has realized global warming isn't taking place, and they cannot use that, so they changed that to climate change. Now they cannot use that anymore, and they can't use cap and trade, so they talk about a green jobs program.

Cap and trade is a loser for America. I have also pointed out the inconvenient fact that cap-and-trade solutions are all pain and no climate gain. In the first speech in 2001, I noted that even Al Gore's own scientist admitted Kyoto would do nothing to solve global warming. Let me refresh the memory of the American people. In 2003, Al Gore had hired Dr. Tom Wigley, a senior scientist at the National Center for Atmospheric Research. The challenge he posed to him was, if we, along with all other developed nations, were to sign on to the Kyoto Treaty and live by its emissions restrictions, how much would this reduce the temperature in 50 years?

The answer was it would be 0.07 of 1 degree Celsius by 2050. It would actually be 0.13 degrees Celsius by 2100. These things are not even measurable. We go through 50 years of the highest tax increase in the history of America. What do we get for it? Maybe you will get, according to his own scientist, Dr. Tom Wigley, 0.07 of 1 degree Celsius.

I also mentioned in the 2003 speech everyone's favorite alarmist, James Hansen. I said at that time:

> Similarly, Dr. James Hansen of NASA, considered the father of global warming theory, said the Kyoto Protocol ''will have little effect'' on global temperature in the 21st century. In a rather stunning follow-up, Hansen said it would take 30 Kyotos—let me repeat that—30 Kyotos to reduce warming to an acceptable level. If one Kyoto devastates the American economy, what would 30 do?

Those following the climate debate closely know James Hansen went on record this summer against the Waxman-Markey-Kerry-Boxer bill. It is not going to pass now. At that time, it looked as if it was going to pass. Even James Hansen, one of the strongest proponents, said:

> Cap and trade is the temple of doom. It would lock in disasters for our children and grandchildren. Why do people continue to worship a disastrous approach? Its fecklessness was proven by the Kyoto Protocol.

That is James Hansen on the other side of the issue.

Now we have top Obama officials making the same points. EPA Administrator Lisa Jackson was before our committee. Keep in mind, she is an Obama appointee. She is now Administrator of the EPA. She said in response to a question I had—I said: Is this chart correct? In other words, if we were to pass this bill and to restrict our emissions of CO_2, would it have any effect? She said: No, I agree with that chart. Of course, I am encouraged. She said:

> I believe the central parts of the [EPA] chart—

That is this chart—

> are that U.S. action alone will not impact world CO_2 levels.

I often said how I appreciate the honesty of Lisa Jackson. It is difficult for her to admit that if we passed a bill, it would not have any effect on reducing worldwide emissions of CO_2.

You could carry that argument a little bit further because if we were to ration CO_2 in our country, that would cause jobs to leave. We understand that. They would go to countries such as China, India, and Mexico, where they don't have any restrictions at all. So it would have the effect of increasing CO_2.

Over the past several years, we have seen a growing number of Democrats—yes, Democrats—agreeing with my position. Today, with a Democratic Congress and a Democratic President, some may be surprised by the number of Democrats who want nothing to do with cap and trade.

Politico—we are all familiar with that publication—reported on Monday that:

> Lawmakers from coal and manufacturing-heavy States aren't happy that more liberal Democrats are using the Copenhagen negotiations to ratchet up pressure to move the bill forward. ''I'm totally unconcerned about Copenhagen.''

This is a quote by Democratic Senator Jay Rockefeller from West Virginia.

He said:

I'm concerned about West Virginia.

I am glad to hear some of my Democratic colleagues making these statements.

They also reported—still quoting from Politico:

Virginia Democratic Sen. Jim Webb said on Monday he would not back the cap-and-trade legislation sponsored by Sens. John Kerry and Barbara Boxer, another blow to the troubled Senate climate change bill. ''In its present form I would not vote for it,'' he said. ''I have some real questions about the real complexities on cap and trade.'' Webb is the latest in a series of Democratic moderates to raise significant concerns with the climate bill, which has floundered since passing the House in late June.

That is quite some time ago.

Or consider Democratic Senator BEN NELSON from Nebraska. The Hill recently reported on a CNBC interview with Senator NELSON, writing:

''A cap-and-trade bill to address climate change cannot pass Congress this session,'' said Sen. Ben Nelson, Democrat from Nebraska. Nelson, a centrist Democrat whose vote is key to leaders wielding its 60-vote majority in the Senate, said he and his constituents had not been sold on the cap-and-trade system proposed in the House and Senate bills to address global warming. ''No,'' Nelson simply responded when asked if those cap-and-trade bills can pass through this Congress during an interview with CNBC. ''I haven't been able to sell that argument to my farmers, and I don't think they're going to buy it from anybody else,'' Nelson said. ''I think at the end of the day, the people who turn the switch on at home will be disadvantaged.'' The pessimistic assessment makes Nelson a thorn in the side of his party's leaders—

Who are trying to push this through from the Democratic Party.

Perhaps the biggest blow to any Senate climate bill came last week from 14 Senate Democrats, primarily from the Midwest, who in a letter challenged the allocation formula of Kerry-Boxer and Waxman-Markey. The letter was signed by Senators AL FRANKEN, AMY KLOBUCHAR, MARK UDALL, MICHAEL BENNET, ROBERT BYRD, CARL LEVIN, DEBBIE STABENOW, and SHERROD BROWN.

What about the prospects for 2010? As Lisa Lerer of Politico reported last week:

An aggressive White House push on jobs and deficit reduction in 2010 may be yet another sign that climate-change legislation will stay on the back burner next year. ''There is a growing chorus in the party that thinks we should be doing something more to spur job creation and not necessarily tackle cap and trade right now,'' said a moderate democratic Senate aide. White House officials told Politico on Friday that President Barack Obama plans to curb new domestic spending beyond jobs programs and focus on cutting the federal deficit next year. In the Senate, Majority Leader Harry Reid has hinted that Democrats plan to take up a job-creation bill, in the wake of the announcement of the 10.2 percent unemployment rate. In the House, some lawmakers are beginning to push a major highway bill for next year to focus on job creation. None of this is promising for the major climate change bill.

That was a quote that came out of Politico.

Also, Darren Samuelsohn with E&E News reported this week that:

Next November's midterm elections loom large, leaving the climate bill sponsors until about the end of March to notch the 60 votes necessary to pass their bill off the floor and into a conference with the House that would best be finished before the summer. ''Conventional wisdom is that you have until the spring to get controversial issues moving,'' said Sen. Ben Cardin, a lead co-author of the climate bill that the Environment and Public Works Committee passed earlier this month. ''If not, it's difficult to see getting through closer to the elections.''

What he is saying there, when you get closer to the elections, then you want to be more consistent with what Americans believe.

Mr. Samuelsohn reported that the Democrats fear a repeat of the disastrous 1992 Btu tax vote. He quotes Al Gore as saying, ''Yes, I think the Btu [post-traumatic stress disorder] is a factor in this debate.''

To refresh your memory, Madam President, the Btu, back in 1992, was a huge tax increase on energy. People realized they would have to pay for it. That passed the House, ironically, with 219 votes, the same narrow margin this cap-and-trade bill passed 15 years later.

Samuelsohn also writes that according to Democratic Senator JAY ROCKEFELLER of West Virginia, ''the talk on the street'' was that an election year cannot be good for passing the climate bill in the Senate, even though he did not agree with that opinion. ''There's some possibility of people saying that it's too controversial a bill in an election year,'' quoting Rockefeller, ''which is sort of the opposite of how a democracy ought to work.'' I do agree with him on that. ''You go ahead and take your chances on that and get reelected. But people's business should come first.''

By now the message should be clear: It is not just Republicans but Democrats who are blocking passage of cap and trade in the Senate. The sooner we are honest with the international community of the impossibility of the Senate moving forward with cap and trade, the sooner we can begin work on an all-of-the-above energy bill to develop domestic energy resources, create jobs, and provide consumers with affordable, reliable energy.

I don't like the idea that sometimes promoters of cap and trade say this is an energy bill. What you are doing is restricting energy. Right now, we are dependent on coal, oil, gas, and, hopefully in the future, nuclear. Those who are pushing for this green energy, which we all want someday—what do we do 10, 15, 20 years from now? Just 2 weeks ago, they came out with a study that said the United States of America is No. 1 in possession of recoverable natural resources. Yet 83 percent of these natural resources are off limits, primarily due to the moratorium set by Democrats saying: We don't want you to drill offshore or some of these other places. It seems inconceivable to me that we are the only nation in the world that does not develop its own resources.

Anyway, the tipping point from the most memorable tidbit from my 2-hour global warming speech in July of 2003 was my comments about the science behind global warming. Now 6 years later, as I head to the next U.N. global warming conference, I am pleased by the vast and growing number of scientists, politicians, and reporters all over the world who are publicly rejecting climate alarmism, those who want to scare people into some kind of action: Water is going to rise up, the world is coming to an end—all of that. They are rejecting these alarmists now.

When I made those comments on the Senate floor, few people were there to stand with me. Today, I have been vindicated, and I am proud to share the stage with all those who now dare to question Al Gore, Hollywood elites, and the United Nations.

Early in my 2003 speech, 6 years ago, I said:

Much of the debate over global warming is predicated on fear rather than science. Global warming alarmists see a future plagued by catastrophic flooding, war, terrorism, economic dislocations, droughts, crop failures, mosquito-borne diseases, and harsh weather—all caused by man-made greenhouse gas emissions.

For the next 2 hours, I presented arguments by a number of leading scientists who disputed that picture of the future. I argued that activists attempting to propagate fear would fail to convince the American people. I then concluded my remarks saying:

With all the hysteria, all the fear, all of the phony science, could it be that man-made global warming is the greatest hoax ever perpetrated on the American people? It sure sounds like it is.

My remarks were immediately ridiculed by alarmists in the mainstream media. Alarmists then and since have used every name in the book to discredit me. Nevertheless, I continued to make my case in speech after speech on the Senate floor, highlighting arguments by numerous scientists that contradicted the notion that the science behind global warming was ''settled.''

Every time you quote a scientist, they always come back and say: Oh, no, you can't talk about the science; the science is settled.

The first time the McCain-Lieberman bill came to the Senate floor was 2003. McCain-Lieberman was essentially a cap-and-trade bill similar to what we are looking at today. I remember well, Republicans were in the majority. I was chairman of the Senate Environment and Public Works Committee. I can remember we were given 5 days on the floor to debate this bill, 10 hours a day, roughly 50 hours. I remember going over this and debating this on this very floor of the Senate in 2005. It

was the McCain-Lieberman bill, and only two Senators came down during that week to give me support. Fast forward to 2008. The same bill came up, except this time it was called the Warner-Lieberman bill, another cap-and-trade bill, just like we are talking about today. At that time, it didn't take 5 days to defeat it; it took 2 days, and 23 Senators came down to join me in that effort. What do I credit for the reversal? You might be surprised by my answer. It is none other than the winner of a Nobel Peace Prize and an Oscar. It is Al Gore.

The media blitz of 2006, which included an avalanche of magazine covers, hour-long global warming documentaries, celebrity rock concerts around the world, and, of course, Al Gore's very own science fiction movie, caused an unprecedented response from scientists from around the world.

Later that year, I took to the Senate floor debunking much of Al Gore's movie and the media hype. I said then—and this is, again, 2006:

> In May, our Nation was exposed to perhaps one of the slickest science propaganda films of all time: former Vice President Al Gore's ''An Inconvenient Truth.'' In addition to having the backing of Paramount Pictures to market this film, Gore had the full backing of the media, and leading the cheerleading charge was none other than the Associated Press.

I noted a report that appeared on June 27, 2006, by Seth Borenstein of the Associated Press that boldly declared ''Scientists give two thumbs up to Gore's movie.'' I took issue with the Borenstein article and pointed out—and this is a quote from 3 years ago:

''The article quoted only 5''—listen, Madam President—''only 5 scientists praising Gore's science, despite AP's having contacted 100 scientists.''

They contacted 100 scientists and they could only find 5 scientists who praised it.

> The fact that over 80 percent of the scientists contacted by the AP had not even seen the movie or that many scientists have harshly criticized the science presented by Gore did not dissuade the news outlet one bit from its mission to promote Gore's brand of climate alarmism. I am almost at a loss [I am quoting from 3 years ago] as to how to begin to address the series of errors, misleading science and unfounded speculation that appear in the former Vice President's film. Here is what Richard Lindzen, a meteorologist from MIT, has written about ''An Inconvenient Truth.'' He said: ''A general characteristic of Mr. Gore's approach is to assiduously ignore the fact that the Earth and its climate are dynamic; they are always changing even without any external forcing. To treat all change as something to fear is bad enough; to do so in order to exploit that fear is much worse.''

That is Richard Lindzen, one of the top scientists at MIT. In that same 2006 speech I then proceeded to give a brief summary of the science that the former Vice President promoted in either an inaccurate or misleading way. Let me read a list of these.

He promoted the now debunked ''hockey stick'' temperature chart in an attempt to prove man's overwhelming impact on the climate. He attempted to minimize the significance of the medieval warm period and the little ice age.

Let's put them together. If you remember the famous hockey stick, that was the one that showed climate, increasing temperature, and then all of a sudden there is a hockey stick. That is when it started going up.

It ignored the fact that in the 14th century and again in the 16th century we had the medieval warm period and the little ice age. In the medieval warm period it was far warmer than it has been since that time.

In that same movie, insisting on a link between increasing hurricane activity and global warming that most scientists at this time do not believe—and it doesn't exist. The science has come out since that time and said very clearly that science is not there. Every year they say this coming year it is going to be greater hurricanes. It doesn't happen. For 5 consecutive years they predicted that and it hasn't happened.

He asserted that today's Arctic is experiencing unprecedented warmth, while ignoring that the temperatures in the 1930s were warmer than in that time. He claimed the Antarctic was warming and losing ice, but failed to note this is only true of a small region and that the vast bulk has been cooling and gaining ice during that period. He hyped unfounded fears that Greenland's ice is in danger of disappearing.

If you were to say that maybe there is some truth in the global warming issue, I had occasion, I say to my good friend who is presiding, a few years ago, not too many years ago—my background is aviation. I decided to replicate the flight of Wylie Post going around the world. One of my stops there, where Wylie Post stopped, was in Greenland. Their history books are full of the time things were flourishing in Greenland. The Vikings came in, they were growing things that hadn't been grown. Then when the cycle went through and it started getting colder, they died and disappeared. I think you can argue we are going to have these cycles. God is still up there. We have always had Him; we are going to continue to have Him.

Back to the film. He erroneously claimed the icecap on Mount Kilimanjaro is disappearing—and that is not supported—due to global warming, even while the region cools and researchers blame the ice loss on local land use practices.

He made assertions of massive future sea level rise far afield from any supposed scientific ''consensus'' and not supported in even the most alarmist literature. He incorrectly implied that a Peruvian glacier's retreat is due to global warming, ignoring the fact that the region has been cooling since the 1930s and other glaciers in South America are advancing. He blamed global warming for water loss in Africa's Lake Chad, despite NASA scientists concluding that local population and grazing factors are the more likely culprits. He inaccurately claimed polar bears are drowning in significant numbers due to melting ice when in fact they are thriving.

The population of the polar bear has quadrupled since 1960 and today, of the 13 polar bear populations in Canada, they are all increasing except for one and that is in the western Hudson Bay area where they have hunting regulations and issues they are working on now not related to weather.

He completely failed to inform the viewers that the 48 scientists who accused President Bush of distorting science were part of a political advocacy group set up to support Democratic Presidential candidate John Kerry in 2004.

You could make a whole speech on each of the assertions made in that science fiction movie called ''An Inconvenient Truth,'' and they have been disproven. At the end of the speech I challenged those in the media to reverse course and report on the objective science of climate change, to stop ignoring legitimate voices in the scientific community, question the so-called consensus, and to stop acting as a vehicle for unsustainable hype.

The reaction by the American public was so overwhelming that my Senate Web site crashed after that. Thousands of people came to my site to read and watch the speech. In fact, I was flooded with e-mails supporting the work.

I also noted in 2006, in that speech, many scientists were just starting to speak out against the so-called consensus on global warming. In April of that year, 60 prominent scientists who questioned the basis for climate alarmism sent a letter—these were Canadian scientists, 60 of them sent a letter to the Canadian Prime Minister and they wrote:

> If, back in the mid-1990s we knew what we know today about climate Kyoto would almost certainly not exist, because we would have concluded it was not necessary.
>
> I say that because Canada was one of the countries that did sign onto the Kyoto treaty. They are saying today, if we had known then what we know now, we wouldn't have done it.

I discovered how many prominent scientists were disputing the claims of global warming alarmism in 2007 and I released my first report detailing over 400 scientists who did not buy the consensus. If you want to go back to any of these, I have a Web site, inhofe.senate.gov. You can see who they are.

After that report, the list continued to grow and more scientists began publicly challenging global warming fears. In 2008, I updated the report with over 650 scientists and today that stands at well over 700 skeptical scientists. The chorus of skeptical scientific voices continues to grow louder every day as the consensus collapses.

I think this is important. A lot of the scientists were intimidated at that

time with the withdrawal of various grants and other things coming from both the Federal Government or some more liberal groups that are out there. The fact is they had the courage to come forward and say the consensus is not there even though everyone thought it was for so many years. This momentous shift has caused the mainstream media to take notice of the expanding number of scientists serving as ''consensus busters.'' A November 25, 2008 article in Politico noted that a ''growing accumulation'' of science is challenging warming fears, and that the ''science behind global warming may still be too shaky to warrant cap-and-trade legislation.'' That was a year ago.

In Canada's National Post, it noted on October 20 of 2008 that ''the number of climate change skeptics is growing rapidly.'' The New York Times environmental reporter Andrew Revkin noted on March 6, 2008, ''As we all know, climate science is not a numbers game. There are heaps of signed statements by folks with advanced degrees on all sides of the issue.''

In 2007 a Washington Post staff writer, Juliet Eilperin, conceded the obvious, writing that climate skeptics ''appear to be expanding rather than shrinking.''

We have seen this happening for the last 2 years. Yet it will be 2009 that will be remembered as the year of the skeptic. Until this year, any scientist, reporter, or politician who dared raise even the slightest suspicion about the science behind global warming was dismissed and repeatedly mocked. Who can forget Dr. Heidi Cullen of the Weather Channel. She was on every week. I don't think she is on anymore; I haven't seen her in quite some time. She was the one who said, in 2007, that the American Meteorological Society should revoke its seal of approval for any television weatherman who expresses skepticism that human activity is creating a climate catastrophe.

She said:

> If a meteorologist can't speak to the fundamental science of climate change, then maybe the AMS shouldn't give them the seal of approval.

This is what she wrote in December 21 in a blog on the Weather Channel:

> It's like allowing a meteorologist to go on air and say that hurricanes rotate clockwise and tsunamis are caused by the weather. It's not a political statement . . . it's just an incorrect statement.

Of course there was Robert Kennedy, Jr., also in 2007, who called anyone who didn't agree with his views on global warming ''traitors.'' He spoke before a liberal group called the Live Earth Concert in July of 2007. He stated, Robert Kennedy, Jr.:

> Get rid of these rotten politicians that we have in Washington, who are nothing more than corporate toadies for companies like Exxon and Southern Company. These villainous companies that consistently put their private financial interest ahead of the interests of all of humanity. This is treason and we need to start treating them as traitors.

Al Gore, of course, said anyone who dares question the science should be equated with those who question the Moon landing.

Aside from the distasteful and derogatory ridicule by such alarmists, a major statement by a manmade-to-global-warming believer severely undercut their claims. This year one of the United Nations IPCC—let me make sure people understand this. The IPCC, Intergovernmental—this is a panel put together in the United Nations of people to try to sell the idea that manmade gases—anthropogenic gases, CO_2, methane—cause global warming. One of the U.N. scientists told more than 1,500 scientists gathered at the conference in Geneva, Switzerland: ''People will say this is global warming disappearing. I am not one of the skeptics. However, we have to ask the nasty question ourselves, or other people will do it.''

Remember, this quote comes from Mojib Latif, who Andrew Revkin from the New York Times describes as ''a prize-winning climate and ocean scientist from the Liebniz Institute of Marine Sciences at the University of Kiel, in Germany.''

This remarkable admission of the need to ask nasty questions comes nearly 2 years after I first pointed out these very facts on the Senate floor in my October 26 of 2007 speech on the Senate floor. This is what I said at that time. I am quoting now. I always hesitate quoting myself but it is important that we were talking about this 2 years ago. I said:

> It's important to point out that the phase of global warming that started in 1979 has, itself, been halted since 1979. You can almost hear my critics skeptical of that assertion. Well, it turns out not to be an assertion but an irrefutable fact, according to the temperature data United Nations relies on. Paleoclimate scientist Dr. Bob Carter, who has testified before the United States Senate Committee on Environment and Public Works, noted on June 18 of this year: ''The accepted global average temperature statistics used by the Intergovernmental Panel on Climate Change—that's the United Nations—showed that no ground-based warming has occurred since 1998. Oddly, this 8-year-long temperature stability has occurred despite an increase over the period of time of 15 parts per million or 4 percent in the atmospheric CO_2. Second, lower atmosphere satellite-based temperature measurements, if corrected for non-greenhouse influences such as El Nino events and large volcanic eruptions, show little if any global warming since 1979, a period over which atmospheric CO_2 has increased by 55 parts per million, or 17 percent.

To try to say it is tied to CO_2 is interesting because immediately following World War II, the largest increase in the emissions of CO_2 took place starting about 1946. Yet that didn't precipitate a warming period, it precipitated a cooling period during that time.

The very people who had long called the science settled and those who went so far to say the science behind global warming was unequivocal now admitted that nasty questions must be raised. Those questions are now being raised by the media. On October 8, the BBC, the British Broadcasting Company, stunned the journalism community with an article by their climate correspondent Paul Hudson. The headline asked, ''What happened to global warming?'' Hudson wrote in that article, October 8:

> This headline may come as a bit of a surprise, so too might the fact that the warmest year recorded globally was not 2008 or 2007, but [was] in 1998. But it is true. For the last 11 years we have not observed any increase in global temperatures. And our climate models did not forecast it, even though manmade carbon dioxide, the gas thought to be responsible for warming our planet, has continued to rise.

(Mr. CARDIN assumed the chair.)

Mr. INHOFE. The article continues to note the lack of global warming recently and mentions the fact that many scientists are predicting a coming global cooling.

Following the BBC, other British news outlets have run similar headlines. The UK Sunday Times wrote ''Why everything you think you know about global warming is wrong.'' This is coming from Great Britain. The Daily Mail, another major publication in Great Britain, had a headline: ''Whatever happened to global warming? How freezing temperatures are starting to shatter climate change theory.'' Australia's Herald Sun has picked up on the trend as well. Columnist Andrew Bolt, noting the turning tide of media around the world, wrote:

> This is like the moment in the Emperor's New Clothes, in which the boy calls out ''but he's naked!''

Let's be clear. Some of the media were already beginning to question the consensus even before that announcement.

Television personalities were coming around as well. In April, Charles Osgood, host of ''CBS News Sunday Morning'' and a noted environmentalist, questioned global warming projections. He asked:

> Right now, global warming is a given to so many, it raises the question: Could another minimum activity period on the Sun counteract, in any way, the effects of global warming?

Osgood later scolded himself for even questioning global warming before stating:

> I'm sure you'll be hearing more about this solar dimming business, now that the story is out. Remember, you heard it here first . . .

Lou Dobbs, formerly with CNN, has also joined the chorus questioning the alarmists, consensus. In January, Dobbs compared the belief in manmade global warming to a religion.

He stated:

> They bring this thing to a personal belief system. It's almost a religion, without any question . . .

Dobbs also criticized what he called ''crowding out of facts and objective assessment of those facts . . . there's such selective choices of data as one

discusses and tries to understand the reality of the issues that make up global warming.''

In September, another dramatic announcement came from Houston Chronicle science reporter Eric Berger. He stated:

Earth seems to have at least temporarily stopped warming. If we can't have confidence in short-term prognosis for climate change, how can we have confidence in long-term?

The bright light is also fading on the U.N. IPCC. In August, the New York Times ran the headline ''Nobel Halo Fades Fast for Climate Change Panel.'' The article notes:

As the panel gears up for its next climate review, many specialists in climate science and policy, both inside and out of the network, are warning that it could quickly lose relevance unless it adjusts its methods and focus.

Weeks later, on September 23, the New York Times again acknowledged a shift in public moods and scientific evidence when it stated that the U.N. faced an ''intricate challenge: building momentum for an international climate treaty at a time when global temperatures have been relatively stable for a decade and may even drop in the next few years.''

Given the media's track record, this is hardly surprising. As I noted in my 2006 speech, the media runs hot and cold in their coverage of climate change. Quoting here, I said at the time:

Since 1895, the media has alternated between global cooling and warming scares during four separate and sometimes overlapping time periods. From 1895 until the 1930s, the media peddled the coming ice age.

Everyone is going to die. We are going to freeze to death.

From the late 1920's until the 1960's they warned of global warming. From the 1950's until the 1970's they warned again of a coming ice age. This makes modern global warming the fourth estate's fourth attempt to promote opposing climate change fears during the last 100 years. Recently, advocates of alarmism have grown increasingly desperate to try to convince the public that global warming is the greatest moral issue of a generation. Last year, the vice president of London's Royal Society sent a chilling letter to the media encouraging them to stifle the voices of scientists skeptical of climate alarmism. During the past year, the American people have been served up an unprecedented parade of environmental alarmism by the media and entertainment industry, which link every possible weather event to global warming. The year 2006 saw many major organs of the media dismiss any pretense of balance and objectivity on climate change coverage and instead crossed squarely into global warming advocacy.

Maybe one reason the media is starting to come around is that the public is shifting as well. It is easy to sell magazines, books, and movie tickets when you have everyone eating out of your hand believing that a climate catastrophe is right around the corner. Once the audience isn't buying that story anymore, it might be time to start acknowledging the other side.

If we look at Time magazine, I remember back in 1975, Time magazine—and Newsweek of the same year—said another ice age is coming. There it is. This is 1974. This was in Time magazine. Another ice age is coming. Then you fast forward to about 3 years ago. That same Time magazine had a picture of the last polar bear in the world standing on the last ice cube and saying: Now it is global warming.

This is why the media is coming around. Polls are showing an unprecedented shift in public opinion on the science of climate change as well as cap-and-trade proposals in Congress. Only a few weeks ago, in October, Politico reported:

As the nation struggles to climb out of a recession, 45 percent rated the economy as the most important issue in deciding their vote if the congressional election were held today, followed by 21 percent who said government spending, 20 percent who chose health care reform and 9 percent who said the wars in Iraq and Afghanistan. Just 4 percent of the people said climate change was the top issue.

I can remember when that was 60 percent.

The people have caught on. You are going to see the media, if they want to sell their stuff, come back and change their position. We are seeing that now.

Economic worries also led a majority of Americans to place jump-starting the economy ahead of concerns about the environment. Even as the Obama administration is pushing for climate protection legislation, 62 percent of those polled agreed that ''economic growth should be given priority, even if the environment suffers to some extent.'' The remaining 38 percent believe that ''protection of the environment should be given priority, even at the risk of curbing economic growth.''

Further, earlier this year Gallup released a poll that found that 41 percent of the people believe global warming claims are exaggerated. What about the effect of Al Gore's climate scare campaign? The Gallup poll editor Frank Newport says he sees no evidence that Gore is winning. Newport said:

It's just not caught on, they have failed. Any measure that we look at shows Al Gore's losing at the moment. The public is just not that concerned. [. . .] Ask people to name the biggest concerns, and just 1 percent to 2 percent cite the environment. The environment doesn't show up at all, it's Al Gore's greatest frustration. We seem less concerned than more about global warming over the years . . . Despite the movies and publicity and all that, we're just not seeing it take off with the American public. And that was occurring even before the latest economic recession.

Again, further quoting Frank Newport:

As Al Gore I think would say, the greatest challenge facing humanity . . . has failed to show up in our data.

Polls have also shown that when looking at environmental issues only, climate change continually ranks dead last among concerns. This wasn't true a few years ago. This is what is taking place now. This is after all the media hype, all the hysteria.

The Gallup poll in March found global warming ranked last in the United States among environmental issues. This is just environmental issues. Air and water pollution, toxic waste, animal and plant extinctions, the loss of tropical rain forests all ranked as a greater concern than global warming.

As Gallup stated:

Since more Americans express little to no worry about global warming than say this about extinction, global warming is clearly the environmental issue of least concern to them.

These are the environmentalists.

In fact, global warming is the only issue for which more Americans say they have little to no concern than say they have a great deal of concern.

The public is also unwilling to accept legislation on climate change that would cost them money. Rasmussen found that 56 percent of Americans said they are not willing to pay any additional taxes or utility costs to fight global warming.

The clear rejection of fear and hysteria is leading many on Capitol Hill to change their tune on climate legislation. Turning away from using scare tactics, the left is now trying to sell cap and trade as clean energy legislation. Don't say climate change, don't say global warming, don't say cap and trade anymore. Say clean energy economy—that is something that sells. So if you keep renaming the same thing, maybe it will sell.

As the New York and the L.A. Times have recently reported, the White House, concerned by the lack of support for their cap-and-trade initiatives, is using poll-tested talking points to help push one of the President's biggest priorities. The New York Times caught on to these new talking points earlier this year, reporting:

The problem with global warming, some environmentalists believe, is ''global warming.'' The term turns people off, fostering images of shaggy-haired liberals, economic sacrifice and complex scientific disputes, according to extensive polling and focus group sessions conducted by ecoAmerica, a nonprofit environmental marketing and messaging firms in Washington.

The L.A. Times also reported:

Scratch ''cap and trade'' and ''global warming,'' Democratic pollsters tell Obama. They're ineffective . . . Control the language, politicians know, and you stand a better chance of controlling the debate. So the Obama administration, in its push to enact sweeping energy and healthcare policies, has begun refining the phrases it uses in an effort to shape public opinion. Words that have been vetted in focus groups and polls are seeping into the White House lexicon, while others considered too scary or confounding are falling away.

Despite his longtime work on cap and trade, Senator JOHN KERRY actually went so far as to say he didn't even know what cap and trade is, saying in September:

I don't know what ''cap and trade'' means. I don't think the average American does. This is not a cap-and-trade bill, it's a pollution reduction bill.

While Senator KERRY says he doesn't know what cap and trade is, the American public knows what it is: a massive new energy tax, plain and simple.

It has been kind of interesting to watch this change, watch the phraseology change as time has gone by. But we know this: Nothing has really changed since Kyoto. It is the same thing, cap and trade, the largest tax increase in the history of America.

Let me conclude by saying just how encouraged I am to say that the tide has turned—not is turning, it has turned. The skeptics' challenge has been heard, and I am glad to see that more and more journalists are no longer reporting the hyped fears that many want the American public to believe. Media outlets around the world are more skeptical today of manmade climate fears, and they are also more aware of the enormous cost of climate legislation. More importantly, polls are showing that the people are no longer buying the hype either.

The bottom line is that efforts to pass the largest tax increase in America's history have clearly failed, handing the American people a tremendous victory.

It has been a long time, some 8 years.

I see the Senator from Vermont is very anxious to counter these things I have been saying. That is perfectly all right. That is one thing about this body—you have the opportunity to do that. There is no one I consider a better friend than the person presiding right now, from Maryland. He and I were elected together many years ago to the House of Representatives. We disagree on this issue.

What I am reporting here is science, and the people have come to an agreement. After 8 years, the truth finally does come out.

Winston Churchill said: Truth is incontrovertible. Ignorance may prevent it. Panic may resent it. Malice may destroy it. But there it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

HEALTH CARE REFORM

Mr. SANDERS. Mr. President, I do disagree with my friend from Oklahoma very much, but that disagreement will have to wait for another day because today I want to deal with another crisis, and that is the situation regarding health care.

I come to the floor to urge my fellow Senators to go forward in passing the strongest possible piece of health care reform legislation—legislation which is comprehensive, covering all basic health care needs; legislation that is universal, covering every man, woman, and child in our country; and legislation, importantly, that is cost effective both for individuals and for our Nation.

I think all of us understand the United States today is in the midst of a major health care crisis. Mr. President, 46 million Americans have no health insurance and, importantly, even more are underinsured with large copayments and deductibles. We have heard some of our rightwing friends talk about death panels. Let me tell you about the reality of a real death panel, not a phony death panel, and that is, this year in the United States, according to Harvard University, some 45,000 Americans will die because they lack health insurance and they do not get to a doctor when they should.

Mr. President, 45,000 will die this year. And if we do not take action, 45,000 or more will die next year. This is the United States of America. To see tens of thousands of our fellow country people dying because they do not have access to a doctor is an abomination, it is not acceptable, and that needs to change.

Among many other reforms we need to bring about as we go forward with health care reform is a revolution in terms of primary health care. Today, 60 million Americans, including many with health insurance, do not have access to a doctor. The result of that is, when they get sick, they go to the emergency room, at great cost, or they delay getting health care, and they end up in the hospital being treated for a far more serious illness than they would have had if they were treated initially. Clearly, this is an absurdity. It costs us lives. It costs us money. We have to change that.

I am very happy to say that in that regard I have introduced legislation that has 25 cosponsors in the Senate and which has been incorporated into the Health, Education, Labor, and Pensions bill, which would quadruple—quadruple—the number of federally qualified community health centers in our country over a 6-year period, which would mean there would be a community health center providing excellent quality health care, dental care, mental health counseling, low-cost prescription drugs in every underserved area in the country. We go from about 1,300 centers to 5,200 centers.

Also in this bill, we would increase by 10 times the amount of money for the National Health Service Corps so we can provide debt forgiveness for those people in medical school who want to practice primary health care, which in Vermont and around this country is a desperate, desperate need. We absolutely need to increase the number of primary health care physicians we have.

When we talk about health care reform, we also have to include dental care. Dental care is often sometimes pushed aside. But I can tell you, in many regions of this country, people are finding it virtually impossible to gain access to a dentist and, oftentimes, they simply cannot afford the dental care they need. So when we talk about health care, we have to include dental care in that.

Furthermore, when we are talking about health care reform, it is absolutely imperative we begin to address the fact that in the United States of America we spend far more on prescription drugs than do people of any other country. This is not just a financial issue for the individual; this is a health care issue. I have talked to physicians who tell me—and I think this is common not just in Vermont but all over the country—that some 25 to 35 percent of their patients do not fill the prescription the doctor writes because they cannot afford to do that. So what sense is it when somebody goes to the doctor that the doctor writes out a prescription but that individual cannot afford to fill that prescription? We need to deal with the high cost of prescription drugs, and we can do that in several ways.

No. 1, when I was in the House, I was the first Member of Congress to take American citizens over the Canadian border to purchase prescription drugs there that cost a fraction of what they cost in the United States. So we need to pass what is called reimportation—the right of Americans and the right of people who manage prescription drugs, who are in that business, to be able to purchase safe, FDA-approved medicine from abroad at a fraction of the price the drug companies are selling those products to them in this country. That will lower the cost of prescription drugs for all Americans.

Second of all, we, obviously, have to negotiate prescription drug prices under Medicare Part D. When we do that—and we lower the cost that Medicare is paying—we can end the doughnut hole which is now causing so many problems for senior citizens today who go above the first part, where Medicare is paying about $2,500, and then they have to pay 100 percent of the cost, which is hurting a whole lot of seniors.

Thirdly, we must deal with the biologics issue. My colleague Senator SHERROD BROWN of Ohio has been strong on this issue, so that we stop drug companies from having exclusivity for 12 years, preventing generic companies from getting into the market and lowering the cost of biologics. That is a very important issue.

Any serious health care reform legislation must include strong cost containment. Insurers have increased premiums 87 percent over the past 6 years, while premiums have doubled over the last 9 years—increasing four times faster than wages. If present trends continue, health insurance premiums will double over the next 8 years, which will be a disaster for millions of Americans and, in fact, for our entire economy.

Today, the United States spends far more per capita for health care than any other country on Earth. That is a very important point for us to understand. We are now spending over $7,000 per person, and yet despite spending almost twice as much as any other industrialized country, our outcome in terms of infant mortality, in terms of life expectancy, in terms of immunization and preventable deaths, is often

behind other countries. So we are spending huge amounts of money; we are not getting value for what we are spending.

The cost of health care in this country is now 16 percent of our GDP, and it continues to soar at a rate that is basically unsustainable. So this is not, again, just an issue for individuals. This is an issue for our economy and our Nation.

If you look at a company such as General Motors—General Motors which went bankrupt—they were spending more money on health care per automobile than they were on steel. Small business owners in Vermont and across this country are finding it harder and harder not only to provide decent health care coverage for their workers, but in many instances they cannot even provide health care to themselves. What ends up happening is, instead of investing their profits into expanding their businesses and creating more jobs, all of that money is going into the soaring health care costs.

But when we talk about the personal impact of our disastrous health care system on individuals, there is no better example than looking at bankruptcy. In this country today, we have approximately 1 million Americans who are going bankrupt because of medically related costs. It is not hard to understand why: You lose your job in the midst of a severe recession. Somebody in your family becomes very ill. Well, how do you come up with the money if you do not have any health insurance, or even if you do have an inadequate health insurance program? The answer is, you go bankrupt. So, incredible as it may sound, close to a million people in this country this year are going bankrupt because of medically related illnesses.

I have talked a little bit about some of the problems that are out there—and there are many more. What is the answer? I do not think anyone has a perfect answer. But I do think the United States should be looking at other countries around the world. Why do we end up spending so much and get relatively poor value for what we are spending? When we do that, when we look at countries throughout Europe, Scandinavia, Canada, and so forth, I think it leads one to the conclusion that if we are serious about providing quality, affordable care to all Americans, in a cost-effective way, then we must move toward what many of us call a Medicare-for-all single-payer program.

I understand, as I think many people do, that because of the power of the insurance companies and the drug companies and the medical equipment suppliers, because of their campaign contributions, because of their lobbying, the truth is, a single-payer program has never been on the table from day one since this whole discussion began. I think that is very unfortunate. It is doubly unfortunate because we have many thousands of physicians in this country, including the 16,000 members of Physicians for a National Health Program, and other health care providers, the largest nurses union in this country, in support of a single-payer system. Millions of Americans want us to move that way. But because of big money interests, that discussion does not even begin to get to the floor.

Well, I intend during the course of the debate to offer an amendment on a national single-payer system. We will see how many votes we get. But what I am also trying to do is give States flexibility so that, if they so choose, they can move forward with a single-payer approach. My guess is that if one State does it—whether it is Vermont, California, Pennsylvania—whichever that State may be, if it works well, if everybody in that State has good quality health care, in a cost-effective way, it will spread all over the country. I intend to do my best to see that language is in the bill, which will allow States to do just that.

A single-payer national health insurance program is a system in which a single public or quasi-public agency organizes health financing, but delivery of care remains largely private. This is not a government health care program. It is not what they do in the United Kingdom. It is public insurance privately delivered.

The reason we spend more—and this is an issue that has gotten amazingly little discussion—why do we end up spending almost twice as much as any other country? Well, I think that is a good question to ask. I do not hear a whole lot of answers. The reason is we have a patchwork system of for-profit payers. We have private insurance. What is the function of a private insurance company?

Everybody in America understands the function of a private insurance company is not to provide health care, it is to make money. What we end up with are 1,300 private insurance companies, with thousands of separate systems, each geared to a different group, each geared to make as much money as it possibly can. The result is we as a nation are spending about 30 cents of every $1 not on doctors and medicine and nurses; we are spending it on administration and bureaucracy, huge profits, advertising, billing, sales, marketing—you name it; we spend it—rather than spending it actually on trying to keep people healthy or make them well.

Single-payer financing is the most significant way I know to end the waste and bureaucracy of the current system. What the studies suggest is if we move toward a single-payer system, we would save over $350 billion every single year, getting rid of all of that bureaucracy, that waste—the paper shuffling that has nothing to do with making people well.

Under a single-payer system, all Americans would be covered for all medically necessary services, including doctor, hospital, long-term care, mental health, dental, vision, prescription drug, and medical supply costs. In other words, unlike anything else I have been hearing, it would be comprehensive: all of your basic health care needs. Patients, of course, would remain free to choose the doctor and hospital they would want, and doctors would retain autonomy over patient care, which often is not happening today as they have to argue with insurance companies as to what kind of therapies they can prescribe. Physicians would be paid fee-for-service according to a negotiated formulary or receive salary from a hospital or nonprofit HMO group practice. Hospitals would receive a global budget for operating expenses. Health facilities and expensive equipment purchases would be managed by regional health planning boards. A single-payer system would be financed by eliminating private insurers and recapturing their administrative waste. Modest new taxes would replace premiums and out-of-pocket payments currently paid by individuals and businesses. Costs will be controlled through negotiated fees, global budgeting, and bulk purchasing.

Well, that is where, in my view, we should be going. That is not where we will go. As I said earlier, that approach is anathema to the insurance companies, the drug companies, the medical equipment suppliers, all of the big money interests, and they have, unfortunately, enormous power over what goes on in Congress, so we are not going to go there.

Let me say a few words about where we are going. Obviously, we are in the middle of that right now. Last week the House came forward with their bill. Majority Leader REID is now trying to meld the two bills in the Senate from the HELP Committee and from the Finance Committee, and we expect that new legislation will be out very shortly. I have not seen it; I don't know if anybody has. Let me express a few words of concern about what I have seen in the discussion and the legislation that has been passed in the House.

First of all, the average American is saying—I get this in Vermont every day, and I am sure the Presiding Officer gets it in Maryland every day—all right, hey, good, health care reform. That is great. What is it going to cost me? What do I get? How much am I going to have to pay, and what do I get for what I pay? That is the question on the minds of millions of Americans.

The answer is, at this point—and, again, we have not seen Senator REID's bill which will be out almost momentarily, but let me just tell my colleagues about what was in the Senate Finance Committee bill so everybody has a sense of what we are talking about.

Under the Finance Committee bill—and that is going to change; whether it goes up or down, I don't know, but it will change—a family of four in Vermont earning $44,000 a year, which is not an unusual sum in my State, would pay about $3,087 in annual premiums, while the Federal Government

would pick up the rest of the total of $14,700 in premiums. In a year with high medical expenses—in other words, somebody gets ill, somebody has an accident and ends up in the hospital for 3 weeks—that family would pay up to $5,800 out of pocket. So you have premiums of $3,087, out-of-pocket costs of $5,800. That is a total potential payment in premiums and out-of-pocket expenses of $8,887 for health care under the Finance Committee's bill. This would be about 31 percent of the net income, aftertax income, of a family in Vermont, and I don't know that Vermont is any different than Maryland or any other State earning $44,000—31 percent.

Somebody could tell us that is health care reform, but I really don't see it. Asking people in this country who, admittedly, have had a tough year with illness to pay 31 percent, and then say, hey, we passed health care reform, that, frankly, is not good enough for me, and I am going to do everything I can to make sure the final product out of the Senate is a lot better than that for ordinary middle-class families.

The second issue that concerns me as we proceed down the line in terms of this health care debate is the issue of public option. I think there is a lot of confusion about what a public option is, but let me say this: My belief is the vast majority of the American people want to have a choice as to whether they stay in a private insurance company or whether they go into a Medicare-type public option which is funded by premiums. It is not Medicare; it is funded by premiums. But there are large numbers of Americans, for right reasons—I agree with them—who do not trust private insurance companies because they understand that a private insurance company wants to make as much money as possible off of their premiums. They would like the choice of looking at and maybe going into a public option. My view is we should make that choice available to as many people as possible.

I have the sad thought that many folks out there are hearing us talking about a public option saying: Hey, that is great. I am going to have a choice. I don't like my employer-based health care. Now I am going to have a public option. That is great.

Let me break the bad news to you if that is what you believe. That is not the case as it now stands. Relatively few people—people who are currently uninsured; small, very small, businesses; people who today get their insurance companies privately for themselves or their families; the self-employed, those are the people for whom a public option is currently available based on what has been passed. I think that is wrong. I think we need to expand it. Frankly, I think virtually every American should have that choice.

There is the great debate: Should Members of Congress have the public option as our rightwing friends talk about? Yes, we should. And if the public option is better than Blue Cross Blue Shield or private insurance companies, many of us would take it. But as does everybody else, we deserve the option. That is what it is, an option. If you like private insurance, it is working well for you, stay with it. If you like the public option because it is better for you, you go with it. Let's give as many Americans the choice, not 2 or 3 percent but the vast majority of the people in our country who are now in private insurance.

That takes us to another issue because, in the midst of a bill which is very complicated—and I am not a great fan of complicated. I think when you have a bill that is 1,900 pages, that just begs for the big money interests and the special interests to get their little things in it, and I worry about that a whole lot. This is much too complicated, but there it is. I think the House bill is 1,900 pages. But when we talk about opening the public option for more Americans, it means to say you have to open the exchange, the gateway for more Americans. The gateway means if you choose either your private insurance company or a public option, you are going to get subsidized by the Federal Government. Right now, as this bill stands, there are many people stuck in bad private insurance plans.

Maybe you work for Wal-Mart, maybe you work for Dunkin' Donuts, maybe you work for McDonald's, and they are offering you some kind of insurance program which either costs a fortune or doesn't cover very much. Well, under the current legislation, up to now at least, you are stuck with that. That is what you have. That is not health care reform, to be stuck in a bad Wal-Mart plan. We have to do better than that. So we want to expand that gateway for more people.

The other question is—I don't know what Majority Leader REID's bill is going to end up costing, but the estimates are that we are looking at about, over a 10-year period, $800 billion to $1 trillion. Well, the simple question is, Where is the money coming from? Where is the money coming from?

There are some people who have said: Well, maybe we want to tax good, strong insurance programs out there. That is the way to go. Well, not for this Senator, it is not, and I will do everything I can to oppose any movement in that direction. Workers have fought, in many cases, long and hard—given up wage increases—in order to get decent health insurance programs for their families, and now we are going to tax them? Not me. I am not going to do that. This country has the most unequal distribution of income and wealth. The rich are getting much richer while the middle class is shrinking.

I think it is fair as we move forward in health care reform to ask the wealthiest people in this country to start paying their fair share of taxes.

There is another issue which is kind of a local issue, I admit, and that is on the impact on early-acting States in terms of Medicaid reimbursements. It was just in the newspapers today—and I am very proud of this—that for whatever it is worth, according to some group, the State of Vermont is now the healthiest State in the country. What that tells me and what I know for a fact is that Vermont, which is not a wealthy State, has said we are going to take care of our kids. We are going to make sure that as many kids as possible are involved in what we call our SCHIP program. It is called Dr. Dinosaur. It is a very good, popular program. We are going to have other public health insurance programs. We are going to do the best we can.

I am proud that today Vermont was acknowledged to be perhaps the healthiest State in the country. I am not going to sit by idly while Vermont and Massachusetts—another State that has taken major steps forward—are penalized because we have made reimbursement rates. Because we have done the right thing is not a reason to penalize us. I am all for helping out States that have not done the right thing, but we should not and will not penalize States that have done the right thing.

So let me conclude by saying this: This country faces a major crisis in health care. Because of the power of big money, we are not going to do the right thing and pass a Medicare-for-all, single-payer approach, which is the only way to provide quality, affordable, cost-effective health care for all Americans. What we are now looking at is a 1,900-page bill which is enormously complicated which clearly has been heavily influenced by the drug companies, by the insurance companies, and by every other special interest that is making billions off of health care.

I think it is very important as we proceed down this path to take a very hard look at the end of the day as to what this bill will mean for middle-class families, for working-class families, and for the financial stability of our country as a whole. I am going to do everything I can to make sure this bill is something worth voting for—worth voting for.

So with that, I thank the Chair for the indulgence, and I yield the floor.

Mr. COBURN. Mr. President, I seek recognition to speak on the nomination of Judge Hamilton.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

NOMINATION OF JUDGE DAVID HAMILTON

Mr. COBURN. I come to the floor—I am a member of the Judiciary Committee—to raise significant concerns about this nominee. There is no question he is a fine man. There is no question he has a lot of experience, a great

education. But there is also no question in my mind that he is a highly activist Federal judge who will be promoted to a level of making final determinations on most of the decisions that come before him and his circuit.

He does have a distinguished history, but his history is complicated by, in my opinion, a view that it doesn't matter what the Congress says; that it doesn't actually matter what precedent says; it doesn't matter what stare decisis, the precedent of the Supreme Court, says; he believes he can rule against that.

After attending his hearings, I would note there were over 10,000 pages of decisions and his vote on the committee was well before we could actually consider all 10,000 pages of decisions. He was voted out of our committee.

I want to raise in detail some of my problems and then give some case histories to back them up. For example, I asked Judge Hamilton whether he thought it was appropriate for a judge to consider foreign law when interpreting the Constitution. Rather than recognize the court should not be looking to foreign law when interpreting our Constitution, Judge Hamilton used an analogy of judges considering law review articles of American lawyers with consulting decisions of foreign courts. He stated:

> [C]ourts . . . will look to guidance from wise commentators from many places—professors from law schools, experts in a particular field who have written about it. And in recent years, the Supreme Court has started to look at some courts from other countries where members of the Court may believe that there is some wisdom to be gained. As long as it is confined to something similar to citing law professors' articles, I do not have a problem with that.

I have serious concerns with that. Let me put out what those are. What he fails to recognize when he equates the two is that professors who are writing on American law in American journals are writing about the interpretation of our Constitution based on American statutes and American values. They begin their analysis with an understanding of the creation of our Constitution by our Founders and our system of limited government.

When American courts look to foreign law, they are considering opinions and wisdom of people who do not share our values and who are unfamiliar with American statutes and constitutional interpretations. By conflating the two types of references, Judge Hamilton tries to minimize the damage courts can inflict on our Constitution when they look to foreign courts for guidance.

I was even more disturbed by Judge Hamilton's answers to my written questions following his hearing. In his responses, Judge Hamilton embraced President Obama's empathy standard, writing that empathy was ''important in fulfilling [the judicial] oath.''

As a matter of fact, Supreme Court Justice Sotomayor cited just the opposite. What she said was that she looks at facts, not empathy. She rejected the empathy standard.

He also explained why he believed he fit this standard and emphasized his effects-based approach, stating:

> Because I will continue to do my best to follow the law, to treat all parties who come before me with respect and dignity, and to understand how legal rules or decisions will affect behavior and incentives for different people and different institutions.

That is nowhere in the oath of a judge. Nowhere is that. Considering the consequences of his ruling and how that might affect people should not be part of the decisionmaking, in making the ruling.

These statements following his hearing only confirmed what I feared prior to his hearing: that Judge Hamilton embraces a liberal activist philosophy and has implemented that philosophy in his legal decisions.

As evidence of his activist tendencies on the bench, I will turn now to some of his opinions as a district court judge that illustrate his propensity to allow his personal biases to influence his decision. In the case of Women's Choice v. Newman, Judge Hamilton succeeded in blocking the enforcement of a valid Indiana law for informed consent for 7 years—7 years. The law required doctors to give certain medical information to women in person before an abortion could be performed and required a waiting period before an abortion was performed.

There is already precedent, clearly by Casey, in the Supreme Court. When overturning Judge Hamilton's ruling, the Seventh Circuit harshly criticized his decision by stating:

> [F]or seven years, Indiana has been prevented from enforcing a statute materially identical to a law held valid by the Supreme Court in Casey, by this court in Karlin, and by the Fifth Circuit in Barnes. No court anywhere in the country (other than one district judge in Indiana) has held any similar law invalid in the years since Casey . . . Indiana (like Pennsylvania and Wisconsin) is entitled to put its law into effect and have that law judged by its own consequences.

That is a harsh review.

Further, Judge Coffee, in his concurring opinion in this case, was even more critical of Judge Hamilton's opinion, and he specifically criticized Hamilton's reliance on one study which was conducted by the Planned Parenthood-affiliated Guttmacher Institute.

Here is what he said about Judge Hamilton's decision:

> [His decision] invades the legitimate province of the legislative and executive branches.

That is the problem with judicial activists. They see no limits. They take a personal bias, and they use that bias rather than interpreting the statutes and looking at precedent. They make their own decision. For 7 years Indiana was without a duly-passed statute passed by the elected representatives of that State, in error, because Judge Hamilton believed something different.

He didn't rely on precedent. He relied on his personal bias, a strong personal bias that said that wasn't right, when all the other courts had recognized the precedent by Casey.

Here is what Judge Coffee also said:

> As a result, literally thousands of Indiana women have undergone abortions since 1995 without having had the benefit of receiving the necessary information to ensure that their choice is premised upon the wealth of information available to make a well-informed and educated life-or-death decision. I remain convinced that [Judge Hamilton] abused his discretion when depriving the sovereign State of Indiana of its lawful right to enforce the statute before us. I can only hope that the number of women in Indiana who may have been harmed by the judge's decision is but few in number.

As the Seventh Circuit properly notes, as a result of his activism, Judge Hamilton effectively prevented the people of Indiana from enforcing a duly enacted, reasonable restriction on abortion in violation of existing law and Supreme Court precedent.

In two other cases, Judge Hamilton succeeded in excluding traditional religious expression from the public square. In the case of Hinrichs v. Bosma, Judge Hamilton prohibited prayers in the Indiana State Legislature that mentioned Jesus Christ while allowing those that mentioned Allah. The Seventh Circuit reversed that decision.

In another case, Grossbaum v. Indianapolis-Marion County Building Authority, Judge Hamilton's decision prohibited a rabbi from placing a menorah in a public building. A unanimous Seventh Circuit court panel reversed Judge Hamilton's ruling and noted that he had ignored two Supreme Court cases that were directly on point.

Why would a learned judge ignore precedent? There is only one reason for ignoring precedent, and that is a judicial activist bias that he does not have to follow the law; that he is not limited by the Constitution, but he is limited to his personal feelings and his personal beliefs. That is the exact opposite of what we want in terms of neutrality of those directing court proceedings.

Judge Hamilton's record also suggests he is empathetic toward criminal defendants rather than the victims of crimes. According to the Almanac of the Federal Judiciary, local practitioners have said Judge Hamilton ''is the most lenient of any judge in the district. . . .''

''He is one of the more liberal judges in the district.''

''He leans towards the defense.''

''He is your best chance for downward departures.''

''In sentencing, he tends to be very empathetic to the downtrodden or those who commit crimes due to poverty.''

Blind justice doesn't recognize wealth when you commit a crime. It doesn't recognize wealth. If, in fact, that were the case, we should have more severe penalties for people who have greater means. But, instead, we treat everybody the same under the law.

I believe his judicial record confirms the statements of these local practitioners. For example, in the case of United States v. Woolsey, Judge Hamilton ignored the prior conviction of a defendant in order to avoid imposing a life sentence and was reversed by the Seventh Circuit. He ignored a prior conviction. He chose to ignore it. Activist, not following the law, not following the Code of Judicial Conduct. You do not get the choice to ignore it. It is a breach of his judicial oath. Yet he does it.

Here is what the Seventh Circuit said as they criticized Judge Hamilton's decision:

> [The] Indiana district court was not free to ignore Woolsey's earlier conviction . . . we have admonished district courts that the statutory penalties for recidivism . . . are not optional, even if the court deems them unwise or an inappropriate response to repeat drug offenders.

In yet another case demonstrating his empathy toward criminals, Judge Hamilton took the unusual step of issuing a separate written order of judgment and conviction ''so that it may be of assistance in the event of an application for executive clemency'' because he believed the 15-year mandatory sentence he was forced to impose on a child pornographer was too harsh.

In this case, U.S. v. Rinehart, the defendant, a police officer, pled guilty to two counts of producing child pornography after he took pictures of a 16-year-old girl engaged in ''sexually explicit conduct'' and took videos of himself and a 17-year-old girl engaging in sexual relations. These images ended up on his home computer, and he was charged under the Child Protection Act of 1984.

In a separate written order of judgment, Judge Hamilton concluded by stating his personal views in this case and urging executive clemency. He is stating his personal views in this case, in other words, not that of a judge. He has stepped out of being a judge. Now, using the role of a judge, he is using his personal views to influence clemency. Here is what he said:

> This case, involving sexual activity with victims who were 16 and 17 years old and who could and did legally consent to the sexual activity, is very different. But because of the mandatory minimum sentence of 15 years required by 18 U.S.C., 2251(e), this court could not impose a just sentence in this case. The only way that Rinehart's punishment could be modified to become just is through an exercise of executive clemency by the President. The court hopes that will happen.

He later confirmed to us that he thought that action was appropriate. When Congress passed the Child Protection Act of 1984, at issue in this case, it determined that in order to strengthen Federal child pornography laws, a child is defined as someone under the age of 18. So what did Judge Hamilton do? He said what we say doesn't make any difference. The fact that the legislative body signed it, and it was put into law by the executive branch—he didn't think that counted because he didn't agree with it. So he went outside of it to try to get clemency based on him thinking we were wrong. He didn't have any basis of law to do it, but then did it anyway.

In our constitutional system of government the power to create legislation is assigned to the Congress and a judge must simply interpret the law as it is written. This judge refused to do that.

When a judge second-guesses Congress, criticizes its legislative decisions as being unfair, and invites a grant of clemency, he undermines the rule of law and the confidence the American people have in their government. Judge Hamilton's action in this case belies his tendency to empathize with criminal defendants.

These are just a few of the statements and opinions in Judge Hamilton's record that form the basis of my opposition. I believe he is an activist jurist. He has shown that he will allow his personal biases and prejudices to affect the outcome of cases before him. I do not believe he deserves a promotion to the Seventh Circuit where he will be even less constrained by precedent and the possibility of a reversal on appeal.

I will be voting against his confirmation, and I believe the people of this country should be very wary of other judges who have an activist bent, who disrespect the rule of law, who believe they do not have to look at precedent, who, because their personal bias is different than what the law says, believe they can be in a position to effect change in the law rather than have it come through, or all the way to the court, to do that.

The job of the judge is to interpret the law and the facts carefully. This judge does not do that.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished assistant majority leader.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I rise to speak in support of the nomination of David Hamilton, who is President Obama's nominee to serve on the U.S. Court of Appeals for the seventh Circuit.

This appellate court has jurisdiction over three states, including my home State of Illinois. Because the Supreme Court takes so few cases these days, the circuit courts have the final word in 99 percent of Federal cases. In other words, the buck stops with the Seventh Circuit for the vast majority of my constituents when they have a legal grievance.

Yesterday, we had to have a cloture vote on the Hamilton nomination because a majority of Republican Senators wanted to filibuster it. Three-quarters of the Republican caucus voted to filibuster Judge Hamilton. That is astonishing.

Judge Hamilton is a moderate, mainstream judge who has earned an outstanding reputation during his 15 years of service on the Federal district court. He has strong bipartisan support, including the support of Republican Senator RICHARD LUGAR.

Another reason I was surpri ed to see the filibuster attempt is because, during the Bush administration, Senate Republicans made speech after speech about their fervent belief that every judicial nominee deserved an up or down vote on the Senate floor. If I had a dollar for every time a Republican Senator advocated for this position, I would be a wealthy man.

This was such an article of faith among the Senate Republicans during the Bush years that they tried to change the rules of the Senate to ban the filibuster of judicial nominees and to require up or down votes. This was called the ''nuclear option'' and the Senate spent days and weeks debating this issue. Thankfully, a handful of courageous Republican Senators opposed it, and this cynical effort was defeated.

We are today seeing a complete double standard when it comes to the way some of my Republican colleagues are treating judicial nominations. When President Bush was in office, they wanted to rubberstamp every nomination. Now that the tables have turned and we have a Democratic President, we have seen unprecedented obstructionism from the Republican side.

Under President Bush, over half of his judicial nominees were confirmed by voice vote or unanimous consent. The Democrats consented to their confirmation without requiring time being spent on a rollcall vote on the Senate floor. The Republicans, by contrast, haven't agreed to a voice vote or unanimous consent on a single one of President Obama's judicial nominees.

In addition, many of the Bush nominees were confirmed within days of being approved by the Judiciary Committee. The average circuit court nominee under President Bush was confirmed just 29 days after being voted out of the Judiciary Committee. By contrast, the average Obama circuit court nominee has had to wait 141 days between the committee vote and confirmation. President Obama's circuit court nominees have had to wait five times longer than President Bush's nominees for a vote.

As a result, the Republicans have ground the judicial nomination process almost to a halt. They have agreed to votes on only seven of President Obama's judicial nominees.

Let's compare this confirmation rate with the number of judges who were confirmed by Thanksgiving under past Presidents. Under President Bush, there were 18 judges confirmed by Thanksgiving. Under President Clinton, there were 28. Under the first

President Bush, there were 15. Under President Reagan, there were 29, and under President Carter there were 26. President Obama has had only 7 judges confirmed—due to Republican stalling tactics.

The Republican obstructionism isn't limited to President Obama's judicial nominations. As of today, they are holding up 40 different nominations, including 10 judicial nominees and 30 executive branch nominees. The vast majority of these nominees are noncontroversial. They were passed with unanimous support in the Senate committee of jurisdiction.

Many of the individuals who are being held up by Senate Republicans have been nominated for important administration positions and long-vacant Federal judgeships. Without Senate confirmation of these nominees, many Americans will see delays in their ability to seek justice in our courts, and delays in the ability of the Obama administration to tackle some of our most pressing national problems.

Unlike many of the judicial nominees sent up by President Bush, the current President has bent over backwards to identify consensus nominees—like Judge David Hamilton—who have bipartisan support. Many of President Bush's judicial nominees, by contrast, did not have bipartisan support or home-State Senator support. With many of President Bush's nominees, it was clear that the Bush White House wanted to pick a fight, rather than a judge.

President Obama is a breath of fresh air. Every single one of his judicial nominees has the support of their home State Senators, be they Democrats or Republicans.

Senator LUGAR—a conservative Republican from Indiana—came to the Senate floor this week and made a strong and compelling case for Judge Hamilton's confirmation. When he introduced Judge Hamilton to the Senate Judiciary Committee in April, Senator LUGAR said the following:

> I believe our confirmation decisions should not be based on partisan considerations, much less on how we hope or predict a given judicial nominee will ''vote'' on particular issues of public moment or controversy. I have instead tried to evaluate judicial candidates on whether they have the requisite intellect, experience, character and temperament that Americans deserve from their judges, and also on whether they indeed appreciate the vital, and yet vitally limited, role of the Federal judiciary faithfully to interpret and apply our laws, rather than seeking to impose their own policy views. I support Judge Hamilton's nomination, and do so enthusiastically, because he is superbly qualified.

I hope my colleagues across the aisle will keep these words in mind when they vote on the Hamilton nomination.

Is Senator LUGAR the only Republican in Indiana who supports Judge Hamilton? No. Another prominent Republican supporter is the president of the Indiana Federalist Society: Geoffrey Slaughter. The Federalist Society is an organization of ultraconservative lawyers, and they don't typically support Obama nominees. But the Indiana Federalist Society president has said:

> I regard Judge Hamilton as an excellent jurist with a first-rate intellect. He is unfailingly polite to lawyers. He asks tough questions to both sides, and he is very smart. His judicial philosophy is left of center, but well within the mainstream.

Does that sound like the type of judicial nominee who should be filibustered?

The critics of Judge Hamilton have singled out a handful of decisions in his 15 years on the bench and 8,000 cases. Senator LUGAR has done an excellent job explaining why Judge Hamilton's rulings were sensible and defendable.

The Hamilton nomination has been pending on the Senate floor for nearly 6 months. Enough is enough.

NOMINATION OF MARY L. SMITH

Madam President, I would also like to discuss another nominee whom the Republicans have been stalling: Mary L. Smith. She is President Obama's nominee to be the Assistant Attorney General for the Tax Division at the Justice Department. Mary is from my home State of Illinois, and Senate Republicans have been holding up her nomination for over 5 months.

Mary Smith is a highly qualified nominee who has had a distinguished 18-year legal career. After graduating from the University of Chicago law school, she clerked for a prestigious Federal judge and then litigated at a large Chicago law firm. She then worked as a trial attorney in the Justice Department's Civil Division and as a lawyer in the Clinton White House.

Mary returned to private practice and joined the international law firm of Skadden, Arps, Slate, Meagher & Flom, where she focused on business litigation. After 4 years at Skadden, she went to work at Tyco International, where she managed what has been called the most complex securities class action litigation in history.

Mary has also been deeply devoted to pro bono work and public service, which really tells the story of a lawyer's dedication to the profession. She serves on many bar association boards including the Chicago Bar Foundation, which helps provide free legal services to low-income and disadvantaged individuals.

Mary Smith is not only a highly qualified nominee, she is a historic nominee. Mary is a member of the Cherokee Nation and, if confirmed, she would be the first Native American to hold the rank of Assistant Attorney General in the 140-year history of the Justice Department. She would be the highest ranking Native American in DOJ history.

I was sorry to see that when we took up Mary Smith's nomination in the Senate Judiciary Committee, the Republican members voted against her. They alleged she was unqualified for the job because she doesn't have as much tax law experience as other recent Tax Division nominees.

The Judiciary Republicans are grasping at straws with this allegation. First of all, it is an inherently subjective determination. There is no record of how much time Mary Smith has spent working on tax issues compared with previous nominees.

It is true Mary is not a traditional tax lawyer, but she has worked on tax law and tax policy issues throughout her career. During the years she worked at Tyco International, she worked closely with that company's tax department on responding to IRS subpoenas and assessing the complex tax implications of the $3 billion settlement of the Tyco securities litigation.

When she served in the Clinton White House she worked with congressional offices, the Treasury Department, and the National Economic Council to address tax disparities between Indian tribes and State governments.

And more recently, she served on President Obama's Justice Department transition team, and she helped review and analyze the Tax Division, the very office she has been nominated to lead.

The second reason the Republican allegation about Mary Smith's qualifications is off base is because Mary has more litigation, management, and Justice Department experience than previous Tax Division nominees. Those are critical qualifications to lead the Tax Division. In this respect, Mary Smith is more qualified than her predecessors.

Mary is a seasoned litigator who has had multiple trials and courtroom experience. The head of the Tax Division needs first and foremost to be a person with litigation experience, and Mary Smith fits the bill. She has been a litigator in the Justice Department, in two large law firms, and in one of the largest corporations in the country. Two of the recent Tax Division leaders—whom the Judiciary Republicans hold up as models of what it takes to lead that office—had no litigation experience and never had a single trial.

Mary is also more qualified than some of her predecessors when it comes to management experience. The Tax Division is an office with over 350 attorneys. When she worked on the Tyco litigation, Mary managed over 100 lawyers and a $50 million budget. She managed large litigation teams while working at the Skadden Arps law firm. And during her service in the White House, she helped manage and coordinate the work of multiple Federal agencies. None of the other recent Tax Division nominees had as much management experience as Mary Smith, a fact that has little value to the Judiciary Republicans who voted against her.

Mary also has more Justice Department experience than her recent predecessors. She worked in the DOJ Civil Division as a trial attorney, and she was a key member of President Obama's DOJ review team last winter. She understands the Justice Department as an institution, and the perspective of the DOJ career staff.

In short, Mary has an excellent background to lead the Tax Division. She has litigation experience, management experience, DOJ experience, and tax experience. None of the previous heads of that office had all of these qualifications combined.

One of those prior Tax Division leaders, Nathan Hochman, has come forward in support of Mary Smith's nomination. Mr. Hochman was the head of the Tax Division under President George W. Bush, so he's not exactly a partisan Democrat. Mr. Hochman wrote a letter to the Senate and said the following:

> I am confident Mary will provide strong leadership for the [Tax] Division and is a good choice. . . . Mary's private practice experience in complex financial litigation gives her a working background for the type of cases litigated by the [Tax] Division.

I would suggest that President Bush's Tax Division leader has a better understanding of what it takes to lead the Tax Division than a handful of Senators.

Ted Olson is another prominent Republican who supports Mary Smith for this position. Mr. Olson is one of the most respected lawyers in America and he served as the Solicitor General at the Justice Department under President George W. Bush. He worked closely with the Tax Division and represented that office in cases before the Supreme Court.

Ted Olson wrote a letter to the Senate and called Mary Smith ''a first-rate litigator'' and ''a fine choice to be this nation's Assistant Attorney General for the Tax Division.''

The Senate has received dozens of other letters of support for Mary Smith, including many from our Nation's leading Native American leaders. They are eager for the Senate to confirm Mary so she can become the highest ranking Native American in the history of the Justice Department.

The month of November is National American Indian and Alaska Native Heritage Month. We would honor our Native American community by confirming Mary Smith this month.

I urge my Republican colleagues to stop blocking this important nomination and agree to a vote on my Illinois constituent, Mary Smith.

Mr. BUNNING. Madam President, I rise today to speak in opposition to the nomination of Judge David Hamilton for the Seventh Circuit Court of Appeals.

First of all, I would like to speak on the state of the judicial nomination process in the Senate. For several weeks now, I have listened to my colleagues on the other side of the aisle speak on this floor about so-called obstructionism by the minority regarding judicial nominations. For 214 years, the U.S. Senate enjoyed a tradition of holding fair up-or-down votes on judicial nominees regardless of the Senate's political makeup. Beginning in 2003, my colleagues on the other side of the aisle ended that tradition when they successfully filibustered 10 judicial nominations by President Bush whom they considered ''out of the mainstream.'' At the time, we insisted that this was a bad and inefficient precedent to set. However, the other side insisted on traveling down that road. Now the majority claims that if we in the minority care about the good of the country, we should just let any judicial nomination by the President sail through the Senate without any objection. I would encourage those Senators to come to my office to listen to the hundreds of Kentuckians who call and write every day in opposition to the nomination of Judge Hamilton and tell those people that they are being ''obstructionists.''

Judge Hamilton's judicial record is not only insufficient for the Seventh Circuit, it is downright scary. He prides himself on blatant judicial activism. On multiple occasions, Judge Hamilton has argued that judges have the power to change the Constitution when making court decisions. He has stated:

> part of our job here as judges is to write a series of footnotes to the Constitution.

If Judge Hamilton would have properly read the Constitution, I am sure he would have realized that it explicitly says that Congress is the only branch which has the authority to make any kind of additional mark to that document.

Looking at his record, Mr. Hamilton has issued some very troubling rulings on child predators. He specifically invalidated a law that required convicted sex offenders to provide information to law enforcement agencies for tracking purposes. In another instance, Mr. Hamilton petitioned the President to grant clemency for someone guilty of producing child pornography. The Supreme Court only hears a small fraction of petitioned cases, and, in many cases, precedent is set at the circuit level. Does anyone want someone on the bench setting this kind of precedent?

Furthermore, in practicing his judicial activist point of view, Judge Hamilton struck down an Indiana law that simply required women to receive medical information on the effects of an abortion before going through the procedure. This is a commonsense law and similar laws have never been invalidated by any other judge in the country. The Seventh Circuit Court, to which Mr. Hamilton has been nominated, reversed and was harshly critical of this ruling. The Seventh Circuit reversed another outlandish ruling of Judge Hamilton's. He prohibited prayer in the Indiana House of Representatives that mentioned Jesus Christ, but inconsistently allowed prayers that mention Allah. These outline a very troubling pattern on the bench.

If any of the President's judicial nominees deserve scrutiny, Judge Hamilton is one of them. His record is clearly out of the mainstream of public opinion and he clearly is motivated to push his own political agenda. A good judge is able to set aside his or her own personal opinions when deciding cases. I do not believe that Judge Hamilton can do this. I strongly encourage my colleagues to oppose this nomination.

Mr. DODD. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CREDIT CARD RATE FREEZE ACT OF 2009

Mr. DODD. Madam President, I wish to make some brief comments. I will yield to my colleague from Colorado, Senator UDALL, in a moment, and then at the conclusion of his comments I will propound a unanimous consent request. I will not do that until I know there is an objection that will be rendered, and I would certainly wait until I know that is coming. I will not, obviously, make the request until that person arrives so they can express their objection. Regretfully, I might add, they are going to express that objection, but, nonetheless, I don't want them to be worried that I would somehow try to sneak this in, knowing there is an objection to be filed.

I rise this afternoon in support of legislation that would do something that I think most Americans would support as well, regardless of where you live and what your economic circumstances may be; that is, to freeze interest rates on existing credit card balances until the full protections of the Credit Card Accountability Act we wrote earlier this year go into effect. As many of my colleagues will recall, on a vote of 90 to 5, we passed a bill early this year by a near unanimous vote because we all heard the same stories from our constituents across the country: Credit card companies charging outrageous fees; consumers finding out that the interest rates had been jacked up for no apparent reason whatsoever; families struggling to make ends meet and being driven further and further and further into debt by what I would describe as abusive practices.

On that day, on the day we passed the bill, we declared that credit card companies were unfairly padding profits at the expense of the people we work for, so we put a stop to it. Today, it is no different, unfortunately. Knowing that the Credit Card Act will finally protect consumers from these abuses, the industry has tried to make one last grab for their customers' pocketbooks, and that is what has been going on over these past several months. I think this behavior is deplorable, to put it mildly. We can, once

again, put a stop to it, and that is what I will be proposing shortly.

The legislation I rise to discuss would immediately freeze interest rates on credit cards to ensure that Americans are protected until the full provisions of that law go into effect in February. The holiday season is upon us. Hard-pressed Americans want to go out and do what they can to help their families and to celebrate at a very difficult time. Some joy—and a lot of that will have to occur, obviously, by taking a credit card out to make those purchases during the holiday season, the Thanksgiving break coming up, for putting food on the table, traveling, calling a family member, calling a friend. All those activities, to some degree, given the hardship people are feeling, will require them to use that credit card in too many cases.

To do so, of course, they are watching in this window an industry continuing to skyrocket these rates as well as these fees on people.

Let me tell my colleagues something: The reason we allowed a gap period between the passage of the legislation and the imposition of the regulations or the statutory requirements was because the industry came to me and said: Senator, we are going to need some time to administer—to change how we provide these kinds of benefits to people, so would you give us a little window here to operate. On the basis of that request, we did so. They wanted longer, but we thought February was fine. If that had been what they had done, I think most of us would say we understand that. Unfortunately, they have taken that window and used it as a way to jam in on the consumers of this country, particularly at a time when, again, people are losing their jobs, their homes, their health care, their retirement, and the holiday season is upon us.

Every 6 months, card companies will be required, under our bill, to review each account they hit with a high rate hike since January of 2009 and reduce the rate if the customer has become less of a credit risk.

As consumers, obviously, we have a responsibility to spend within our means and to pay what we owe. We bear that responsibility. But the credit card industry as well has a responsibility to deal with their customers honorably. There is nothing honorable about what has happened with these significant rate increases and fees. Most importantly, they don't have a right to rip off American families, especially when the Congress has already gone on record opposing the very actions they are engaging in and doing so in a timeframe that was given to them to adjust to the new changes that will occur under the credit card legislation. Instead of fulfilling that obligation, they are using it as a window to grab as much as they can out of the pockets of hard-pressed consumers.

So let us help consumers have a break in all this. I see my colleague from Colorado and I will yield to him for a couple minutes and when he finishes his remarks I will make a unanimous consent request that we proceed to the immediate consideration of Calendar No. 189, the Credit Card Rate Freeze Act; further, that the bill be read a third time and passed, and that a motion to reconsider be laid upon the table with no intervening action or debate. This would provide us a window of about 12 weeks—that is what it amounts to, between now and the 1st of February—during this holiday season to put a stop to these outrageous rates and fees being charged to people.

I hope my colleagues, whether you agreed with the bill—although most did; 90 colleagues voted for the bill in the spring—why wouldn't you join us today in allowing 12 weeks for a freeze on these rates that are occurring to give our fellow citizens across this country a chance to meet these obligations.

With that, I yield to my colleague from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I rise in support of the motion that has been made by the senior Senator from Connecticut, which requests consent for the Credit Card Rate Freeze Act. I wish to associate myself with his remarks. I am a proud original cosponsor of his bill. I wish to urge, as our chairman has, our friends on the other side of the aisle to lift their holds on this important legislation.

Credit card companies have forced unfair and abusive practices on American consumers for too long. I have fought for several years and introduced a number of bills that would put an end to these practices. We passed a law this year that will level the playing field for consumers and put an end to the worst abuses by February of next year.

Let me tell my colleagues what has been happening since then. Credit card companies are using that time before the new law goes into effect to get rate and fee hikes in under the wire. It is happening at the worst time possible, as the chairman pointed out. American families are struggling in a recessionary period. The last thing our families need is higher interest rates and extra fees, especially on consumers who are already playing by the rules.

This has been a classic case of a David versus Goliath situation. I say it is time to take on Goliath and stop credit card companies from gaming the system at the expense of American consumers. This bill Chairman DODD and I are supporting would provide consumers and small businesses who play by the rules a better foundation to pay off their debts, or to buy groceries and business supplies, and most important, they should get fair treatment from the credit card companies.

This is a critically important bill for economic recovery. It is the right thing to do. I urge my friends on the other side of the aisle to join us and allow it to move forward.

Mr. DODD. Madam President, I thank my colleague for his remarks. Many others have similar views on this. I regret that there is going to be an objection filed to a measure that would have allowed us to do something meaningful for our fellow citizens at this time of the year.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, S. 1927, the Credit Card Rate Freeze Act of 2009; further, that the bill be read the third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Madam President, on behalf of several Senators on this side of the aisle, I object.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I am sorry there is an objection. I will yield to the Senator from New Jersey. I will take the floor after the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, to my colleague from New York, Senator BENNET and I are here on a different matter. If the Senator will be brief, I am happy to wait until he finishes.

Mr. SCHUMER. I thank the Senator for his usual graciousness. I commend my colleague from Connecticut for the outstanding job he has done on this issue. I regret that the consent to move to the legislation has been blocked.

The bottom line is this: We know there are real problems in the credit card industry. We know that things are happening you would never imagine would happen. People are moving interest rates—maybe you had your balance at $4,000, 7 percent, and you know your family budget, and then it goes up to $23,000. This legislation would have stopped that.

What the banks are doing now is jumping the gun and moving things ahead in a way that is very wrong. To move up the date would simply make sure this legislation affects more people than it would have. It is a good idea. I hope we will still reconsider it later. I hope the public, who cares about this, will let all Senators from both sides of the aisle know how important this is.

With that, I thank the Senator from Connecticut. He has been such a leader in fighting for consumers throughout this session. He deserves every American's thanks.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I know my colleague from Colorado, Senator BENNET, wants to speak to this issue as well. He has been a champion, along with me and several others, to try to bring justice to an issue that is incredibly important.

It is no secret that decades of indifference and discrimination in lending practices at the U.S. Department of Agriculture have made it difficult for minority farmers—specifically Hispanic farmers—to make a living at what they love to do and have done, in many cases, for generations, leaving many no choice but to leave the farms and ranches they have tended to all of their lives.

In the year 2000, 110 Hispanic farmers brought a lawsuit against the U.S. Department of Agriculture for the same egregious discriminatory practices that resulted in a historic settlement with African-American farmers. For 8 long years, under the last administration, thousands of Hispanic farmers who joined the suit waited and waited and waited for justice. Some of them died waiting and will never be made whole. For 8 long years, the Bush administration did nothing.

These hard-working farmers, Hispanic families, who bought a piece of land and built a family farm—their small piece of the American dream—were wrongly denied loans and other benefits in violation of the Equal Credit Opportunity Act by county committees that review Farm Service Administration credit and loan applications for approval. Consequently, these farmers filed suit in the hope that it would change the discriminatory practices at the USDA, how it treated America's minority farmers; but under the Bush administration, nothing changed, the discrimination continued.

Then something did change. We got a new President and a new Secretary of Agriculture, who described past practices at the U.S. Department of Agriculture as ''a conspiracy to force minority and socially disadvantaged farmers off of their land.'' Consequently, the administration committed to appropriate $1.25 billion in the fiscal 2010 budget to settle some of the outstanding discrimination lawsuits but not all of them. To date, Hispanic farmers, women, and Native Americans have not yet seen a settlement.

We need to remedy this situation once and for all. The new U.S. Department of Agriculture Secretary needs to make these farmers whole. Secretary Vilsak has created a task force to review the park and civil rights complaints and announce new efforts for the U.S. Department of Agriculture to end any and all discriminatory practices, and I commend the secretary for addressing this lingering issue. But more needs to be done.

As I said, along with seven of my colleagues, in a letter to the President, quoting from that letter, we said:

> The U.S. Department of Agriculture's corrective role in this instance has been clearly laid out, and there remains no legitimate reason to delay action for any of the affected groups.

The fact is that 8 years after a do-nothing Republican administration that earned the U.S. Department of Agriculture the designation of ''the last plantation,'' putting people's lives and livelihoods at risk, we simply cannot wait any longer. Certainly, for example, Alfonso and Vera Chavez cannot wait any longer. The Fresno Bee reported last week that Mr. and Mrs. Chavez stopped farming 7 years ago when they could not get a USDA loan. In fact, they said they not only could not get the loan but they were discouraged from applying and, even worse, they believed they were given misinformation so they would not apply. To quote Vera Chavez, who told the reporter, ''It was like they didn't want us to have the money.''

Mr. and Mrs. Chavez owned 300 acres. They sold off 200 of those acres, shut down their packing house, and leased the remaining hundred acres to survive. Vera said, ''It is why we have been hanging onto those 100 acres, so my children and grandchildren can have a little piece of land we worked so hard to get. I am not going to give up. But we have written so many letters, had so many meetings, and nothing seems to be moving forward.''

We need to move this forward. It is about fairness, about doing what is right. When we see discrimination in any form, and when those who have been wronged because of their race, gender, or heritage are forced to sell what they have worked a lifetime to build—abandoned by the last administration that cared more about Wall Street than Main Street—we have to make things right for them, for people like Vera and Alfonso Chavez. We need to make sure that they can keep their farms and give them back their lives. All these farmers are asking for is a commonsense solution sooner rather than later, because they have waited long enough.

I received a letter that is addressed to the President. It is a letter from the named plaintiff in the landmark case Pigford v. Glickman. That was a case that brought together African-American farmers in that landmark decision, who were also discriminated against. The letter to the President by Mr. Pigford says, referring to Hispanic, Native-American, and women farmers:

> They have suffered the same discrimination by the United States Department of Agriculture as African American farmers. Just as USDA addressed the claims of African Americans on a classwide basis, it should similarly settle the discrimination claims of Hispanic and other minority farmers on a classwide basis.
>
> . . . Furthermore, it makes no sense for four minority groups to suffer the identical discrimination from the same federal agency and yet only one of those four groups to be compensated on a classwide basis.

It goes on to say:

> Mr. President, fundamental fairness and simple practice demand that you close the entire book on all discrimination at USDA and, consistent with section 14011, ''resolve all pending claims and class actions in an expeditious and just manner.''

I ask unanimous consent to have printed in the RECORD Mr. Pigford's letter to the President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 18, 2009.

President BARACK H. OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: As the named plaintiff in the landmark case Pigford v. Glickman, I urge you to direct the Secretary of Agriculture and the Attorney General to begin immediately good faith negotiations to resolve the pending discrimination lawsuits brought on behalf of Hispanic, Native American and women farmers pursuant to Section 14011 of the Food, Conservation and Energy Act of 2008 (''2008 Farm Bill''). They have suffered the same discrimination by the United States Department of Agriculture (''USDA'') as African American farmers. Just as USDA addressed the claims of African Americans on a classwide basis, it should similarly settle the discrimination claims of Hispanic and other minority farmers on a classwide basis.

As you may be aware, between 1997 and 2000, in addition to my lawsuit, three other identical lawsuits were filed in the same courthouse: my suit on behalf of African American farmers, Keepseagle v. Glickman on behalf of Native American farmers, Garcia v. Glickman on behalf of Hispanic farmers and Love v. Glickman on behalf of women farmers.

In my case and the Keepseagle case, two different judges (Friedman and Sullivan) certified the cases as class actions on the basis of USDA's admitted failure to investigate discrimination complaints filed by African American and Native American farmers at USDA's behest. USDA failed to investigate the complaints because it had secretly dismantled its civil rights investigatory apparatus in the early days of the Reagan Administration. In the Love and Garcia cases, however, a different judge, Judge Robertson, refused to certify classes on the same basis that Judges Friedman and Sullivan had applied in my case and Keepseagle, respectively, notwithstanding the fact that the D.C. Circuit had renewed those certifications on at least three occasions and had found no fault with the certifications. Indeed, in my case, the D.C. Circuit expressly approved a settlement that has to date resulted in nearly $1 billion being paid to approximately 15,000 African American farmers.

While USDA and DOJ use the lack of class certification as an excuse to refuse to bring about a just and efficient resolution of these cases through negotiations of classwide settlements, such excuses ring particularly hollow. First, USDA and DOJ have steadfastly refused to settle the Keepseagle case despite the fact that it was certified as a class action eight years ago. Second, tens of thousands of African American farmers who missed the filing deadline to participate in the settlement in my case have filed new lawsuits pursuant to Section 14012 of the 2008 Farm Bill. While none of these cases has been certified as a class action, the government has expressed its desire to settle these on a classwide basis and you have announced your intention to appropriate an additional $1.25 billion to cover their damage claims. Third, of the four identical cases handled by three different judges, two judges have certified classes on the basis of USDA's admitted failure to investigate discrimination claims. Fourth, class certification is a procedural matter that does not address the underlying discrimination that is in fact admitted.

Secretary Dan Glickman, the original defendant in all four cases, has testified before Congress that USDA has ''a long history of

. . . discrimination'' and that ''[g]ood people . . . lost their family land not because of a bad crop, not because of a flood, but because of the color of their skin.'' Rosalind Gray, a former director of USDA's Office of Civil Rights, has testified that ''systemic exclusion of minority farmers remains the standard operating procedure for FSA [the Farm Service Agency].''

In addition, both during his confirmation hearing and subsequently, Secretary Vilsack made strong statements expressing the administration's desire, consistent with Section 14011 of the 2008 Farm Bill, to settle all of the pending discrimination cases. Unfortunately, USDA's action have fallen short of the promises contained in Secretary Vilsack's statements. Indeed, the refusal by USDA and DOJ to entertain settlement discussions on a classwide basis is totally at odds with the clearly expressed will of Congress as expressed in Section 14011 and irreconcilable with Secretary Vilsack's repeatedly stated desire to settle all the pending lawsuits. Furthermore, it makes no sense for four minority groups to suffer the identical discrimination from the same federal agency and yet only one of the four groups to be compensated on a classwide basis. The Clinton Administration properly saw fit to order USDA and DOJ to begin negotiations with the representatives of the African American farmers when confronted with the obvious injustice in that case. In announcing last spring an additional $1.25 billion for African American farmers who missed the filing deadline in my case, you stated your hope that your action would ''close a chapter'' in the sorry history of USDA discrimination against minority farmers. Mr. President, fundamental fairness and simple practice demand that you close the entire book on all discrimination at USDA and, consistent with Section 14011, ''resolve all pending claims and class actions in an expeditious and just manner.'' (Emphasis added.) The only thing standing between ''an expeditious and just'' resolution of these cases is the will to do it. You, sir, are in a unique position to end once and for all USDA's all-too-well deserved reputation as ''the last plantation'' and to bring long-overdue accountability and transparency to the USDA-administered farm credit and non-credit farm benefit programs.

Respectfully,

TIMOTHY C. PIGFORD.

Mr. MENENDEZ. We urge Secretary Vilsak to ensure all farmers will be granted the same consideration so they can begin to rebuild their lives and their farms this year. Despite clear language in section 14011 of the Food Conservation and Energy Act of 2008, which urges the administration to settle lawsuits brought by Hispanic and other farmers, the administration clearly needs to assure Hispanic farmers, many who have come to me, Senator BENNET, and others to ask for help, that it fully intends to address these cases consistent with section 14011 of the 2008 farm bill.

We simply cannot continue down this winding road to nowhere. To ignore the plight of the thousands of Hispanic farmers, families who seek nothing more than justice, who want only a chance to keep the farms and ranches they worked so hard for all of their lives, is wrong.

For 8 years, thousands of families like the Chavezes were ignored. Now we need to change that. We need to move quickly to resolve what is clearly and patently unfair and unjust. You will never turn the page on the past discriminatory practices within USDA until all victims—every last one of them—are made whole for the loss of their land, their dignity, and their hope for a decent life for themselves and their families. Let us move quickly to give them the chance they have waited for, the chance to rebuild their lives.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Madam President, I am very pleased to rise today to join the Senator from New Jersey to discuss the injustices committed against Hispanic farmers over the course of many years. I also thank Senator MENENDEZ, the congressional Hispanic caucus, and my colleagues who have come to the floor to demonstrate their leadership on this issue.

For the reasons Senator MENENDEZ laid out, it is long past time to call attention to this indefensible injustice and to lend our voices to a better way forward. As is well known, for years—decades—minority farmers were systematically discriminated against when they visited local USDA farm service agency offices all across this country. They were denied loans and farm program assistance because of their skin color, ethnicity, or gender. Senator MENENDEZ did a good job describing the case.

I want to give some examples from my State, because in many cases, because of this discrimination, these farmers lost their livelihoods and their way of life. If we choose to let some of them make their case, and deny that chance to others, then we repeat these historic civil rights wrongs all over again.

Among the many letters I have received is a declaration from Mr. Gomez of Alamosa, CO, a former USDA employee who served his country for 30 years. In seven pages of excruciating detail, Mr. Gomez explains how he, as a loan officer, witnessed discrimination in granting of FSA loans. Reasons loans were denied were recorded as ''insufficient experience,'' or other subjective terms. As Mr. Gomez gained more responsibility, he was eventually in a position to review loan applications from around the region he supervised, and he became increasingly aware of a pattern of discrimination.

In another letter, Mr. Sandoval of Antonito, CO, tells of repeatedly being turned away from local loan offices and denied FSA loans on grounds that he did not have the ''character'' necessary. Mr. Sandoval explains how his inability to access credit through the USDA limited his ability to grow his farming operation and become a more successful farmer.

Another Mr. Sandoval of Commerce City, CO, writes:

> This has been going on for so long that some farmers have lost their lives waiting for justice to prevail.

Mr. DeHerrera, also of Antonito, CO, writes:

> In desperation, I approached [someone] at the . . . FSA to request a loan of approximately $80,000 so I could at least keep the farm from being foreclosed. . . . He told me very hatefully that they refused to approve either my loan or the loan of the Sandoval brothers.

He continues:

> I am convinced [FSA] refused to approve the Sandoval's loan because both the buyer and the seller of the farmland to be purchased were Hispanic American farmers.

Reading through the many letters I have received from Hispanic farmers in Colorado and the meetings I have had all across my State and the letters from people all over the country, a pattern emerges—one of thinly veiled discrimination that starts by discouraging Hispanic farmers from applying for FSA loans in the first place. All too frequently, this discrimination resulted in the loss of a farm and the loss of a way of life.

I have had farmer after farmer say they had to get out of the business of farming, that they could not leave their farms to their children, which is the only dream they have in their life, because of the discrimination they suffered at the hands of our Federal Government.

President Obama's new Agriculture Secretary, Tom Vilsack, has repeatedly, much to his credit, emphasized his commitment to addressing the longstanding civil rights problems that have plagued the Department and to charting a new era. I commend the Secretary's commitment and the dedication the Obama administration has made to chart a new future for the USDA.

Yet that does not fix the wrongs of yesterday. Congress has taken some positive steps, and the administration has created a process for resolving the claims of some minority farmers, even dedicating significant funds toward this end. But a path to justice has not yet been charted for Hispanic farmers.

The best way America can send a message that our government will not discourage minorities from participating in public programs, will not discriminate against them, is proactively to pursue justice.

It is time the administration and Congress come together and do more than just acknowledge past wrong doing at the USDA. It is time to address that wrongdoing.

I will say that my predecessor in this job, Ken Salazar, our great Senator from Colorado, now our Interior Secretary, comes from a part of my State called the San Luis Valley. Ken Salazar's family settled that land long before Colorado was even a State. If you drive down there and visit San Luis, what you will see is an irrigation ditch that was dug before our State was even a State. Among the names of the people, the names of the farmers and the ranchers who were entitled to take water from that ditch because

they had been there, and had been there to dig that ditch, is the name Salazar, the proud name Salazar. It is wrong, after generations of people have committed their lives and their families to agriculture in places such as Colorado and all across the country, that we have discriminated against them for decades and, when that discrimination is discovered because of some legal technicality or because they got the wrong judge, they find themselves unable to redress that discrimination.

I am very pleased to have the chance to be here today with Senator MENENDEZ and other colleagues to call this to the attention of the administration and to say that we need to do more than just acknowledge this problem. It is time for us to help address the problem.

Madam President, I yield the floor.

Mr. UDALL of Colorado. Madam President, today I join my colleagues in bringing this body's attention to an issue of fundamental fairness that continues to remain unaddressed.

More than 10 years ago, Hispanic farmers from my home State of Colorado joined other Hispanic farmers throughout the country to stand up against injustice. They chose to confront—rather than accept—discrimination when they filed their case against the U.S. Department of Agriculture on grounds that the Farm Service Agency denied loans and disaster benefits in violation of the Equal Credit Opportunity Act and the Administrative Procedure Act.

Earlier this month, I met some of these farmers in Colorado's San Luis Valley. Many of these men and women proudly trace their heritage to some of the first settlers of Colorado who were the first to till the soil of the San Luis Valley and establish Colorado's earliest farming communities, spurring the development of southern Colorado.

Now, I understand that every farmer takes on enormous risk to keep our country fed and prosperous. Yet when these farmers applied for Federal assistance intended to make them whole again—assistance intended to help family farmers stay in business—the record suggests that this aid was denied or delayed, not because their request lacked merit but because of their Hispanic heritage.

I found that shocking. It wasn't any weather event that led these men and women to financial hardship or the loss of their family farm. The obstacles they faced when applying for a loan or disaster assistance were far worse than any drought, flood, hail or windstorm they had ever confronted. It was discrimination based on their heritage that kept them from receiving timely support from an agency whose mission is to support all of America's farmers equally.

Evidence of discriminatory practices in the U.S. Department of Agriculture is an unfortunate and shameful part of our history. On several occasions, I have joined my colleagues in the Senate and in the House to express our desire to bring this disgraceful chapter to a close. During the most recent debate on America's 2008 farm bill, we affirmed that it is the sense of Congress that all pending claims and class actions brought against the Department of Agriculture by socially disadvantaged farmers or ranchers be resolved in an expeditious and just manner.

I would like to acknowledge that Secretary of Agriculture Tom Vilsack has been courageous in this matter, and I am pleased that the administration views this as a priority. I am also pleased that the Secretary has expressed his intent to ensure that no other farmers experience the same discrimination and that he will take definitive action to improve USDA's record on civil rights. I remain ready and willing to work with the administration and my colleagues to support this policy.

I want to emphasize that this is an issue of fundamental fairness. The sooner we can resolve this, the sooner we can look forward to a USDA that serves all Americans equally. It is my hope that these cases be resolved expeditiously and fairly so that the farmers and their families who have suffered the real effects of discrimination can finally put this matter to rest.

COMMENDING ROBERT C. BYRD

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 354, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

S. RES. 354

Whereas, Robert C. Byrd has served for fifty-six years in the United States Congress, making him the longest serving Member of Congress in history,

Whereas, Robert C. Byrd has served over fifty years in the United States Senate, and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, Robert C. Byrd has had a long and distinguished record of public service to the people of West Virginia and the United States, having held more elective offices than any other individual in the history of West Virginia, and being the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator;

Whereas, Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, Robert C. Byrd has throughout his service in the Senate vigilantly defended the Constitutional prerogatives of the Congress;

Whereas, Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades: now, therefore be it

Resolved, That the Senate recognizes and commends Robert C. Byrd, Senator from West Virginia, for his fifty-six years of exemplary service in the Congress of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Madam President, when Senator ROBERT C. BYRD first entered the Senate in January 1959, he shared the floor with three future Presidents: Senators Lyndon Johnson, John Kennedy, and occasionally, when a tie-breaking vote was needed, Vice President Richard Nixon. Those men now belong to history, but Senator BYRD is still making history.

It is an honor to see him make history, once again, as he becomes the longest serving Member of Congress in the history of America. He has given 56 years, 10 months, and 16 days—a total of 20,744 days—of dedicated service to the Congress, to the Constitution of the United States of America, and, of course, to his beloved West Virginia. What a remarkable achievement.

Senator BYRD's masterful, four-volume history of this body is the definitive account. His own historical records could fill nearly a volume of history for the Senate on its own. He served in Congress with—not under—11 different Presidents. Three and a half years ago, he became the longest serving Senator in our Nation's history, and he is the only Senator ever elected nine times to the Senate. He has cast more votes—18,585—than any other Senator in history. All these records are unlikely ever to be broken.

He has also presided over both the shortest session of the Senate in history—six-tenths of a second on February 27, 1989—and the longest continuous session—21 hours, 8 minutes—on March 7 and 8, 1960. He has held more leadership positions—majority whip, minority leader, majority leader, and President pro tempore—than any other Senator in history.

During the administration of President Jimmy Carter, Senator BYRD, then the majority leader of this body, was criticized by some for not doing enough to help the President of his party. Senator BYRD replied:

> I am not the President's man. I am a Senate man.

He is a passionate and unyielding defender of Senate rules and prerogatives—not as an end in themselves but as a means of preserving our Constitution and our balance of power.

I will always remember his eloquent and valiant effort which he waged in 2003 to try to persuade this Senate not to grant broad war-making authority to the executive branch. He was a true study in political and moral courage and it was not missed on the population of America. When my wife and I attended church in Chicago at Old St. Patrick's, our regular parish, after the

communion, as we were kneeling in our pews, an older man came by and leaned over, obviously having followed the Senate debate on the war in Iraq, and said to me in a voice that could be heard around the church: ''Stick with Bob Byrd.'' I told Senator BYRD that story and he loved it.

It is fitting that Senator BYRD keeps a copy of the Constitution in his breast pocket because its promises and obligations are always that close to his heart. In 2001, he was named West Virginian of the Century by his Governor and legislature. Indeed, the name ''Robert C. Byrd'' is nearly synonymous with West Virginia.

The story of his early life is the story of struggle and great achievement. It also is a story highlighted by his marriage to his high school sweetheart Erma Ora James Byrd, a coal miner's daughter. He married her in 1937, and she was his rock for 69 years.

He never gave up on his dream of higher education, earning his law degree from American University in 1963 after attending night school for 10 years. He earned his bachelor's degree from Marshall University in 1994, at the age of 77.

He has been winning elections for 63 years, and he has never—not once—lost a race. He was elected in 1952 to the House, where he served three terms. Before that he served in the house of delegates and the senate of his home State of West Virginia. He is the only person in the State's history to carry all 55 of the State's counties—a feat he accomplished several times—and the only person in the State's history to run unopposed to the Senate of the United States.

Eleven years ago, Senator BYRD spoke about his devotion to the Senate as part of the Leader Lecture Series. He called this Senate ''the anchor of the Republic, the morning and evening star in the American constitutional constellation.''

He described the great panoply of men and women who have served in this body. He has said this Senate ''has had its giants and its little men, its Websters and its Bilbos, its Calhouns and its McCarthys.''

I would offer as well that there has only been one ROBERT C. BYRD. He is a unique patriot, a singular Senator, a Senator's Senator.

We are honored to share this historic milestone with him today. We thank him for his lifetime devotion to America, the Senate, and his beloved Constitution. West Virginia can be proud of this great man who has served them so well for so long.

I yield the floor.

Mr. NELSON of Florida. Madam President, I hope Senator BYRD may be within the reach of my voice because I wish to add my voice to the many who have commended him for his public service, especially today as we mark a milestone in the history of this Nation because our Senate colleague, our President pro tempore, becomes the longest serving Federal lawmaker since the founding of this country.

Many this week are depicting ROBERT BYRD's long list of achievements in numbers, and it is large numbers, and there are certainly many of those achievements. The Senator from West Virginia, for instance, actually began serving in the Senate the same year that Alaska became a State, 1959. He has been elected to no fewer than nine Senate terms. Before the Senate, he served in the House for 6 years, and now in the Senate for 50 years, 10 months, and 18 days. He has cast well over 18,500 votes.

Senator BYRD has presided over the longest session of the Senate—more than 21 hours—and he has presided over the shortest. We have had no fewer than 11 Presidents since he first took office.

But the numbers don't tell all of the story because ROBERT BYRD has been one of the greatest representatives of and advocates for the folks in his beloved State of West Virginia. He is that larger-than-life, that iconic figure in our Nation's history too. He is the Senate's premier Member-observer. He is the Senate's institutional history.

I flash back to that first day—and you never forget the first event of an occurrence in your life. It was my maiden speech, my first speech on the floor of the Senate 9½ years ago. I was at one of those junior desks right over there. I gave my maiden speech. It was actually on the budget. We happened to have a surplus then. I was laying out how we ought to preserve that surplus; as a matter of fact, even use it to pay down the national debt. I happened to mention in the course of my remarks that it was my maiden speech. All of a sudden those doors swung open and in strode Senator BYRD, that white shock of hair flowing as he took his place over there on the center aisle.

As I finished my remarks, he said: Will the Senator from Florida yield? And I said: Of course, I yield to the senior Senator from West Virginia. Senator BYRD proceeded to give extemporaneously a history of the maiden speeches in the Senate.

Of course, I was spellbound, I was awestruck, as I listened to this walking American political history book recite from memory, on that particular occasion, something that had been important to this Senator on the occasion of my very first speech in this extraordinary august body.

Senator BYRD continues to be the Senate's conscience. In the spirit of Thomas Jefferson, ROBERT BYRD has always put public service ahead of personal fortune. On many of our desks—and it is certainly in my personal office in the Senate—are Senator BYRD's addresses on the history of the Senate. There were more than 100 of them delivered in the past 10-year period. They have been called the most ambitious study of the Senate that had ever been undertaken. Every day they serve to remind me of the living history of this institution and its vital role in our democracy.

Senator BYRD has been a dear personal friend to so many of us. He has been such a mentor.

Madam President, since the Vice President of the United States has just entered the Chamber, I wanted to recall for him that 9 years ago, in our freshman class of Senators, Senator BYRD took us on as a special project to teach us the protocol of how to preside. I can tell you what class a Presiding Officer comes from now, if it was a class that was under the tutelage of Senator BYRD, because there was a right way and a wrong way to preside in the Senate. The Vice President is acknowledging that is true.

By the way, I have the privilege of standing at the desk the Vice President used to occupy. I particularly chose this desk because not only has he been such a great mentor to me personally but a very dear friend.

With Senator BYRD, all of us grieved with him 3 years ago when his beloved wife Erma passed away. I know he yearns for her and wishes she could be by his side on this historic day.

Now there is another number that is going to be important in ROBERT BYRD'S life. In just 2 days, he celebrates his 92nd birthday. We all hope we can be here with him for many more years.

Remember what President Reagan had to say about age and leadership. He said:

> I believe that Moses was 80 when God first commissioned him for public service.

If the Lord is using that same commissioning for Senator BYRD, at 92, he has a long way to go. The Lord would certainly say to Senator BYRD: Well done, my good and faithful servant.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I congratulate Senator BYRD on this historic milestone. It has been my pleasure and a great honor to work and serve with Senator BYRD during his service to our Nation. He has served as a devoted champion to his home State of West Virginia. Senator BYRD is worthy to be part of the history of the United States, as he now becomes the longest serving Member of the Congress of the United States of America. I am pleased to join my colleagues in paying tribute to his great service and the accomplishments of this great American, Senator ROBERT BYRD of West Virginia.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, following on the heels of my colleague Senator INOUYE, I congratulate Senator BYRD on his many years of public service. Today Senator BYRD passed a landmark in the Senate. He is the longest serving Senator. He came to the Congress in my father's class of representatives in 1954. My father Stewart Udall and the entire Udall clan

congratulate him on his record-setting years of public service.

Mr. BINGAMAN. Madam President, I rise today to pay tribute to Senator ROBERT C. BYRD as he becomes the longest-serving Member of Congress in American history. Senator BYRD has served 56 years and 320 days. During his time in the Senate Senator BYRD has cast more than 18,500 votes, more than any Senator in history.

Senator BYRD was elected to the U.S. House of Representatives in 1952, and he was sworn in to the U.S. Senate on Jan. 3, 1959. This was, coincidentally, the same day that Alaska became a State, and before Hawaii was admitted to the Union. He is now serving an unprecedented ninth term in the Senate.

Yet, to discuss only his longevity would do a grave disservice to the reality of what Senator BYRD has meant to the U.S. Senate and to this country. Many distinguished Members have had long careers in the Senate, but I believe it is safe to say that none have contributed more to the preservation of the history, traditions and strength of the Senate than ROBERT C. BYRD. His knowledge of and reverence for the Constitution has served over these many years to remind us time and again of the beauty, eloquence, and timelessness of that document, and the importance of relying upon it as the touchstone of our deliberations.

Senator BYRD has had many great legislative and oratorical achievements in his time in the Senate, but I wanted to refer briefly to just one today. His outspoken opposition to giving President George W. Bush the power to wage war against Iraq was an inspiration to those of us who shared his views, and he never forgot those who were with him on that vote. The eloquence and passion with which he expressed his views were extraordinarily powerful; his floor speeches exemplified the power of language to shape ideas. I believe that what has transpired in Iraq since those speeches has affirmed the courageous stance that he took.

In conclusion, it is an honor and a privilege to serve with Senator BYRD, and I congratulate him on this great milestone.

Mr. CARDIN. Madam President, I wish to pay special tribute to Senator ROBERT C. BYRD. Today, Senator BYRD becomes the longest-serving Member in the illustrious history of the U.S. Congress. What an amazing accomplishment! He already holds the distinction as the longest-serving Senator, and is the only Senator in U.S. history elected to nine full terms.

Considering that Senator BYRD won his first election, to the West Virginia House of Delegates, in 1946, it may be that he is the longest-serving elected official in history—period.

When ROBERT BYRD was elected to the Senate in 1958 after serving in the House for 6 years, he was part of a large, distinguished class that included such future giants as Hugh Scott, Gene McCarthy, Edmund Muskie, and Philip Hart (D–MI). He has surpassed them all.

According to the Senate Historical Office, ROBERT BYRD was the 1,579th person to become a U.S. Senator. Since he was elected to the Senate, another 334 individuals have become U.S. Senators. All in all, ROBERT BYRD has served with over 400 other Senators. And I am certain that all of them have held their colleague, as I do, in the highest esteem.

Senator BYRD's modest beginnings in the hard-scrabble coal fields of Appalachia are well known. Suffice it to say that his life is the quintessential American success story.

I think every young American should learn about Senator BYRD's life as an example of what hard work and persistence and devotion can accomplish in this country.

Senator BYRD married his high-school sweetheart, Erma Ora James, shortly after they both graduated from Mark Twain High School in 1937. He was too poor to afford college right away and wouldn't receive his degree from Marshall University until 60 years later when he was 77. In between, he did something no other Member of Congress has ever done: he enrolled in law school at American University and in 10 years of part-time study while serving as a Member of Congress, he completed his law degree.

Senator BYRD was married to his beloved Erma for nearly 69 years, and has been blessed with two daughters, six grandchildren, and seven great-grandchildren.

During his Senate tenure, ROBERT BYRD has been elected to more leadership positions than any other Senator in history. He has cast 18,585 rollcall votes. Only 28 other Senators in the history of the Republic have cast more than 10,000 votes; Strom Thurmond is the only other Senator to cast more than 16,000 votes. Senator BYRD's attendance record over the past five decades just under 98 percent is as impressive as the sheer number of votes cast he has cast.

Senator BYRD's legislative accomplishments, from economic development and transportation to education and health care, are legendary. It is no surprise that he has won 100 percent of the vote of West Virginians in a previous election, 1976, or carried all 55 of West Virginia's counties.

In the meantime, he has written five books, including the definitive history of the U.S. Senate.

Perhaps the highest tribute to Senator BYRD can be found in his biographical section of the ''Almanac of American Politics,'' which states: ''Robert Byrd may come closest to the kind of senator the Founding Fathers had in mind than any other.'' His fealty to the U.S. Senate and to the Constitution has served as an inspiration, a lesson, and a guiding light to all of us who have been privileged to follow him in this chamber.

Robert E. Lee said, ''Duty is the most sublime word in our language. Do your duty in all things. You cannot do more. You should never wish to do less.'' Senator ROBERT C. BYRD has done his duty in all things—to himself, to his family, to his State, to his Nation, and to God.

I am honored to join his and my colleagues here in the Senate, West Virginians, and all Americans in paying tribute to this great Senator and this great man.

Mr. GREGG. Madam President, I rise today to recognize the longest-serving lawmaker in congressional history; I rise to recognize a leader; and I rise to recognize a friend.

Senator BYRD has served in Congress for over 56 years. His tenure has traversed 9 elections, 18,000 votes, 20,000 days, and 11 Presidents. I have had the privilege of serving with Senator BYRD on the Senate Appropriations Subcommittee on Homeland Security. I am proud of our efforts to protect Americans and make our Nation more secure, especially in the area of border security and addressing the threat of weapons of mass destruction. Senator BYRD was a terrific partner, and I valued his input. And when we would give introductory remarks at the committee markup of our bill, I have never received such generous compliments from another lawmaker. I hope Senator CONRAD, my counterpart on the Budget Committee, is taking notes.

More recently, it is a testament to his character and sense of duty that after battling illness and absence earlier this year, Senator BYRD returned to once again craft our Nation's homeland security budget: a $44 billion measure that funds natural disaster response, antiterrorism efforts, and other critical programs to meet and repel the various threats facing our homeland.

Lastly, I want to recognize Senator BYRD for his dedication to the Senate as an institution and his understanding of its inner workings. No one can better recite or describe Senate rules and parliamentary procedures or better defend them. His encyclopedic knowledge of the Senate, as well as the copy of the U.S. Constitution which he always carries in his jacket pocket, is something that we can all respect and appreciate. He is a man committed to the principles and laws that founded our great Nation, and for that we should be thankful.

In closing, we have much to thank Senator BYRD for: merit-based scholarships; teacher training programs; and the strengthening of American history curriculum in our schools. But one thing that many of us and our constituents might take for granted, Senator BYRD is responsible for the cameras in the Senate Chamber. As he often does, Senator BYRD put it eloquently when he said that proceedings should be televised to prevent the Senate from becoming the ''invisible branch'' of government. I couldn't agree more.

Before yielding the floor, let me be one of the first to wish our esteemed colleague an early Happy Birthday. He

turns 92 this Friday. Happy Birthday, friend.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I will be 30 seconds because I believe we are ready to adopt a resolution. It has been a long time since I was a young Senator listening to a man who was even then a giant of the Senate. For hours, Senator ROBERT C. BYRD would speak eloquently, and usually from memory, on the history and traditions of the Senate. Even then, it was clear to me there had been few combinations more fortuitous in the history of our Nation than that of ROBERT BYRD and the Senate.

We celebrate today as he becomes the longest serving Member in the history of the Congress. There have been many beneficiaries of that long service: the people of West Virginia, whom he has served so ably; the citizens of the United States, who have been fortunate to reap the rewards of his knowledge and commitment; and, more personally for us here, the Members of the Senate, and most personally, me.

His career is even more remarkable for its depth than for its length. In addition to more than half a century in this body, ROBERT BYRD managed to work as a butcher, a ship welder, and a Member of the House of Representatives. He learned to play the fiddle, became a recognized expert on Rome's senate, and wrote or edited nine books. It says much about him as a person that he was never out of place in the coal country of West Virginia, even as he moved to the highest levels of our government.

There is seldom any doubt where Senator BYRD stands on an issue, be it the decision to go to war in Iraq or a challenge to the prerogatives of the Senate. But in those instances where history or his own reflection have shown him to be mistaken, he has shown the rare grace to accept responsibility for his own imperfections, and ask for forgiveness. In this, as in many other things, he is truly an example to emulate.

He is rightfully honored not just for his knowledge of the Senate, but for a fierce determination to protect its traditions, procedures, and its role in our system of government. I have seen this determination up close, perhaps never so clearly as in 1996, when he and I, along with Senator Moynihan, filed an amicus brief with the U.S. Supreme Court on the subject of the line-item veto. Congress's approval of the law establishing this veto occurred over Senator BYRD's powerful and learned opposition, and after it became law, he continued to oppose what he saw, and I saw, as a clear violation of the constitutionally mandated separation of powers. In this instance and many others, the Senate and the Nation have benefitted from his immense knowledge of the Constitution and his ability to focus that knowledge on the issues before us. Before party or personal preference, ROBERT BYRD places the Constitution—a document always at hand in the Senator's pocket.

More than 3 years ago, Senator BYRD reached another milestone—becoming the longest serving Member of the Senate. Let me repeat something I said then: ''That is the tribute we can all pay to Robert Byrd: to defend this institution, to stand for its procedures, and to carry, as he does, at least in our hearts, the Constitution, as he carries the Constitution on his body.''

I conclude with congratulations not just to Senator BYRD and not just on the longevity of his service, but on the depth of its quality and the love he has for the Senate, his commitment to constitutional government. We remember this day also his love for his beloved wife Erma who was a blessing to Robert, a blessing to their family, and a blessing to our Senate family.

I yield the floor.

Mr. CASEY. Madam President, I would like to commend and congratulate my colleague Senator ROBERT BYRD on the momentous accomplishment of becoming the longest serving Member of Congress.

Senator BYRD has spent 56 years and 320 days serving the people of West Virginia, in that time casting more than 18,500 votes.

He is a fierce advocate for his home State of West Virginia, a mentor and disciplinarian with new Senators. And he possesses an encyclopedic knowledge of Senate history, rules, and procedure. The current President pro tempore of the Senate, he has held more leadership positions than anyone in Senate history.

I am honored to have worked alongside a man who will go down in history as a great American public servant, and I look forward to working with Senator BYRD for years to come.

Ms. STABENOW. Madam President, how lucky we are to have the great Senator from West Virginia—20,744 days spent in this ''sanctuary,'' this Senate Chamber, which I have heard him call, on more than one occasion, ''the very temple of constitutional liberty.''

Within just a few days of my arriving here in 2001, I was instructed in no uncertain terms to go and see Senator BYRD, to listen to him, and to learn from him. And so I went and I listened and I learned. I learned about the history of this great body. I learned about the importance of the rules and decorum of the Senate.

It is such an honor to be a Member of this body but also an awesome responsibility. For 20,744 days, Senator BYRD has been fighting for the people who sent him here, for the great men and women of West Virginia, and for all the people of this country.

He is an inspiration.

I was proud to be 1 of the 22 Senators who stood with him against the Iraq war. I was proud to stand with him on so many occasions to fight for the working men and women of this country—whether they be coal miners in West Virginia or autoworkers in Detroit. And I am proud to stand here today, with so many of my colleagues, to honor Senator BYRD's remarkable service.

Right outside my office, I proudly display a print of a painting made by the Senator from West Virginia, a very beautiful scene of West Virginia tranquility. Whenever I see it, which is every day, I am reminded of my colleague, of his extraordinary service, of his fierce dedication to liberty, and of his humble respect for the Constitution of our great country.

Madam President, I thank the Senator from West Virginia for his friendship, for his wisdom, and for his great service to our country.

Mr. KOHL. Madam President, today we honor Senator ROBERT C. BYRD for 20,744 days of service in the Congress of the United States. That feat of endurance is laudable, but certainly not surprising.

This is the man who has memorized volumes of poetry and analyzed libraries of great books, histories, legislation, and speeches. This is the man who attended law school at night while serving in the House of Representatives and then the Senate. This is the man who remembers every important date—Veterans Day, Mothers Day, the Fourth of July—with a carefully crafted, masterfully delivered oration on the Senate floor. This is the man who has held the most powerful positions in the Senate and has faced the most powerful adversaries on its floor and in Committee.

No one should be surprised, then, that this is the man who has served longest in the United States Congress.

But we are not just here to commemorate the days Senator BYRD has served. We are here to honor the service he has rendered.

Senator BYRD has served West Virginia. In those 20,744 days representing them, Senator BYRD has spent countless hours—in the Appropriations Committee, on the floor, in the offices of his colleagues—fighting for his people.

Senator BYRD has served the Senate. When I was first elected, Senator BYRD schooled me, as he has almost everyone in this body, in the nuances of Senate rules and traditions. He sat on the floor when I gave my first speech and made me understand the gravity and privilege of being a U.S. Senator. He has written the definitive, four-volume history of the Senate while earning himself a place in those pages alongside Senators Daniel Webster, Henry Clay, Robert Lafollette.

And Senator BYRD has served this country. He carries our Constitution next to his heart and wields it like a sword against those who put politics above principle. He has defended the Senate's constitutional powers in front of the Supreme Court, arguing passionately against the line item veto—and in front of the world, arguing for the Senate's proper role in issues of war and peace.

In years of working with Senator BYRD, I have had the honor of getting to know a true American patriot and call him friend. Senator BYRD has never let down the people of West Virginia and steadfastly upheld our beloved Constitution. He will forever be known not just as Congress's longest standing member but as its strongest standing member. I thank him—as he taught me, through you, Mr. President—for his friendship and his service to the Senate, to the Constitution, and to the United States of America.

Mr. DORGAN. Madam President, I would like to add my congratulations to Senator ROBERT C. BYRD on his historic achievement today. Not only is he the longest serving senator in the history of this body, but today he is the longest serving Member of Congress in the history of our Nation.

For more than 50 years, Senator BYRD has been a steadfast defender of the Constitution and the principles on which it stands. Senator BYRD is truly a statesman, a patriot, a proud son of West Virginia, and an important voice in the history of this country.

Senator BYRD has come a long way from the coal fields of West Virginia where he grew up in poverty and learned the value of hard work. He first came to Washington in January 1953—20,774 days ago—when he was elected to the U.S. House of Representatives. He served in the House for three terms before being elected to the Senate, where he has served the people of West Virginia faithfully for the last 50 years.

Over the years, Senator BYRD has never forgotten his roots and the State and the people that he loves. The people of West Virginia have recognized his achievements and hard work on their behalf in the Senate and have elected him for an unprecedented nine terms in the United States Senate. He has served with 11 Presidents. Can you believe that?

To add to his long list of achievements, Senator BYRD has also held more leadership positions than any other Senator in history. This includes Senate majority whip, chairman of the Democratic Conference, Senate minority leader, and Senate majority leader. Currently, Senator BYRD is the president pro tempore. Throughout his career, Senator BYRD has cast nearly 18,600 roll call votes in five decades of service in the Senate. I'd say that's an unprecedented record.

Senator BYRD is also the longest serving member of the esteemed Appropriations Committee. He has served as its chairman or ranking member since 1989 until stepping down earlier this year. It has been my honor to serve with him on the Appropriations Committee and I have learned a tremendous amount under his leadership.

Many of us know Senator BYRD as our resident historian. He has a wealth of knowledge about the procedures of the Senate and shares enthusiastic stories of the many interesting events that have occurred in this Chamber. He is also the author of a magisterial four-volume set about this body entitled ''The Senate, 1789–1989'', and other works.

He also had a unique talent outside the halls of Congress. Senator BYRD learned to play the fiddle at a young age and carried it with him everywhere he went. His skill with the instrument led to performances at the Kennedy Center and on a national television appearance on Hee Haw. He even recorded his own album, Mountain Fiddler.

No tribute to Senator BYRD would be complete without mentioning his life's love, Erma Ora James. For nearly 69 years, the Byrds were inseparable, traveling throughout their native West Virginia and crossing the globe together. Sadly, Mrs. Byrd passed away on March 25, 2006, but Senator BYRD speaks lovingly of her and their life together each day.

The times have changed considerably since Senator BYRD first came to Washington. We have seen a man walk on the Moon. We have mapped the human genome, and we have seen unbelievable technological advances that have changed the way we live, work and communicate. But through it all, the one constant is Senator BYRD's steadfast championing of our Constitution and the people of West Virginia.

Senator BYRD is to many the voice of the Senate, and it has been my privilege to serve with him and learn from his stories and wisdom. The Senate is a stronger institution and a better place because of the many years of service of Senator BYRD. I join my colleagues in offering my congratulations to him on this important day and wish him well as he celebrates his 92nd birthday later this week.

Mrs. FEINSTEIN. Madam President, I join my colleagues today in congratulating Senator Robert C. Byrd on reaching yet another milestone in a long and very distinguished career.

Today, Senator BYRD has served 20,774 days—that is 56 years and 10½ months in Congress—making him the longest serving Member in U.S. history.

Senator BYRD has attended 18,582 Senate rollcall votes.

He cast his first votes in the Senate, in January 1959, when Dwight Eisenhower was President. John F. Kennedy and Lyndon B. Johnson were among his Senate colleagues. And Hawaii was not yet a State.

He has served in the Senate longer than 10 of his current colleagues and President Obama have been alive—BOB CASEY, Jr., AMY KLOBUCHAR, BLANCHE LINCOLN, JOHN THUNE, DAVID VITTER, MARK PRYOR, MARK BEGICH, MICHAEL BENNET, KIRSTEN GILLIBRAND and GEORGE LEMIEUX.

He has been elected to the Senate an unprecedented nine times, and has served alongside 11 U.S. Presidents.

Senator BYRD has seen great changes in these past 56 years. Yet he has never lost sight of where he came from.

He grew up in poverty among the coalfields of Southern West Virginia.

His adoptive parents early on instilled in him a strong work ethic. He was a butcher, a gas station attendant, a grocery store clerk, and a shipyard welder before winning a seat to the West Virginia State Legislature and eventually being elected to Congress.

Senator BYRD earned a law degree from American University in 1963—the only person to have ever begun and completed law school while serving in Congress.

The ''Almanac of American Politics'' has said that Senator BYRD ''may come closer to the kind of senator the Founding Fathers had in mind than any other.''

I wholeheartedly agree. And so he has set the standard for all of us to follow.

We, of course, all know him as a great orator with a love of language. His speeches on this floor often quote poetry and the classics—Roman historian Titus Livius is a favorite.

Senator BYRD is a man of conviction. He always speaks his mind. He never minces words.

He is our fiercest defender of the U.S. Constitution—in fact, he carries a pocket version of this dynamic document wherever he goes.

There is no one who has loved this institution so dearly. He adores it so much he has authored four volumes about the history of the U.S. Senate.

In a speech he gave earlier this year when he marked 50 years in the U.S. Senate, Senator BYRD said: ''The Senate has served our country so well because great and courageous Senators have always been willing to stay the course and keep the faith. And the Senate will continue to do so as long as there are members who understand the Senate's constitutional role and who zealously guard its powers.''

He of course leads this list.

Yet Senator BYRD's highest priority has always been serving the constituents of his beloved Mountain State.

As a longtime chairman and member of the Senate Appropriations Committee he has sent home millions of dollars in needed Federal funds for economic renewal and infrastructure projects. These monies have gone to build highways, dams, educational and health institutions, and Federal agency offices throughout West Virginia.

He has long been a strong proponent of education. The valedictorian of his high school class, Senator BYRD has fought for teaching of ''traditional American history'' in the Nation's public school system. It is an issue true and dear to my heart as well.

Today, thanks to Senator BYRD, the Department of Education awards millions of dollars each year in grants to fund training programs to improve the skills of history teachers.

Senator BYRD's love of the Senate and of his fellow West Virginians knows no bounds. It is exceeded only by the love of his beloved wife Erma who passed away 3 years ago. In a statement this week marking his own

milestone, Senator BYRD said ''I know that she is looking down from the heavens, smiling at me and saying congratulations my dear Robert but don't let it go to your head.''

I have had the privilege of working on the Appropriations Committee while Senator BYRD was chairman. There has been no one who has been more faithful to the Constitution, to the goals and rules of the Senate, or has served this body more honorably.

I consider myself lucky to have served alongside this great statesman for 17 years.

Again, congratulations Senator BYRD. You are a true American Patriot.

Mr. SESSIONS. Madam President, I wish to make a few remarks about one of the most remarkable men ever to serve in the Senate, ROBERT C. BYRD on this milestone of service. When I came to the Senate, he was my teacher. We went to school to him. He told all of the new Members about the rules of the Senate and we all got copies of his book on the history of the Senate. We were all mightily impressed, because he had an encyclopedic understanding of this Senate.

I have heard him over the years refer to the Senate as the great Senate or the second great Senate, the Roman Senate being the first great Senate and the U.S. Senate being the next great Senate. The pride he has in this institution, the way he respects it and reveres it, I think is second to none who has ever served here. I believe that.

I remember one night—I don't know why it was so late, but it was sometime during the debate over Afghanistan or Iraq, and I was here speaking. It was 8 or 9 o'clock at night, later than this—and Senator BYRD was the Presiding Officer. I told this fabulous story somebody had shared with me. It was a history of Rome, and it was about what the Romans did when they had terrorists and pirates. When they could stand the disgrace no longer, the Romans all got together and said we have to take action, and they selected the leading man of the country and gave him a whole fleet of ships and I think 100,000 or more soldiers. They issued a directive to every city on the Mediterranean that they would cooperate with Rome, and they set about to destroy the pirates. The pirates had captured a Roman leader or two. They raided the coast of Rome, and the disgrace was intolerable and they finally got together and crushed them in short order.

I was the last one to speak, as I am tonight, and he asked me to come up to the Chair. He said, that was Marc Antony; ''I think that was 6 AD.'' So he is a real student of history and the Roman Empire and the Roman Senate.

I also would normally preside over the Senate on Fridays, and Senator BYRD at 11 o'clock would appear through the door almost every Friday and he would make a speech. They were remarkable speeches. He had a remarkable talent for speaking. He would quote poetry at length without a single note, or quote the Scripture without notes. I still can remember some of his speeches. One of my favorites was his discussion of the failure of modern textbooks.

One of the things that irked him—and he quoted from them—is that they didn't recognize the difference between a democracy and a republic, and there is a difference. He delineated that with great clarity. Finally, at the conclusion, he referred to those books as touchy feely twaddle, and I thought that was a phrase I liked. I have remembered it ever since.

He also discussed the little school he attended. My father attended one like that and my grandmother taught in one like that. But the highlight of their day was to be selected to be the one to take the bucket and go down to the spring and get a bucket of water to put in the barrel so the kids would have something to drink. They were taught well. He made clear that they were well taught. This was not poor education; it was a good education. But, that is the way the school was conducted. He noted they had a single dipper for the class and all the students used it to dip in the barrel to get the water whenever they needed it. I guess the EPA would have them in jail today if they were to try such a thing as that.

He has been and still remains a fierce advocate of issues he considers important. We did not agree on the Iraq war, and Senator BYRD was fierce in his opposition. He articulated it aggressively and fairly and in a tough, effective manner. He was one of the most effective Senators on that matter.

We agree on a number of issues involving immigration. I strongly believe that the immigration system in this country is broken and we need to create a lawful system and that we cannot tolerate the continued lawlessness, and he agreed. He doesn't believe people have a right to just walk into the country illegally and claim they are a citizen, then just wait a little bit and get amnesty.

What kind of law is that? On many of those votes, we shared a common view. I guess I will say he is a person who answers to his own sense of right and wrong. It is a deep sense of right and wrong. He is a man who understands the Scriptures, a man of deep personal faith and there are things he believes that are right and there are things he believes are wrong and he doesn't do what he thinks is wrong. It is the kind of model that I think is a good one for all of us in the Senate.

I find Senator BYRD to be one of the most refreshing and brilliant men I know in the Senate. I say this with some real confidence: Nobody loves the Senate more than ROBERT C. BYRD.

I thank the Chair and yield the floor.

Ms. MIKULSKI. Madam President, I rise today to pay tribute to my friend and colleague, Senator ROBERT C. BYRD from West Virginia. Today, Senator BYRD becomes the longest serving Member of the U.S. Senate, the longest serving Member of the U.S. Congress, and the longest serving Member in Congressional history. Today, Senator BYRD marks his 20,744th day in the Congress. This is an extraordinary milestone for a man who has played such an important role in the Senate.

Senator BYRD has a compelling personal story. He lost his parents as a young child and was raised by his aunt and uncle in a coal mining community. He became the first in his family to attend college and law school, working a series of jobs to support himself and his family. He was blessed with a wonderful wife, Erma Ora Byrd, who was beloved in the Senate family.

Senator BYRD never forgot where he came from. His work on behalf of the people of West Virginia is legendary. He never forgot the coal mining community he came from. He always worked to strengthen the opportunity ladder that he used to put himself through college and law school. He never forgot the people and communities that too often are left out and left behind.

When I first came to the U.S. Senate in 1987, Senator BYRD was the majority leader. He helped me get on some of the best committees, including the Appropriations Committee. Senator BYRD helped me learn the arcane Senate procedure. He helped me learn the ropes on the Appropriations Committee and how the appropriations process could be used to help communities and people in Maryland—and to create jobs.

As majority leader and as chairman, Senator BYRD set a tone of bipartisanship. He worked across the aisle to meet the day-to-day needs of his constituents and the long-range needs of our Nation.

I join my colleagues in celebrating Senator BYRD's many accomplishments—and in thanking him for his friendship.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc; further, that any statements with respect to Senator BYRD be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 354) was agreed to.

The preamble was agreed to.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I know Senator BYRD is about to speak, but I sat here in this row for years with my dear friend from West Virginia. We have been friends for the 35 years I have served here. In his mind I am but a junior Member of the Senate, having been here only 35 years, but they have been especially good ones because he is here. I will save something for later on.

I yield the floor.

The PRESIDING OFFICER. The very distinguished Senator from West Virginia.

Mr. BYRD. I thank the Chair. Thank you, PAT. I thank Senator REID, my leader. I thank Senator MCCONNELL, and I thank my colleague and dear friend, Senator JAY ROCKEFELLER, and all Senators, everyone, for their good words and for this outstanding resolution.

Today, Madam President, is much more than a commemoration of the length of service of one Senator. Today also celebrates the great people of the great and mighty State of West Virginia who have honored me by repeatedly placing their faith in me. Because of those wonderful people in West Virginia, this foster son of an impoverished coal miner from the great hills of southern West Virginia has had the opportunity to walk with Kings, to meet with Prime Ministers, and to debate with Presidents.

I have had the privilege not only to witness, but also to participate in, the great panorama of history. From the apex of the Cold War to the collapse—the collapse—of the Soviet Union, from my opposition to the 1964 Civil Rights Act to my part in securing the funds for the building of the memorial to Martin Luther King, from my support for the war in Vietnam to my opposition to President George W. Bush's war with Iraq, I have served with so many fine Senators in the Congress, and I have loved every precious minute of it.

I recall those days a long time ago when I walked 3 miles down a hollow in the snow in order to catch a bus to attend a two-room school in Mercer County in southern West Virginia. In Stotesbury, WV, after school, I went from house to house collecting scraps of food. I was the scrap boy, collecting scraps of food to feed the hogs of my coal miner dad, raised in a pen beside a railroad track to support the family budget.

Little could I have ever imagined or dreamed while I was feeding those hogs or walking in the snow to catch a bus to school that one day under God's great mercy I would become the longest serving Member in the history—the great history—of the U.S. Congress. I am grateful, simply grateful to an Almighty God for having had an opportunity to serve my State of West Virginia and to serve our great Nation. My only regret is that my dear wife Erma is not here to enjoy this moment with me. But I know—yes, I do—that she is smiling down from heaven and reminding me not to get a big head.

Again, I thank all Senators. I thank all West Virginians. May the great God Almighty continue to bless these United States of America, and may he keep her forever free.

Madam President, I yield the floor.

(Applause, Senators rising.)

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise to honor and extend my warmest aloha to my colleague, mentor and good friend—Senator ROBERT C. BYRD—for reaching this unprecedented milestone.

My colleague from West Virginia has held the most prestigious and influential positions in this legislative body.

Today he is the Senate President Pro Tempore, but we know him as the ''Dean of the Senate.''

We are so lucky to have him—as he continues to maintain the highest standards in Senate decorum and constitutional procedure.

Senator BYRD has served this country for nearly a quarter of its existence—56 years, 10 months, 16 days.

His dedicated service to his State and this country—and his unrivaled knowledge of parliamentary procedure—continues to be an inspiration to me, and many others in Congress and to people around the country.

Senator BYRD's inspiring story is rooted in his modest upbringing and steadfast determination to serve his country.

Growing up, his parents' taught him the value of hard work. He worked as a butcher and grocer, won election to the West Virginia Legislature, then to Congress.

His work ethic allowed him to earn a law degree from American University—while serving in the House.

But he is not all work. Senator BYRD and I share a love for music and the arts. He is an accomplished musician. His amazing fiddle playing was even showcased at the Grand Ole Opry.

He is a man of great faith. We have attended Senate Prayer Breakfast together for many years. His favorite hymn is ''Old Rugged Cross.'' I have enjoyed singing it with him a number of times.

He is a scholar in the history of democracy and our country. Senator BYRD often cites our founding fathers and Greek philosophers to remind us of where we have come from. He always carries a copy of the Constitution in his pocket.

When I was a freshman Senator in 1990, he generously helped me learn the ways of this great institution.

I still have the notes he gave me on how to preside—always insisting that we follow the proper, time-tested procedures—and that we give our full attention to the Senate floor.

His years of masterful legislation have become such a consistent force in this lawmaking body that he has his own procedural budget rule named after him: The Byrd Rule.

Senator BYRD is an embodiment of the democratic spirit.

We have looked to him for his steady leadership for so many years, and as our country faces new 21st century challenges, we are fortunate that we still have his wisdom today.

It is a pleasure to serve with him.

I again want to extend my aloha and my congratulations to Senator ROBERT C. BYRD for this amazing milestone. Thank you for what you do for this institution Senator BYRD. I look forward to the future together with you. God bless you, ROBERT BYRD.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am privileged to stand here to say a few words about my friend, ROBERT C. BYRD.

When I got here in 1976—I almost said 1776. But when I got here in 1976—some people think I have been here since 1776—ROBERT C. BYRD was the majority leader in the Senate. Actually, it was 1977 when I actually took my seat here. I have to say, he was one of the finest majority leaders I have seen in all of my 33 years in the Senate. There was literally nobody who knew the rules as well as ROBERT C. BYRD. Senator BYRD was an expert on the rules, and he taught me a great deal. In my first years in the Senate, we were on opposite sides in the labor and law reform debate, but it was a time of great learning for me as a young Senator, and he was very patient. He was very kind, very decent to two young Senators, Senator LUGAR and myself, who both came at exactly the same time. I will never forget that.

In the intervening years, I have seen this man play his fiddle and do it with such joy. I have seen him love his wife the way a man ought to love his wife. I have seen him be kind to his dog. I have seen him be kind to numerous people. I have seen him go out of his way for all of us, from time to time. Yet there was no more formidable Senator on the floor of this Senate than Senator BYRD.

As he has continuously, through the years, educated us on ancient history, modern history, the Constitution, anybody who has listened to those discussions and remarks on the floor has to acknowledge this is one very bright and intelligent man.

To think he got his law degree, if I am not mistaken, while he was serving as a U.S. Senator—and I know he hardly ever missed a vote. That he went on to law school and got a law degree while he was, at the same time, a sitting U.S. Senator is pretty remarkable to me. I don't know anybody else in this body who could have done that. It is an amazing thing.

He has gone out of his way in those years for those of us who were younger and didn't know an awful lot about the procedural rules, who didn't know a lot about the Senate. He has been a stickler for the rules and made sure the Senate has always respected them as now we, the Senators, respect him—not only for his knowledge of the rules but for the way he has conducted himself all these years.

I don't know of any other Senator who has done as much for his State as Senator BYRD—unless it was Senator

Stevens from Alaska. In the many years they were both on the Senate Appropriations Committee, they were towers of strength. I have been amazed at the strength, the endurance, the intelligence, and the absolute kindness and decency Senator BYRD has shown as he has evolved as a Senator from those early days when not many people knew him, to today when all of us are honoring him.

What an achievement, to be the longest-serving Member in the history of the Congress. This is a very important day to Senator BYRD and to all of us. I can truthfully say that I love and respect him. We have had our share of differences over the years, but they have always been cordial. I look forward to serving here in the Senate with Senator BYRD for many more years.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I say to my good friend from West Virginia, I spoke this morning on his remarkable record of achievement.

We are all proud of your service to your State and to our country. I sent you a note including my remarks from this morning about this remarkable record you have now achieved. Of course, you broke the record of a Senator from Arizona. One of his successors is here on the floor and would like to address that matter as well.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I prematurely congratulated Senator BYRD yesterday for breaking the record of Carl Hayden, who has up to now held the record and was in the House of Representatives the day Arizona became a State. He served all the way up until I believe 1968.

Senator BYRD reminded me: No, it is not until tomorrow, at whatever hour it was.

I said: Well, I think you will probably make it.

Of course, his response was: The Lord willing.

That has been a motto of Senator BYRD throughout his career: The Lord willing. We hope the Lord is willing for many more days so the record will be even harder to break.

We congratulate you.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DORGAN. Mr. President, at the request of the majority leader, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 5:18 p.m., recessed subject to the call of the Chair and reassembled at 6:28 p.m. when called to order by the Presiding Officer (Ms. CANTWELL).

The PRESIDING OFFICER. The Senator from Kansas is recognized.

ORDER OF PROCEDURE

Mr. ROBERTS. Madam President, it is my understanding that I am going to be recognized for approximately 15 minutes, and I seek unanimous consent that Senator GRASSLEY follow me for 15 minutes, so we would take approximately 30 minutes of the Senate's time at this point. I think I should probably ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ROBERTS. Madam President, I come to the floor today to join my good friend from Iowa, Senator GRASSLEY, who is our ranking member on the Senate Finance Committee, to raise concerns about a too-little-discussed aspect of the health care bill the Senate will soon debate. While much of the health reform debate to date has focused on the health care side of the bill and the $500 billion in higher taxes, fees, and fines that will be required to pay for it, very little attention has been paid to how these taxes and fines will be implemented and administered and, most importantly, enforced. I think that is a very critical discussion. We need to have that discussion, and it is one the American people fully need to understand as this debate gets underway. This is important stuff.

Senator GRASSLEY has already sounded the alarm about how the Senate Finance Committee bill expands the size and reach of the Internal Revenue Service, the IRS, further into the lives of every American. But listen up: All the health care bills we have seen so far call for reforms to be carried out to a great extent by the Internal Revenue Service—that is right, the IRS, the Nation's tax collector.

This isn't CMS, the Department of Health and Human Services; this is the IRS. So the Nation's tax collector will be in charge of implementing, administering, and enforcing a significant portion of this bill.

Under the various bills, the IRS is given unprecedented authority to obtain information about your family's health care decisions. The IRS is authorized to collect new information—information that is unrelated to an individual or a family's tax liability—in order to carry out health care reform.

This information will be used to implement, administer, and enforce several controversial provisions. For example, the IRS—again, not the Department of Health and Human Services—is the government agency that will determine whether everyone has insurance and will assess a tax penalty on anyone without insurance. The IRS will have to collect additional information from individuals and families in order to make this determination. We don't know how this information will be collected or how it may be used.

The IRS would assess taxes on employers who do not provide affordable coverage for their employees. Since affordability would be determined on an individual's total income, an employer would have to collect income information from all of his or her employees. This will require employers to provide additional information about their employees to the IRS—information I am sure that an employer would just as soon not ask about. We don't know how an employer would use this information or how it would be protected.

In addition, the IRS will have to work with the new health care exchanges to verify whether an individual is eligible for a subsidy and will have to share information about taxpayers with those exchanges. However, we still don't know if the exchange will be a State agency or a private entity, so we don't know how the IRS will collect and safeguard taxpayer information.

Yet even as the health care bill creates new responsibilities for the IRS, consider that the IRS is having a lot of trouble doing its No. 1 job—tax administration—efficiently and effectively. Two reports were issued recently that I think raise questions about the IRS's ability to carry out its new responsibilities in this bill, let alone its original responsibilities.

Last week, the Government Accountability Office, or GAO, released its annual audit of the IRS's financial statements for 2008 and 2009.

In the report, the GAO found that while the IRS has made progress in addressing internal control deficiencies, the report also states that deficiencies remain with regard to the IRS's internal control over unpaid tax assessments and over information security. The report states that ''the serious challenges IRS faces as a result of these remaining deficiencies adversely affect the IRS's ability to . . . obtain current, complete, and accurate information it needs to make well-informed decisions.''

Then, on Monday, the Treasury Inspector General for Tax Administration found that because of the way the Making Work Pay credit—the credit created in this year's stimulus bill to provide workers with a one-time tax credit of up to $400—has been implemented and administered by the IRS, more than 15 million taxpayers may actually end up having to pay back some of their credit to the IRS.

Similar administrative problems with the home buyer tax credit have led to waste and abuse of taxpayer dollars.

The IG's audit of the IRS's administration of the credit found that the IRS may have allowed thousands of taxpayers to claim millions of dollars in credits to which they were not entitled to despite recommendations made a year ago by the IG that the IRS take steps to verify eligibility for the credit.

In its audit, the inspector general found that more than 19,000 taxpayers claimed $139.4 million in credits for homes they had not yet purchased but would allegedly purchase. In addition, over 70,000 taxpayers claimed more than $479 million in credits despite indications that they were not first-time home buyers. The IG also identified 582

taxpayers under 18 years of age who claimed almost $4 million worth of credits. By the way, the youngest taxpayers receiving the credit were 4 years old.

Mr. President, the problems the IRS has encountered in administering these credits and the issues raised by the GAO about the security of taxpayer information—I will repeat that: the security of taxpayer information, your taxes—raise serious questions about whether the IRS is up to the task of implementing and enforcing the far-reaching tax proposals that are called for in the health care bill.

Wait, there is more. We know the IRS will need additional funding and employees—employees with expertise and training—if they are to implement, administer, and enforce the dozen or so new tax provisions called for in the health care bill.

How much will that cost? That is a good question. Nobody knows. These costs are not included in estimates provided by either the Congressional Budget Office or the Joint Committee on Taxation.

The bill as passed by the Senate Finance Committee—I don't know what is in the bill that will be considered, just announced by my friends across the aisle. They are doing that behind closed doors. But the bill as passed by the Finance Committee doesn't include any funding for the IRS for any administrative or personnel costs associated with this bill. We will see if the leader's bill that will be announced sometime tomorrow, which is being talked about in the hallways, contains such estimates.

Estimates of a more narrow bill by an independent group found that the IRS administration alone would cost several billion dollars—never mind the costs for the Department of Health and Human Services or CMS or other new Federal offices that will be created. We can only assume the cost to administer and enforce the taxes, fees, and fines in this bill will be significantly higher.

Americans need to understand what health care reform means for their health care, but they also need to know what the IRS's significant and intrusive new role would be in implementing and enforcing such health care reform.

All the proposals we have seen so far expand the reach of the IRS even further into the lives of ordinary Americans, allowing them to collect more information than ever before about you and your health care choices in order to tax you based on those choices.

Do Americans want the IRS to collect even more information about them and their families than it already does? I don't think so. Do they want the IRS having access to information about their health care decisions? Again, I doubt it.

Furthermore, would the IRS be able to do the job? Will they get it right? Recent reports by the IRS's own IG and the GAO cast doubt on the agency's ability to effectively administer the wide-reaching provisions in the health care bill.

Americans should be very concerned about putting the IRS in charge of administering more than $500 billion in new taxes, fees, and fines in this bill and expanding its reach further into Americans' lives.

Americans should be concerned about this path that the Senate leadership and the White House is taking us down, placing this very complex health care bill in the hands of the IRS, especially when they have not provided the resources the IRS will need to get the job done—not to the funding.

Madam President, the bottom line is that Americans need to know, need to understand, and need to question whether they want the Internal Revenue Service more involved in their daily lives and their health care decisions. Under the proposals we have seen, that is the case.

Sit up, America, and take notice. I think if we took a poll or had yet another townhall meeting, most Americans would say no to any further IRS involvement in their lives and no to IRS intrusion into their health care.

I yield the floor. I see the distinguished ranking member of the committee, a distinguished Senator who has been an expert on the IRS and basically bringing reform almost on an individual basis to that agency.

I yield to Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank my friend, the Senator from Kansas, for his kind remarks. I am very happy to join him in sounding an alarm about the role of the Internal Revenue Service in America's health care choices.

The various health care bills being considered before Congress would task the IRS with administering several new and very controversial provisions. This would include things such as the individual mandate—or another way to say that is a government-run insurance mandate, a government-required insurance mandate. It would also affect the employer free rider penalty. The IRS would be involved with the premium subsidy for low-income individuals. It would be involved with the small business tax credit. The IRS would be involved in working with exchanges to verify income information, and it would be involved in figuring out how to calculate and collect several new fees, which are in fact excise taxes.

Senator ROBERTS has just explained some of this. Also, during debate in the Finance Committee—when the Senate Finance Committee bill was up in that committee, some people joked that CMS stands for ''it's a mess.'' The same could be said of the IRS. As many of us know all too well, the tax gap is a very serious problem. The hundreds of billions of dollars owed that the IRS isn't collecting suggests that the IRS isn't effective at executing its primary mission: the enforcement of our revenue laws.

The IRS is just now starting to increase its enforcement efforts, which had declined significantly after the restructuring of that agency a decade ago. But just like many other Federal agencies, it is facing a human resource crisis because more than 50 percent of its workforce is expected to retire in the near future. So it doesn't have the resources it needs to do its presently described job, never mind a whole new one, such as administering health care reform—or at least helping administer health care reform.

One independent report after another highlights IRS's enforcement problems. Senator ROBERTS mentioned the recent reports on the Making Work Pay credit, home buyer tax credit, and the IRS's financial statements. In addition to those, we have problems with the earned-income tax credit and the health coverage tax credit.

In February, the Treasury Inspector General for Tax Administration issued a report on fraud in the earned-income tax credit. Then today, the administration reports that waste of taxpayer dollars from improper payments has increased from $72 billion in 2008 to $98 billion in 2009. Over $12 billion—almost 12 percent—of the $98 billion in improper payments was because of the earned-income tax credit.

In another tax inspector general report from earlier this month on the health coverage tax credit, that inspector general reviewed a valid sample of individuals who claimed this credit on their 2006 Federal tax return. The tax inspector general found that 72 percent did not have the required documentation to get that credit. In addition, the inspector general states that the IRS does not effectively identify or prevent individuals from erroneously claiming the health credit on their Federal tax return.

The inspector general identified over 1,200 individuals who appeared to have wrongly claimed $1.8 million of these credits on their Federal tax returns. This report is particularly relative since the premium subsidy in the Finance Committee health reform bill is modeled after this credit.

The earned-income tax credit, the health coverage tax credit, and the making work pay tax credit are all examples of social welfare programs that presently are being administered by the Internal Revenue Service, and this despite the fact that we have a whole separate agency—the Department of Health and Human Services—that is supposed to be concerned with social welfare.

In a recent interview with tax analysts about current health reform proposals, a former IRS Assistant Commissioner had this to say about IRS' role in the health reform issue:

> These kinds of programs require social welfare expertise. IRS agents are not recruited or trained to do that. . . . The IRS record is mixed and sometimes abysmal with regard to effectively administering these kinds of programs.

I couldn't have said it better myself.

Aside from the costs and the problems with enforcing these types of credits, there are opportunity costs associated with requiring the IRS to administer programs outside its expertise. The Government Accountability Office and the tax inspector general issued reports discussing the IRS' poor performance in providing telephone customer service during the 2009 filing season because of stimulus legislation. That was passed in February of this year. The reports state that customer service declined significantly, despite the fact that collection employees were assigned to staff the phones.

So honest and diligent taxpayers do not get the help they need when they need it, and tax cheats and tax evaders increasingly get away with not paying their fair share, and the tax gap widens.

From a tax administration perspective, the provisions in the various health reform bills will create infinite new problems for the Internal Revenue Service. The Internal Revenue Service is likely to be tasked with implementing provisions for which it actually must go out and collect new data—data that is unrelated to the taxpayer's tax liability.

In addition to the provisions Senator ROBERTS highlighted, the Internal Revenue Service would have to develop new processes and procedures for insurance companies and employers to challenge and appeal the calculations of the high-cost premiums tax and the employer free rider excise tax, both new provisions in the Senate Finance Committee bill. Both these taxes are calculated by a third party, other than the IRS or the individual taxpayer. The IRS would have to develop a method for calculating the new excise taxes on medical devices and pharmaceuticals, also a new provision in that bill, the basis for which is unprecedented.

In light of these issues, I think it is fair to consider a couple questions.

Assuming that an individual mandate is constitutional, do we want the IRS checking up on whether everyone has health insurance?

Another question: Do we want to facilitate the dissemination of tax information to third parties, such as employers or an insurance exchange? We have always been very cautious about maintaining the privacy of individual tax returns.

Another question: Shouldn't we be providing more resources to the Department of Health and Human Services to ensure that it can receive and process the necessary data if this bill is going to be implemented instead of having the IRS do it?

My Democratic colleagues in the Congress and the administration have many ideas for new and complex ways to tax individuals and, of course, tax small businesses as well, to fund all sorts of new spending. It would seem wise to make sure the IRS can enforce the tax laws before being charged with administering new social programs created because of health reform.

I ask my colleagues on the other side of the aisle to consider these questions as we debate the health care reform bill over the next several weeks.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, as in executive session, I ask unanimous consent that on Thursday, November 19, at 2 p.m., all postcloture time be yielded back, except for 30 minutes, and that the time be equally divided and controlled by Senators LEAHY and SESSIONS or their designees; that at 2:30 p.m., the Senate proceed to vote on confirmation of the nomination of Judge Hamilton; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I ask unanimous consent that on Thursday, November 19, following the period of morning business, the Senate proceed to the consideration of Calendar No. 190, S. 1963, and that the bill be considered under the provisions of the order of November 17; further, that upon disposition of the Hamilton nomination and the Senate resuming legislative session, there be 2 minutes of debate prior to a vote in relation to the Coburn amendment, No. 2785; that upon the use of that time, the Senate proceed to vote in relation to the amendment; that upon disposition of the amendment, the Senate then proceed to passage as provided under the order of November 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN UNIVERSITY OF AFGHANISTAN

Mr. INOUYE. Mr. President, I rise today to apprise my colleagues of an impressive effort in Afghanistan. I recently had the opportunity to visit with our military troops and civilian personnel serving in Afghanistan. While I was there, I had the pleasure to meet Dr. Michael Smith, president of the American University of Afghanistan. I was embarrassed to admit that until meeting Dr. Smith, I had never heard of the university. Upon learning more about the university, I am encouraged to know that while bombs are bursting and bullets are flying, there is an ongoing and successful American mission to provide educational opportunities to the men and women of Afghanistan.

Today, the American University of Afghanistan has 450 students and will graduate their first undergraduate class next spring. The student body draws from every province and ethnic group in Afghanistan and is nineteen percent female and growing. While the majority of faculty members are American, 15 other countries are represented, including Afghanistan.

The university models itself after other strong international American universities like the American University of Cairo and the American University of Beirut. Its programs focus on business and entrepreneurship, information technology, and many other professional areas.

Since over 85 percent of the student body have been immigrants at some point in their lives and 29 percent of the students graduated high school in Pakistan, one goal of creating this university is to enable Afghanis the educational opportunity to earn a degree that can be utilized for the betterment of Afghanistan.

I know many of my colleagues have plans to travel to Afghanistan to visit with our troops. I would encourage all of you to take some time to learn about this university which is one of the unsung efforts we have undertaken in Afghanistan.

I urge my colleagues to support this mission so when the military departs Afghanistan we can leave with a smile and our heads held high knowing that we have not only supported the security and stabilization of Afghanistan but have provided a sustained educational mission as well.

FINANCIAL REGULATORY REFORM AND DERIVATIVES

Mr. GREGG. Mr. President, the journalist H.L. Mencken once observed that, ''complex problems have simple, easy to understand, wrong answers.'' And, though modern history has amply demonstrated the resistance of complex political and economic systems to the easy answer of centralized control, we try time and again to apply top-down solutions to our multifaceted problems. This conflict is brought into no sharper light than by Congress' current efforts at financial services reform; particularly those directed at the labyrinthine world of the multi-trillion dollar derivatives trade.

Derivatives are a vital and complex component of modern financial markets, making it imperative that reform be done right—without damage to the

twin pillars of innovation and capital formation.

The question as to how derivatives should be regulated is not easy to answer, but Congress should start with some guiding principles. First, derivatives regulation should seek to foster a robust, competitive, and liquid marketplace. Second, systemic counterparty risk exposure must be reduced by incentivizing central clearing and increasing reporting requirements to promote transparency. Third, regulation must preserve the ability to engage in bilateral customized transactions for risk management. Finally, we must coordinate our efforts with the international community to prevent global regulatory arbitrage and the flight of capital to less regulated jurisdictions.

Unfortunately, the regulatory reform proposals making their way through both chambers of Congress fail to take into account the intricacies of this dynamic financial product and expose a fundamental misunderstanding of the way in which the marketplace works. Congress must think through the significant, unintended consequences before we act to mandate that all Over-the-Counter—OTC—derivatives be centrally cleared and executed on exchanges or cash collateralized, as well as subjecting end-users to capital charges. By de-incentivizing companies to use these risk management tools, such proposals will have the perverse effect of increasing business risk and raising costs.

The proposals advocated for by the U.S. Treasury and Chairman of the Senate Banking Committee, Senator CHRISTOPHER DODD, seem to provide too many government mandates and not enough flexibility. The proposed regulatory structure for OTC derivatives is built on an inadequate foundation lacking the staff, expertise, technology, and resources needed to provide truly robust oversight. Clearing and exchange-trading requirements do not accommodate the need for customized transactions. Capital and margin requirements threaten to lock up liquidity. Lack of international coordination guarantees a flight of capital away from our shores.

Derivatives may not be part of the Main Street vernacular, they may be unfamiliar to the local car dealership, but the manufacturers that supply those dealerships know them well. Derivatives provide businesses with access to lower cost capital, enabling them to grow, invest, and retain and create new jobs. With the unemployment rate at 10.2 percent nationally, this is no time to increase uncertainty and business costs.

Congress must be mindful of the mobility of capital in the global marketplace as well. Without a proper regulatory balance, capital can and will accept higher risk for less onerous regulation. We must maintain incentives for business to participate in a large and liquid OTC derivative market, while promoting global coordination to minimize regulatory arbitrage and systemic risk.

Under current proposals, capital requirements that will be imposed on OTC dealers will pass on additional cost to end-users. Coupling these capital costs with a decreasing ability to customize transactions could result in sharply lower usage by end-users. Given that 94 percent of Fortune 500 companies utilize customized OTC derivatives to manage macro-economic risk, providing less certainty to corporate balance sheets will severely undermine confidence in the American marketplace.

Further, the proposal to mandate exchange trading makes little sense in the bespoke OTC derivatives market. The basic assumption of exchange trading reflects the use of standard products. OTC derivates by their very nature are not always standard. In the real world, mandating use of an exchange would inhibit the use of such customized derivates that are useful financial management tools to hedge extremely specific risks. Bespoke derivatives cannot always be substituted with exchange traded or standardized OTC products. Even attempting to craft a carve-out for such derivatives raises the concern of whether the U.S. Securities and Exchange Commission and Commodities Future Trading Commission could agree on what should be traded.

Another red flag raised by the circulating proposals is the unintended consequence of segregating variation margin. The more capital a dealer has to set aside to purchase an asset, the fewer assets it can purchase. Heightened capital requirements restrict a dealer's ability to generate returns on its capital or provide loans to Main Street businesses, students heading to college, or families seeking a mortgage. It also does not protect end users or reduce systemic risk in any demonstrable way.

Corporate scandal and economic failure have provided such a regulatory catalyst many times in the past. It is alarmingly reminiscent of 2002, when Congress enacted Sarbanes-Oxley; introducing a host of new compliance requirements for accounting, corporate governance, and financial disclosure. But, in the years since the legislation took effect, the overhaul has come to be widely regarded as overly complex, unduly burdensome, and a severe disadvantage to American businesses in the global marketplace.

Congress should be instructed by the lessons of the past and not add such regulations that will impede capital formation. The simple, easy, but ultimately wrong answer is to issue a government mandate for every perceived problem. Thinking through the unintended consequences of overregulation and trusting market solutions is more difficult, but it is ultimately the only way to preserve the innovation that powers American markets.

HONORING OUR ARMED FORCES

STAFF SERGEANT JUSTIN M. DECROW

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SSG Justin M. Decrow. He was a member of the 16th Signal Company, 62nd Expeditionary Signal Battalion. Justin was only 32 years old when he was killed in the tragic November 5 shooting spree at Fort Hood, TX, that took the lives of 13 Americans and left 31 others wounded.

Those who enlist in our Armed Forces make an extraordinary sacrifice, agreeing to routinely face life-threatening dangers abroad as they carry out missions on our behalf. The risks they endure to protect our freedom are never expected to follow them from the theater of war to the safety of American soil, making Justin's death all the more painful and troubling.

Today, I join Justin's family and friends in mourning his untimely death. Justin will be remembered as a loving husband, father, son and friend to many. He is survived by his wife Marikay; his daugther Kylah; and his parents Rhonda Thompson and Daniel Decrow. Justin had returned over the summer from a year's deployment in South Korea before being stationed at Fort Hood.

A native of Plymouth, IN, Justin enlisted in the Army immediately after graduating from high school. At the time of his passing, he was a resident of Evans, GA, where he lived with his high school sweetheart and 13-year-old daughter in a house he built just a few years ago. Justin was planning to become an Army contractor at nearby Fort Gordon, working within his specialty of satellite communications training. At Ford Hood, he had been training soldiers to help new veterans with paperwork. Justin is remembered by family and friends as a very loving man, who enjoyed working with his hands.

While we struggle to express our sorrow over the loss of Justin, we can take pride in the example he set as a soldier, a husband, a father, and a son. Today and always, he will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

It is my sad duty to enter the name of Justin M. Decrow in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace.

I pray that the Decrow family, and the families of all the victims of this incomprehensible act, can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

MILITARY AND VA APPROPRIATIONS

Mr. BOND. Mr. President, in this ever-difficult era of economic recession

and troops engaged overseas, I am proud to introduce this amendment with Senators UDALL of New Mexico and BINGAMAN which addresses a dual front plaguing our country's war heroes. That dual front emerges from two troubles that exist for our veterans dealing with the horrors of war abroad and lack of affordable housing at home.

This sad duality has a dark and tragic reality. To date, one out of every three homeless men sleeping somewhere in our cities and communities is a veteran. Veterans make up a significant and disproportionate amount—over 20 percent—of our country's homeless population. The number of homeless Vietnam-era veterans is greater than the number of service persons who died during that war. Regrettably, this dark shadow cast behind our Nation's veterans is stretching because we are seeing homelessness spread to veterans returning from the ongoing conflicts in Iraq and Afghanistan. Instead of receiving the services and benefits they deserve, veterans from Iraq and Afghanistan—as well as many American families—are at greater risk of homelessness due to a number of factors, such as the economic downturn, the acute shortage of affordable housing, and lingering mental health illnesses. Further, despite the efforts of the federal government and its partners at the State and local levels and their progress in addressing homelessness, there remain too many gaps in our safety net system to prevent homelessness.

For our troops and their families to whom we owe so much, who make great contributions to defend our country, and who risk their lives; is homelessness an acceptable outcome for them? Clearly, the answer is no. That is why I am proud to support this amendment with my colleagues from New Mexico and I value the work I have been a part of with my other colleagues and friends like Senators MURRAY, MIKULSKI, REED, and HUTCHISON.

This amendment sends a clear and strong message that we cannot allow our veterans to return to their communities without providing them the support they need. This is why we introduced this amendment which combines the necessary support and housing services to help our veterans. Veterans need a comprehensive approach that begins with secure and stable housing in order to provide them the opportunity to reintegrate into society and support their families. Our amendment fully funds the Homeless Grant and Per Diem Program, which is administered by the U.S. Department of Veterans Affairs and promotes the development of supportive housing and services with the goals of helping homeless veterans achieve residential stability, increase their skill levels and income and develop greater self-determination. In closing, I thank my colleagues from New Mexico and the managers of the Military Construction and Veterans Affairs appropriations bill for their support. I sincerely believe that the passage of this amendment will be another example of our shining and unwavering commitment to our veterans.

PRESIDENTIAL CAMPAIGN

Mr. BURRIS. Mr. President, in the last century, Dr. Martin Luther King, Jr., spoke often of ''the arc of the moral universe'' and how it bends toward justice. He held an optimistic but unvarnished view of our country and saw that America's greatness lives in the promise of expanding equality and opportunity.

Sadly, for parts of our history, the halls of civil discourse were closed to people of color, women, and other groups. Too many Americans were denied the freedom that our founding documents guaranteed to every individual, and for far too long. But here in the United States, it is inevitable that justice wins out over tyranny in the end.

Thanks to the leadership of Dr. King and countless other trailblazers—of all races, backgrounds, and walks of life—today's America is more free, more fair, and more equal than our forefathers could possibly have dreamed. And today, I come to the floor in honor of one of these real-life trailblazers.

Twenty-five years ago, it was almost inconceivable that a person of color could become President of the United States. But that did not stop the Reverend Jesse L. Jackson, Sr., from mounting a serious campaign. Some applauded the effort, and some decried it as foolishness. Some said that America was not ready. But Reverend Jackson was undeterred. He laid righteous claim to the values that define us as Americans, and he shared his vision with all those who would listen and some who would not. And under his leadership, an otherwise ordinary Presidential campaign became a movement. People across America were inspired by what they saw, what they heard, and what they read. They turned out in droves to campaign for Reverend Jackson, to hear him speak, and to offer their support.

Twenty-five years ago, Rev. Jesse Jackson decided to run for President. And his bold campaign changed American politics forever. As Dr. King would say, he and his supporters put their hands on the arc of the moral universe and caused it to bend just a bit further. He broke down barriers, he shattered prejudice, and he paved the way for all who came after. He left an indelible mark on the political and social landscape in this Nation and his contributions will be felt for many years to come.

In 2008, thanks to the leadership and vision of Jesse Jackson, Martin Luther King, Jr., and countless others, America did what was once unthinkable: we elected an African-American man named Barack Obama to the highest office in our land. It was a day I never thought I would be fortunate enough to see. But it showed the world once again that this is a nation of high ideals and higher aspirations. It proved the enduring truth of the American dream and reinforced the true character of our great country.

This Nation owes a great deal to Reverend Jackson and many like him, who continue to share their talent, their vision, and their abiding faith with the American people. So today, 25 years after his historic run for President, I rise to thank Jesse Jackson for all that he has done and for all that he continues to do. And even as we honor his accomplishments, we know that we can look to the future with optimism, secure in the certain knowledge that we are in control of our destiny.

We, the American people, have the power to determine the course of this Nation, as Reverend Jackson reminded us a quarter of a century ago. That is the legacy to which he belongs—a legacy of equality and opportunity, which he has left to each of us.

Let us honor that legacy and carry it forward, so future generations can share in the ever-expanding promise of the American dream.

CONGRESSIONAL AWARDS PROGRAM

Mr. ENZI. Mr. President, I am very pleased to have this opportunity to acknowledge one of our great success stories—the Congressional Awards—on the occasion of their 30th anniversary. This is a great milestone in the history of a program that has served to inspire and encourage countless young people across the country since it was first signed into law in 1979.

Thirty years ago, Senator Malcolm Wallop of Wyoming and Congressman James Howard of New Jersey joined forces to establish and promote the Congressional Awards and provide this great opportunity to young people all across the Nation. Today this program is achieving results throughout the United States far beyond what anyone could have ever expected. One by one, students are rolling up their sleeves and getting to work, establishing personal goals as well as goals for community service. Their dedication has made it possible for them to make a great difference in the world right where it should always start—in their own backyard.

The Congressional Awards program has deep Wyoming roots because Malcolm Wallop helped to provide the leadership that led to its creation. It has deep roots in Wyoming because it has inspired our young people to a truly remarkable degree. The popularity of this program extends from one corner of my home State to the other and it continues to spark the imagination and encourage the enthusiastic participation of another group of participants every year.

Because of the great work this program makes possible, I try to attend as many award ceremonies as I possibly

can. I enjoy having the opportunity to recognize the achievements of those who have earned these awards almost as much as the award winners enjoy receiving the recognition of the Congress for their efforts. Every time I take part in one of these special ceremonies, I can see the excitement and sense of satisfaction that the award represents to each recipient because they have earned it by accomplishing what they set out to do.

The Congressional Awards are open and available to young people from about age 14 to 23. They honor those who have done something to improve themselves by expanding their horizons as to what they believe is possible for them to achieve. Working with adult mentors, they dedicate themselves to achieving a set of goals in four areas—public service, personal development, physical fitness, and the exploration of the world around them. Because of their enthusiasm, it is no surprise that they have been able to achieve such great results in their lives.

There are three levels of awards offered by the program—Bronze, Silver and Gold. The Gold Award is the most difficult of the three to earn because it requires the most in terms of both time and effort.

Over the years, the number of Wyoming Congressional Award winners at each level has been impressive. However, because of the good example Malcolm Wallop worked so hard to provide, we have had a remarkable number of Gold Medal award winners in my State. That is a remarkable achievement for a State with a comparatively small population. It underscores the determination of Wyoming's young people to always finish what they set out to do.

That is why our award winners have been getting noticed and the word has been getting around about how much it means to each award winner to have earned such a special prize. That has inspired others to try to do the same and it has kept the line of program participants going strong.

Malcolm Wallop understood the importance of that message and the need for our young people to hear it—and hear it clearly. Thanks to him and his efforts, kids in Wyoming and throughout the nation understand that there is something better for them to do than to complain about what's wrong with the world. They now know that if there is a problem in the community or down the street you can do something about it. It's more than positive thinking; it's a call to action. It's a lesson learned that will then encourage our young people to apply the same determination that helped them to earn their Congressional Award to the other goals they have set for themselves so they can achieve the same kind of success in every area of their lives.

Although Malcolm accomplished a great deal during his three terms of service in the United States Senate, I have always believed the Congressional Awards had to be one of his favorite achievements, something special that will continue to last as part of his Senate legacy that will serve to inspire present and future generations to continue to work to make great changes in the world around them.

That will mean, in the years to come, when we look to the young people of Wyoming, the West and the United States to take their place as our leaders on the local, State and national level, thanks in part to the experience of the Congressional Awards program, they will be ready.

KOREA-U.S. FREE TRADE AGREEMENT

Mr. ISAKSON. Mr. President, I wish to express my strong support for the Korea-United States Free Trade Agreement. As you know, President Obama is in South Korea today and tomorrow meeting with South Korean President Lee Myung-bak, and I would like to take this opportunity to communicate to the President and his administration the importance of expressing support for the Korea-United States Free Trade Agreement during these meetings.

The United States and the Republic of Korea have a long history of trade. According to the Office of the U.S. Trade Representative, U.S. goods and services traded with Korea totaled $101 billion in 2007. The Republic of Korea is the seventh-largest trading partner of the United States. In my home State of Georgia alone, goods and services exported to the Republic of Korea total more than $390 million, making the Republic of Korea Georgia's 12th largest trading partner. Furthermore, trade with the Republic of Korea accounted for more than $3 billion worth of goods passing through the Port of Savannah, GA.

It is imperative that the United States build on this already strong relationship with the Republic of Korea by approving a Korea-United States Free Trade Agreement. Approving a Korea-United States Free Trade Agreement will enhance both economies by growing markets for both U.S. and Korean goods and services, creating jobs in both countries, and will strengthen an already strong relationship with one of the most important allies of the United States in the East Asian region.

I would also like to take this opportunity to highlight a new KIA automobile production facility in West Point, GA. This is a direct investment from the Republic of Korea that is having a positive impact on my State's economy. This week, the first KIA Sorrento vehicles were completed at the West Point facility, where 1,200 jobs have already been created and an estimated 1,300 additional jobs will be created in the coming years. The impact on the local economy by the West Point facility is estimated to be around $6.5 billion over the next 3 years, which is already having a transformative effect on a community that was facing very hard economic times before the KIA facility came along.

Mr. President, in closing, I would just like to emphasize how important the Korea-United States Free Trade Agreement is to the United States, and in particular to my home State of Georgia. The KIA facility in West Point, GA, is just one example of the impact that this proposed free-trade agreement could have on other communities across the United States. During these difficult economic times, it is critical that the administration and Congress look for ways to build the economy and create jobs, and approving the Korea-United States Free Trade Agreement would do just that.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. JAMES R. HOUSTON

• Mr. COCHRAN. Mr. President, Dr. James R. Houston of the U.S. Army Corps of Engineers will soon retire with over 38 years of service. He is a member of the Senior Executive Service, SES, and is the First Director of the Corps' Engineer Research and Development Center, ERDC. His accomplishments and dedication to the Corps of Engineers' laboratory community and the Army are exceptional and will have a significant and long-lasting positive impact on this Nation.

After serving as a private in the U.S. Army Corps of Engineers, Dr. Houston began his Army civilian career as a physicist studying explosion-generated wave effects at the U.S. Army Engineer Waterways Experiment Station, WES, in Vicksburg, MS. At WES he calculated harbor oscillations and devised a numerical model to determine the inundation limits of tsunamis in the Hawaiian Islands. In 1978, he earned his Ph.D. from the University of Florida and in 1981 received an Army R&D Achievement Award for improved methods for numerically simulating tsunami propagation and interaction with nearshore regions. In 1983 he was promoted to chief of the research division in the Coastal Engineering Research Center where he researched numerical modeling of coastal processes and tsunami flood level predictions.

In 1986 he became the SES director of the Coastal Engineering Research Center, CERC, and with the combining of CERC and the Hydraulics Laboratory in 1997, he became the director of the Coastal and Hydraulics Laboratory, CHL. In these assignments, he oversaw research programs in coastal and hydraulic engineering, oceanography, coastal geology, dredging, and numerical modeling of hydrodynamics and sediment transport. Under his leadership, CHL became the largest coastal and hydraulics engineering laboratory in the world.

In 2000 he became the first director of ERDC and in 2006 became dual-hatted

as the Director of Research and Development and Chief Scientist of the U.S. Army Corps of Engineers. In that latter capacity he advised the Commanding General of the Corps on matters of science and technology and developed research and development policy for the Corps.

The ERDC research that he led has made an enormous difference in the global war on terrorism, GWOT. He led ERDC to be the 2002 Army Research and Development Organization of the Year in recognition of successful modeling of the physics of blast/structure interaction and development of structural-hardening technology for retrofitting buildings to withstand terrorist attacks. The Pentagon wedge that was hit on September 11 had just been structurally hardened using this technology, and ERDC's technology was credited with saving hundreds of lives on that tragic day. As a result of his support of GWOT, the Secretary of the Army awarded him the Decoration for Exceptional Civilian Service, and the U.S. Army Engineer Regiment awarded him both its Bronze and Silver deFleury medals.

Under his leadership, ERDC won the Army Research and Development Organization of the Year five times: 2002, 2005, 2007, 2008, and 2009. This is an unprecedented performance accomplishment in the history of the Army's laboratory of the year competition.

Dr. Houston led countless water resources research efforts such as that for the Los Angeles County flood-control project that produced savings of over $200 million. In 2004, the ERDC won the prestigious White House Closing-the-Circle Award for research on environmental stewardship. Under his leadership, the ERDC developed integrated biological, chemical, and ecological control technologies to combat nonindigenous aquatic plants, resulting in annual savings of $50 million.

Dr. Houston has been a champion for outreach programs to foster a diverse workforce and supported educational outreach activities in civil engineering, environmental quality, and computer science. He provided research experience for college students from Historically Black Colleges and Universities/Minority Institutions, HBCU/MI. During his tenure ERDC annually led the Army in meeting its HBCU/MI contracting goal.

He has published over 130 technical reports and papers, and he has received numerous honors and awards including Phi Beta Kappa; Phi Kappa Phi; SES Distinguished Presidential Rank Award; two SES Meritorious Presidential Rank Awards; Army R&D Achievement Award; Army Decoration for Exceptional Civilian Service; Army Commendation Medal; two Army Meritorious Civilian Service Awards; Silver Order of de Fleury Medal; Bronze Order of de Fleury Medal; Eminent Speaker for 1993 from the Institution of Engineers, Australia; 1997 National Beach Advocacy Award; and the 2003 Morrough P. O'Brien Award from the American Shore and Beach Preservation Association.

Dr. Houston's career with the Corps of Engineers has been marked with unprecedented accomplishments and is a superb legacy. His exceptional leadership qualities and technical eminence are in the best tradition of the Corps. He is a consummate professional whose performance in over 38 years of service has personified those traits of competency and integrity that our Nation has come to expect of its senior civilian leaders. We wish him and his family all the best.●

RECOGNIZING GOODRICH AEROSTRUCTURES

● Mr. SESSIONS. Mr. President, I ask my colleagues to join me in congratulating the Goodrich Aerostructures Original Equipment Manufacturer and the Alabama Service Center in Foley, AL, on their 25th anniversary. Goodrich Aerostructures became part of the Baldwin County community in 1984, originally as Rohr Industries. Twenty-two years later, Goodrich expanded significantly, and since 2005 Goodrich Aerostructures has been the second largest employer in Foley with approximately 800 people manufacturing, assembling, repairing, and servicing aircraft engine components and structures for military and commercial airplanes.

Since its inception, Goodrich Aerostructures has received numerous awards and recognition for continually providing excellent service and outstanding products. For the past 8 consecutive years, employees at Goodrich in Foley have been recognized by the Federal Aviation Administration with Aviation Maintenance Technician awards. In addition, Goodrich Aerostructures in Foley recently reached a significant milestone by delivering its 500th CF34–10 nacelle, and the company is on contract to supply the pylons and nacelle systems for the Air Force's C–5 Galaxy strategic airlifter as part of the Reliability Enhancement and Re-Engining Program to modernize the Air Force airlift fleet and improve support for our military personnel around the world.

The men and women of Goodrich have also been recognized as good corporate citizens and civic leaders in Baldwin County. The United Way of Baldwin County recognized Goodrich as the top contributing industry in the county earlier this year, and Goodrich workers actively support education, arts, and civic activities in the local community, including support for the Foley Public Library, the Center for Autism for Baldwin County, and the Baldwin County Council on Aging, and sending care packages to employees' friends and family members that are serving our country in Iraq and Afghanistan.

On behalf of my Senate colleagues and the State of Alabama, I thank the men and women of Goodrich Aerostructures in Foley.●

RECOGNIZING RICKER HILL ORCHARDS

● Ms. SNOWE. Mr. President, as we prepare to celebrate Thanksgiving next week, we should be mindful of the thousands of Americans who make possible the celebration as we know it today. Farmers of all kinds grow and harvest the sweet potatoes, turkeys, and cranberries that we enjoy on our dinner tables every fourth Thursday in November. In recognition of one such business, I rise today to honor a small family farm that has been harvesting delicious fruits in western Maine for over two centuries.

Located in the scenic town of Turner in Maine's foothills, Ricker Hill Orchards primarily grows apples of all varieties, most notably the McIntosh, a tradition the Ricker family started in 1803. The small family-owned farm, now in its ninth generation, has expanded over the years to grow other fruits, including pears and peaches, as well as other items like North American ginseng. Of course with apples comes cider, and Ricker Hill presses its own cider on the premises. Similarly, the company sells numerous apple-related products at its county store, such as apple cider donuts—a fall treat in Maine—pies, turnovers, dumplings, and other sweets. For those without the good fortune of visiting Maine during the crisp fall months, Ricker Hill has an online store where customers can order sweet cortland and gala apples, refreshing cider, and other unique gifts.

Additionally, during the early fall months, Ricker Hill adds cranberries—one of only three commercially grown fruits that are native to America—to its repertoire. The orchard dry harvests its small bright berries, as opposed to employing wet harvesting, allowing Ricker Hill to sell fresh berries at market that last longer. To produce the fruit, Ricker Hill must irrigate the bogs starting in the spring, while maintaining and repairing existing fields, and building new ones, throughout the summer. Finally, the company harvests the cranberries in early fall, using a small lawnmower-like instrument to collect the fruit.

To entertain the whole family, Ricker Hill has taken great strides towards making a visit to their farm a day-long event. Complete with a corn maze, hay barn, obstacle course, and cider making tour, the company packs a plethora of activities into its Farm Fun Day Pass. Ricker Hill also offers tours to school groups of the farm's apple picking and packing operations. And something one would not expect at a farm, Ricker Hill even has a challenging disc golf course that winds through the farm's acres of bogs and woods.

Ricker Hill Orchards excels at providing visitors with a quintessential

Maine fall experience. And for over 200 years, the farm has been producing some of New England's freshest and most delectable fruits, a practice that has helped the company garner a matchless reputation. As Thanksgiving approaches, and families across the country sit down to plates of cranberry sauce and apple pie, I wish everyone at Ricker Hill Orchards many more years of successful harvests of the ingredients that make this holiday so special.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 748. An act to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''.

S. 1211. An act to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''.

S. 1314. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

S. 1825. An act to extend the authority for relocation expenses tests programs for Federal employees, and for other purposes.

H.R. 955. An act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road on Rollingbay, Washington, as the ''John 'Bud' Hawk Post Office''.

H.R. 1516. An act to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the ''Sergeant Marcus Mathes Post Office''.

H.R. 1713. An act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins.

H.R. 2004. An act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the ''Akron Veterans Memorial Post Office''.

H.R. 2215. An act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''.

H.R. 2760. An act to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the ''Johnny Grant Hollywood Post Office Building''.

H.R. 2972. An act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the ''Conrad DeRouen, Jr. Post Office''.

H.R. 3119. An act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''.

H.R. 3386. An act to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''.

H.R. 3547. An act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 10:35 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3305. An act to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse''.

H.R. 3360. An act to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

H.R. 3618. An act to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes.

At 1:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 214. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3305. An act to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 3618. An act to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3360. An act to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3656. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral William D. Sullivan, United States Navy, and his advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

EC–3657. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Thomas R. Turner II, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3658. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; World Trade Organization Government Procurement Agreement Designated Country'' (DFARS Case 2009–D010) received in the Office of the President of the Senate on November 16, 2009; to the Committee on Armed Services.

EC–3659. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Kingdom; to the Committee on Banking, Housing, and Urban Affairs.

EC–3660. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations—Administrative Ruling System'' (RIN1506–AB03) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–3661. A communication from the Acting Director of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (3) three reports relative to vacancies in the Environmental Protection Agency, received in the Office of the President of the Senate on November 16, 2009; to the Committee on Environment and Public Works.

EC–3662. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Pollution Prevention Equipment'' ((RIN1625–AA90) (Docket No. USG–2004–18939)) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3663. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorages; New and Revised Anchorages in

the Captain of the Port Portland, OR, Area of Responsibility'' ((RIN1625–AA01) (Docket No. USG–2008–1232)) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3664. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; East River, New York City, NY'' ((RIN1625–AA09) (Docket No. USG–2009–0348)) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3665. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Elizabeth River, Southern Branch, VA '' ((RIN1625–AA09) (Docket No. USG–2009–0814)) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3666. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Naval Base Point Loma; San Diego, CA'' ((RIN1625–AA87) (Docket No. USG–2008–1016)) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3667. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Catholic Church Processions, San Diego Bay, San Diego, CA'' ((RIN1625–AA00) (Docket No. USG–2009–0812)) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3668. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Waters Surrounding M/V Guilio Verne and Barge Hagar for the Transbay Cable Laying Project, San Francisco Bay, CA'' ((RIN1625–AA00) (Docket No. USG–2009–0870)) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3669. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Beachfest Fireworks, Pacific Ocean, San Diego, CA'' ((RIN1625–AA00) (Docket No. USG–2009–0811)) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3670. A communication from the Acting Assistant Administrator of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2009 Management Measures for Petrale Sole'' (RIN0648–AY07) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3671. A communication from the Acting Assistant Administrator of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Central Gulf of Alaska Rockfish Program; Amendment 85'' (RIN0648–AX42) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3672. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the United States Exclusive Economic Zone Off Alaska; Fisheries of the Arctic Management Area; Bering Sea Subarea'' (RIN0648–AX71) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3673. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Subsistence Fishing'' (RIN0648–AX53) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3674. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XS69) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3675. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wheatland, Wyoming)'' (MB Docket No. 08–3) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3676. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Leupp, Arizona)'' (MB Docket No. 09–98) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3677. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dubois, Wyoming)'' (MB Docket No. 09–83) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3678. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Incorporation by Reference Update: American Petroleum Institute (API) Standards 5L and 1104'' (RIN2137–AE42) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3679. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Disadvantaged Business Enterprise Program; Inflationary Adjustment'' (RIN2105–AD79) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3680. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standard No. 121; Air Brake Systems'' (RIN2127–AK44) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3681. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pilot, Flight Instructor, and Pilot School Certification; Correction'' (RIN2120–AI86) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3682. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Colored Federal Airway; Washington'' ((RIN2120–AA66)(Docket No. FAA–2009–0970)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3683. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of VOR Federal Airway V–626; UT'' ((RIN2120–AA66)(Docket No. FAA–2009–0311)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3684. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Restricted Areas and Other Special Use Airspace; Fallon, NV'' ((RIN2120–AA66)(Docket No. FAA–2009–0700)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3685. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways V–163 and V–358 in the Lampasas, TX, Area'' ((RIN2120–AA66)(Docket No. FAA–2009–0128)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3686. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Production and Airworthiness Approvals, Part Marking, and Miscellaneous Amendments'' ((RIN2120–AJ44) (Docket No. FAA–2006–25877)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3687. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace and Modification of Class E Airspace; State College, PA'' ((RIN2120–AA66)(Docket No. FAA–2009–0750)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3688. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; New Orleans NAS, LA'' ((RIN2120–AA66) (Docket No. FAA–2009–0405)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3689. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Topeka, KS'' ((RIN2120–AA66)(Docket No. FAA–2009–0404)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3690. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nantucket, MA'' ((RIN2120–AA66)(Docket No. FAA–2008–1253)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3691. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Noorvik, AK'' ((RIN2120–AA66)(Docket No. FAA–2009–0318)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3692. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Spencer, WV'' ((RIN2120–AA66)(Docket No. FAA–2009–0602)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3693. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Anniston, AL'' ((RIN2120–AA66)(Docket No. FAA–2009–0653)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3694. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Beckley, WV'' ((RIN2120–AA66)(Docket No. FAA–2009–0651)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3695. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tioga, ND'' ((RIN2120–AA66)(Docket No. FAA–2009–0504)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3696. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; St. Louis, MO'' ((RIN2120–AA66)(Docket No. FAA–2009–0541)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3697. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Peoria, IL'' ((RIN2120–AA66)(Docket No. FAA–2009–0511)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Many, LA'' ((RIN2120–AA66) (Docket No. FAA–2009–0536)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Midlothian-Waxahachie, TX'' ((RIN2120–AA66) (Docket No. FAA–2009–0513)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Winona, MN'' ((RIN2120–AA66) (Docket No. FAA–2009–0539)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Minden, NE'' ((RIN2120–AA66) (Docket No. FAA–2009–0542)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (15); Amdt. No. 3347'' (RIN2120–AA65) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (93); Amdt. No. 3346'' (RIN2120–AA65) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (27); Amdt. No. 3343'' (RIN2120–AA65) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (46); Amdt. No. 3344'' (RIN2120–AA65) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (5); Amdt. No. 3345'' (RIN2120–AA65) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (93); Amdt. No. 3342'' (RIN2120–AA65) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0996)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1, V2527E–A5, V2530–A5, and V2528–D5 Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–0294)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1000)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–200C and 747–200F Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1362)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Model 1900, 1900C, and 1900D Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1312)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767–200, –300, –300F, and –400ER Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0314)) received in the Office of the

President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company 150 and 152 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–27747)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0910)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0999)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) Airplanes, Model CL–600–2D15 (Regional Jet Series 705) Airplanes, and Model CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0998)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EMBRAER Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1001)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3719. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701 & 702), CL–600–2D15 (Regional Jet Series 705), and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0399)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 407 and 427 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2009–1003)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Reims Aviation S.A. Model F406 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–0115)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1024)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; 328 Support Services GmbH Dornier Model 328–300 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1023)) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 36. A concurrent resolution calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

S. Res. 341. A resolution supporting peace, security, and innocent civilians affected by conflict in Yemen.

S. Res. 345. A resolution deploring the rape and assault of women in Guinea and the killing of political protesters.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*David Morris Michaels, of Maryland, to be an Assistant Secretary of Labor.

*Pamela S. Hyde, of New Mexico, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MERKLEY (for himself, Mr. BAUCUS, Mr. WYDEN, and Mr. TESTER):

S. 2791. A bill to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND:

S. 2792. A bill to amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for E. coli O157:H7 in boneless beef manufacturing trimmings and other raw ground beef components , and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. VOINOVICH):

S. 2793. A bill to amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 2794. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat; to the Committee on Finance.

By Mr. VITTER:

S. 2795. A bill to prevent terrorists and those at war with the United States from receiving the same treatment as United States citizens and to ensure that the trials of those individuals would not bring more harm or reduce national security in the United States; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. NELSON of Nebraska, Mr. ALEXANDER, Mr. BURR, Mr. COBURN, Mr. GREGG, Mr. HATCH, Mr. ISAKSON, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. ROBERTS):

S. 2796. A bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG:

S. 2797. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to provide an exemption from certain requirements for States that provide sufficient time to vote; to the Committee on Rules and Administration.

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 2798. A bill to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr.

FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 354. A resolution commending Robert C. Byrd, Senator from West Virginia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 148

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 448

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 510

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 583

At the request of Mr. PRYOR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 599

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 812

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 825

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 850

At the request of Mr. KERRY, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 857

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 857, a bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1325

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1325, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1524

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1524, a bill to strengthen the

capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1963

At the request of Mr. AKAKA, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Connecticut (Mr. DODD) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1963, a bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

S. 2607

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2607, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts.

S. 2730

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2730, a bill to extend and enhance the COBRA subsidy program under the American Recovery and Reinvestment Act of 2009.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2752

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2752, a bill to ensure the sale and consumption of raw oysters and to direct the Food and Drug Administration to conduct an education campaign regarding the risks associated with consuming raw oysters, and for other purposes.

S. 2787

At the request of Mr. THUNE, the names of the Senator from Maine (Ms. SNOWE), the Senator from Mississippi (Mr. WICKER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 2787, a bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MERKLEY (for himself, Mr. BAUCUS, Mr. WYDEN, and Mr. TESTER):

S. 2791. A bill to authorize the Secretary of the Interior to grant economy-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, today I am pleased to be joined by my colleagues Senators RON WYDEN, MAX BAUCUS, and JON TESTER, as I introduce the Forest Harvest Opportunity Act. This legislation will provide a very simple, yet critical, solution to a significant problem currently facing timber communities across the country.

As we all know, rural communities across the country have been hit particularly hard by our current economic recession. The unemployment rate for rural counties is far greater than the national average; it surpasses 20 percent in many of the rural communities in my own home state. As my colleagues have heard me mention on numerous occasions, many of our rural communities have been doubly hurt by the current economic recession because they depend on harvests from federally-owned forest land as a major component of their economies. These communities have already been struggling because timber harvests on our Federal land have been declining, but they are facing even worse situations today because the collapse of the housing market has caused a precipitous drop in timber prices.

For some of our forestry companies, this creates an even worse situation: the contracts they have to harvest timber on Federal land are now worthless. Many of these contracts were signed with the Forest Service or the Bureau of Land Management before the recession, when timber prices were still high. However, because of the decline in timber prices, harvesting today would cost forest companies more than the wood is worth and could cause ruinous problems for some of these companies.

The solution is simple common sense: allow companies to apply for additional time to harvest wood they have contracted for in times of unique economic circumstances. This simple change would allow these companies to delay the harvest until the price of timber had returned to a point that enabled the forest companies to earn a profit on the harvest. This change is not a novel idea. In fact, the Forest Service has rules in place allowing to do exactly that. Unfortunately, the Bureau of Land Management does not have similar rules in place. So, based simply on which agency a company has a contract with—and in Oregon Forest Service and BLM lands can be side-by-side—these companies may be forced to harvest timber at a loss or walk away from a contract they have won after a fair bidding process.

The Forest Harvest Opportunity Act provides a simple solution and allows these companies—and only companies who have contracts right now during the current recession—to petition for and receive an extension so they can harvest when timber prices return to a normal rate. This bill is a simple solution to address an important problem. Enacting this legislation would provide significant economic help for communities that are already among the hardest-hit by this economic downturn. I look forward to working with my colleagues for its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2791

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Forest Harvest Opportunity Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ECONOMY-RELATED CONTRACT EXTENSION.—The term ''economy-related contract extension'' means the addition of 3 years to the expiration date of a qualifying contract for the right to cut and remove timber.

(2) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract, executed on or before December 31, 2008, for the sale of timber from land administered by the Bureau of Land Management—

(A) for which there is unharvested volume remaining;

(B) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for an economy-related contract extension; and

(C) that has not been terminated prior to the request for an economy-related contract extension under section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) TIMBER PURCHASER.—The term ''timber purchaser'' means the party to the qualifying contract for the sale of timber from land administered by the Bureau of Land Management.

SEC. 3. ECONOMY-RELATED CONTRACT EXTENSIONS.

(a) REQUEST.—Not later than 30 days after a timber purchaser requests an economy-related contract extension of a qualifying contract between the Secretary and the timber purchaser, the Secretary shall modify the qualifying contract to add 3 years to the contract expiration date.

(b) WAIVER OF CLAIMS AS OF EXTENSION.—The timber purchaser shall waive any and all claims the timber purchaser has against the United States involving the qualifying contract that exist on the date that the Secretary modifies the qualifying contract under subsection (a).

(c) CLAIMS PRIOR TO DATE OF EXTENSION.—Nothing in this Act affects any claim by the United States against any timber purchaser, including claims that arose under a qualifying contract before the date on which the Secretary extends the contract expiration date under subsection (a).

By Mr. LEAHY (for himself and Mr. VOINOVICH):

S. 2793. A bill to amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEAHY. Mr. President, today I am introducing the Strengthening and Updating Resources and Equipment, SURE, Act, a bill that will enable our country's first responders to maintain important equipment to protect our communities. I thank Senator VOINOVICH for his support of this important legislation. First responders across the country provide critical protection from attacks on our Nation, and we should ensure they have the tools they need to keep our communities safe and prepared.

On September 22, the Federal Emergency Management Agency announced a considerable change in their policy regarding the use of preparedness grants. The new guidelines state that recipients of Urban Area Security Initiative and State Homeland Security Grant Program SHSGP, funds may no longer use the funds for maintenance of equipment beyond the period of performance for the grant. This shifts the burden of maintenance costs for important homeland security equipment to States and communities, many of which are already struggling in the current economic downturn.

Much of the equipment purchased with these grants is complex and costly to maintain, and disallowing the use of grants to cover expensive maintenance costs means that many communities will have to forego the use of systems in which they have already invested precious resources. Also, many State and local governments may be unable to purchase essential equipment because they would be unable to cover the maintenance costs in future years.

A plan to implement a statewide communications system for first responders in my home state of Vermont is severely hampered by this policy change. State and local officials have been developing this system, known as the Lifeline System, for years and have planned for implementation by combining portions of 4 years of SHSGP grants with additional law enforcement funding. Upon completion of this important system for statewide coordination, considerable funds will be required to ensure that the system remains effective. If Vermont is unable to use preparedness grants for future maintenance, the Lifeline System may become inoperable, severely diminishing statewide coordination for homeland security and emergency management. I have heard from law enforcement officials in Vermont like Lieutenant Michael Manning of the Vermont State Police about how changes in these grant programs will affect state emergency law enforcement services.

The SURE Act would make changes to the Homeland Security Act of 2002 to clarify that the administrator of these grants may not place limitations on the use of preparedness grants for maintenance costs. This important clarification means that State and local law enforcement will be able to apply funds they receive to sustain the vital systems and equipment that have been put in place to keep our communities safe.

Our Nation's law enforcement officers deserve our commitment to provide them with the tools they need to carry out their duties. I support and respect our State and local police officers and all of our first responders, and am proud to recognize their role in upholding the rule of law and keeping our Nation safe and secure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2793

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening and Updating Resources and Equipment Act'' or the ''SURE Act''.

SEC. 2. CLARIFICATION ON USE OF FUNDS RELATING TO CERTAIN HOMELAND SECURITY GRANTS.

(a) IN GENERAL.—Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in subsection (a)(4), by inserting before the semicolon at the end the following: '', and any related maintenance agreements, user fees, or sustainment costs''; and

(2) in subsection (b)(3), by adding at the end the following:

''(C) EQUIPMENT MAINTENANCE.—With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for equipment purchase and maintenance costs, the Administrator may not—

''(i) impose a limit on the amount of any such award that may be used to pay for such purchase and maintenance costs, including any costs referred to in subsection (a)(4); or

''(ii) impose any additional limitation, including any fiscal year limitation, beyond any limitation under this section, on the amount of any such award that may be used for a specific type, purpose, or category of equipment purchase or maintenance cost.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this section and shall apply to grants made under section 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), in accordance with the provisions specified in section 2008 of such Act (6 U.S.C. 609), as amended by subsection (a) of this section, on or after October 1, 2008.

By Mr. ENZI (for himself, Mr. NELSON, of Nebraska, Mr. ALEXANDER, Mr. BURR, Mr. COBURN, Mr. GREGG, Mr. HATCH, Mr. ISAKSON, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. ROBERTS):

S. 2796. A bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce legislation to extend for 1 year the Ensuring Continued Access to Student Loans Act of 2008, ECASLA. Without this extension, hundreds of thousands of students may not have access to student loans for the 2010–2011 academic year.

Since 1965, the Federal Family Education Loan, FFEL, program has successfully helped millions of Americans realize the dream of a college education. Today, it continues to provide student loans for nearly 70 percent of America's college students at over 3,400 schools. However, during the credit crisis of 2008 many private, non-profit FFEL lenders encountered difficulty raising the necessary capital to make student loans, and others left the FFEL program. Congress responded by passing the bipartisan, cost-neutral Ensuring Continued Access to Student Loans Act of 2008. ECASLA preserved liquidity in the student loan market by giving the Secretary of Education temporary authority to purchase student loans made under the FFEL program. It has been a resounding success—it has preserved liquidity in the student loan market, it has been cost neutral, in fact it has generated revenue and, most importantly, it has maintained student access to FFEL loans.

However, while it was meant to be temporary, serious problems persist in the financial markets and many private, non-profit FFEL lenders are again considering leaving the FFEL program when ECASLA expires on July 1, 2010. The potential consequences could be catastrophic for America's college students, many of whom will be unable to secure student loans for 2010–2011 academic year without a functioning FFEL program.

Given this predicament, the solution is simple—extend ECASLA for an additional year. Unfortunately, instead of working with Congress to pass a clean, bipartisan, one-year extension of ECASLA, the Department of Education is pursuing yet another government takeover and placing undue pressure on FFEL-participating schools to switch to the government-run Direct Loan, DL, program. Some schools will make this choice, but most do not want to because the FFEL program provides a product and services that meet individual student needs rather than the one-size-fits-all approach of the government-run DL program.

Moreover, schools begin making financial aid determinations in January—just seven weeks from now. Given that it can take 4 months to make the switch to the government-run DL program, most schools do not have the time, staff, resources or capacity to make the switch while at the same time attending to the financial aid needs of current and enrolling students. Furthermore, making the switch is not simply a matter of ''flipping a switch,'' as the Department of Education asserts. Among other things, schools must install new computer software, hire and train financial aid personnel, and receive substantial technical assistance from the Department of Education. While the Department has been able to successfully assist the several hundred schools that have made the switch over the past year, thousands will need assistance over the next 7 months. The Department simply does not have the resources to devote the necessary time and attention to all of these schools, which will frantically be trying to switch before ECASLA expires on July 1, 2010.

At this point, the only responsible course of action for Congress is to pass a clean, one-year extension of ECASLA. This will ensure that students have access to student loans, and will give Congress the time needed to have a serious and well thought discussion about the future of the Federal student loan program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2796

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

SECTION 1. EXTENSION OF STUDENT LOAN PURCHASE AUTHORITY.

Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i–1) is amended—

(1) in subsections (a)(1), (a)(3)(A), and (f), by striking ''July 1, 2010'' and inserting ''July 1, 2011''; and

(2) in subsection (e)—

(A) in the matter preceding clause (i) of paragraph (1)(A) and the matter preceding subparagraph (A) of paragraph (2), by striking ''September 30, 2010'' and inserting ''September 30, 2011'';

(B) in paragraph (2), by striking ''February 15, 2011'' and inserting ''February 15, 2012''; and

(C) in paragraph (3), by striking ''2010, and 2011'' and inserting ''2010, 2011, and 2012''.

SEC. 2. EXTENSION OF AUTHORITY TO DESIGNATE LENDERS FOR LENDER-OF-LAST-RESORT PROGRAM.

Section 428(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(j)) is amended—

(1) in paragraph (6), by striking ''June 30, 2010'' and inserting ''June 30, 2011'';

(2) in paragraph (7), by striking ''June 30, 2010'' and inserting ''June 30, 2011''; and

(3) in paragraph (9)(A)—

(A) in the matter preceding subclause (I) of clause (ii), by striking ''June 30, 2011'' and inserting ''June 30, 2012'';

(B) in subclause (III) of clause (ii), by striking ''June 30, 2010'' and inserting ''June 30, 2011''; and

(C) in the matter preceding subclause (I) of clause (iii), by striking ''July 1, 2011'' and inserting ''July 1, 2012''.

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 2798. A bill to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing, along with my colleague Senator RISCH, the National Forest Insect and Disease Emergency Act of 2009.

This bipartisan bill will provide additional tools and resources to the U.S. Forest Service to help address a serious natural disaster in many western forests—the deaths of millions of acres of trees due to insect infestations. This is an issue of long-standing concern in the West and of the utmost importance. Since my very first days in Congress nearly 11 years ago, I have been fighting for Colorado's forest health. This day has been a long time in coming for me, but it is by no means the end of the fight. We still have a long way to go in combating this problem, and it is a fight I intend to see to the end.

The bill that Senator RISCH and I are introducing today addresses any and all insect and disease outbreaks in our national forests. But this bill is in direct response to an especially pronounced epidemic of bark beetles in western States. This epidemic is creating serious concerns in our communities regarding our forested regions, the recreational economy of these areas, and water supplies and infrastructure that exist on these lands.

In essence, this bill is about securing our communities from a natural threat—a threat that is as potentially devastating and disruptive as a hurricane or an earthquake. This threat is a function of both human actions and natural processes—especially global climate change.

I recently had the chance to show one of our colleagues the devastating impact of the bark beetle epidemic. Senator JOHN MCCAIN joined me at a hearing of the National Parks Subcommittee, which I chair, in August in Estes Park, CO. Senator MCCAIN and I saw firsthand the march of the bark beetle as it is making its way through Rocky Mountain National Park. We were both struck by the extent of dead trees colored rust red by this insect.

Bark beetles and other insects that feed on trees are a natural part of the forest ecology. When present at normal levels, they provide benefits to the forest ecology by thinning dense tree stands, creating openings for wildlife, and promoting cyclical regrowth.

Today, various parts of the U.S.—but especially western States—continue to experience unnaturally large-scale infestations of bark beetles and other insects that have resulted from past policies and warming climate conditions.

Recent periods of drought have weakened the trees on Forest Service land and caused the trees to be more susceptible to fire and insects. In addition, population growth on land adjacent to Forest Service land has exacerbated the threats posed by insect-killed trees by placing large numbers of citizens, homes, and businesses at greater risk of catastrophic wildland fire.

And because hundreds of miles of power transmission lines and dozens of communication sites are surrounded by dead trees that will fall due to rotted root systems, the probability that trees will fall on power transmission lines, thereby resulting in wildfires and power transmission disruptions for long periods of time, has substantially increased.

Falling dead trees are also a hazard along hundreds of miles of roads and trails, threatening the safety of motorists and recreationists and disrupting access to, and through, Forest Service land. Hundreds of developed recreation sites, including campgrounds, picnic areas, and trailheads, contain dead trees that threaten recreationists. If these dead trees are not removed, these developed recreation sites will need to be closed to preserve public safety. We are in fact experiencing these closures in Colorado.

Moreover, parcels of Forest Service land in many locations contain headwaters of water supplies for many communities. Severe wildfires that remove vegetative cover pose a threat to the quantity and quality of water by exposing soil to erosion, thereby causing a transfer of sediment to rivers, reservoirs, and water conveyance systems. In other words, the fire threats posed by these dead trees can have serious implications to providing water not only to local communities, but also to major cities downstream that rely upon rivers and streams flowing from forested mountain regions.

All of these concerns demand that we take action to help address these threats. That is what this bipartisan bill does.

It does so by establishing ''insect emergency areas''—that is, areas defined by the Forest Service as experiencing significant tree mortality that

results in increased wildfire threats and risks to people and infrastructure from falling dead trees. These areas would be in the States from the Rocky Mountains to the Pacific coast, States that are experiencing large-scale insect outbreaks.

Within these areas, the Forest Service would be directed to provide priority treatment to reduce these threats. The Forest Service would also be allowed to apply funds from the Agricultural Credit Act program, which compensates individuals for removing biomass for productive uses, towards the removal of beetle-killed trees.

The bill also provides incentives to convert this removed vegetation into biofuels.

It allows the Forest Service to apply the streamlined National Environmental Policy Act provisions to expedite environmental analysis of the treatment work that is urgently needed in these high-priority emergency areas.

In addition to this focus on emergency areas the bill authorizes an important tool to help communities respond to wildfire threats on nearby Forest Service land. The States of Colorado and Utah have had the benefit of this tool since it was provided by Congress in 2000. This tool, called the ''Good Neighbor Authority,'' allows the Forest Service to contract with state foresters to enter Forest Service lands and implement treatments to reduce threats next to homes and private property whose owners have, in many cases, removed dead trees and performed treatments on their own property adjacent to Forest Service land. This program has been very successful, and the bill we are introducing today will allow all states to benefit from this authority and make it permanent law.

The bill also helps the Forest Service more effectively implement ''stewardship contracting'' as a tool for fuels treatment work. This contracting, which is distinct from traditional timber sale contracts, allows the Forest Service to fashion agreements to perform treatment for trees—like insect-killed trees—that may not have high commercial value. This program has also been extremely successful in helping to reduce fire threats in areas that do not possess high commercially valued timber.

However, the Forest Service has not had the funding it needs to use this tool more extensively. As a result, the bill would make this ''stewardship contracting'' program permanent, and it would eliminate the requirement that the Forest Service set aside funds in the very unlikely event that it would have to cancel these contracts and pay back the contractors. The bill would authorize the Forest Service to use other funds to cancel these contracts as well as seek appropriations to pay for any contract cancellations. In so doing, the bill will help make this tool more available and allow more funds to be applied to urgently needed, on-the-ground treatment work.

I have been working with Colorado communities, the Forest Service and stakeholders since 2000 on forest health issues and responding to this bark beetle threat. I have supported providing additional tools and resources to the Forest Service to respond to this threat, such as the Healthy Forest Restoration Act, and focusing increased funds in the high hazard wildland/urban interface near communities.

This bill is an effort to continue providing such tools and resources so that we can reduce the impacts to people and property, reduce loss of life fighting catastrophic wildfires, and promote a more healthy forest ecosystem. I am relieved that we in Colorado did not experience a serious wildfire season this year like we have experienced in years past—and like we will probably face in the years ahead. But we must be ready to respond to these fires that will inevitably come. This bill takes a step in that direction. It will not solve all issues related to forest health or stop all fires. Fire is a necessary part of our forests. But the bill will help us reduce threats and promote healthy ecosystems and economies.

I look forward to working with my colleagues from both sides of the aisle in seeing this bill passed.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2798

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Forest Insect and Disease Emergency Act of 2009''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to ensure that adequate emphasis is placed on the mitigation of hazards posed by large-scale infestations of bark beetles and other insects through the establishment of insect and disease emergency areas;

(2) to ensure that increased resources are available within each designated insect and disease emergency area to mitigate hazards associated with—

(A) falling trees;

(B) increased fire hazards; and

(C) the restoration of National Forest System land; and

(3) to make permanent, as of the date of enactment of this Act, existing good neighbor and stewardship contracting authorities.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFFECTED STATE.—The term ''affected State'' includes each of the States of—

(A) Arizona;

(B) California;

(C) Colorado;

(D) Idaho;

(E) Montana;

(F) Nevada;

(G) New Mexico;

(H) Oregon;

(I) South Dakota;

(J) Utah;

(K) Washington; and

(L) Wyoming.

(2) INSECT AND DISEASE EMERGENCY AREA.—The term ''insect and disease emergency area'' means an area of National Forest System land—

(A) that is located in an affected State that is not—

(i) designated as wilderness; or

(ii) an area recommended for wilderness in a forest land and resource management plan;

(B) in which an insect and disease infestation emergency exists, as determined by the Secretary; and

(C) that is designated by—

(i) section 4(a); or

(ii) the Secretary under section 4(c).

(3) INSECT AND DISEASE INFESTATION EMERGENCY.—The term ''insect and disease infestation emergency'' means an insect or disease infestation that has resulted in—

(A) a current or future increased risk of catastrophic wildland fire; or

(B) an increased threat posed by hazard trees to—

(i) utility corridors;

(ii) communication sites;

(iii) roads;

(iv) recreation sites;

(v) water structures (such as reservoirs and water conveyance systems); or

(vi) other infrastructure.

(4) MAP.—The term ''map'' means the map entitled ''Insect Emergency Areas''.

(5) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. DESIGNATION OF INSECT AND DISEASE EMERGENCY AREAS.

(a) DESIGNATION.—Each area depicted on the map is designated as an insect and disease emergency area under this Act.

(b) MAP.—

(1) DUTY OF SECRETARY.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map for insect and disease emergency areas designated by subsection (a) with—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Natural Resources of the House of Representatives; and

(D) the Committee on Agriculture of the House of Representatives.

(2) FORCE OF LAW.—The map filed under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary may correct typographical errors in the map and the legal descriptions.

(3) PUBLIC AVAILABILITY.—The map filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) DESIGNATION BY SECRETARY.—

(1) IN GENERAL.—The Secretary may designate additional insect and disease emergency areas in accordance with each requirement described in this subsection.

(2) INITIATION.—The designation of an insect and disease emergency area may be made by the Secretary—

(A) on the initiative of the Secretary; or

(B) in response to a request by any Governor of an affected State.

(3) DEADLINE.—If the Governor of a State described in paragraph (2)(B) requests the Secretary to designate as an insect and disease emergency area an area located in the State, the Secretary shall accept or deny the request by a date that is not later than 90

days after the date on which the Secretary receives the request.

(4) LIMITATION ON DELEGATION.—With respect to National Forest System land, the Secretary, acting through the Chief of the Forest Service, may delegate the authority to make a designation under this subsection only to a Regional Forester of the National Forest System land.

(5) PROCEDURE.—If the Secretary designates an additional insect and disease emergency area under paragraph (1), the Secretary shall—

(A) publish a notice of the designation of the insect and disease emergency area (including a map of the insect and disease emergency area) in the Federal Register; and

(B) notify—

(i) each appropriate State; and

(ii) the appropriate committees of Congress.

(6) APPLICABILITY.—A designation made by the Secretary under paragraph (1) shall not be subject to—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–289); or

(C) any other applicable law (including regulations).

SEC. 5. RESPONSE TO EMERGENCY DESIGNATION.

(a) PRIORITY TREATMENTS.—In carrying out the management of an insect and disease emergency area, the Secretary shall give priority consideration to—

(1) the removal of hazardous fuels and hazard trees on, and the restoration of the health of, National Forest System land located in the insect and disease emergency area; and

(2) the provision of assistance to State and local governments, Indian tribes, and private landowners for the removal of hazardous fuels and hazard trees on, and the restoration of the health of, each parcel of land located in the insect and disease emergency area—

(A) that is under the jurisdiction of the State or local government or Indian tribe; or

(B) the title of which is held by a private landowner; and

(3) the making of payments under section 9011(d)(1)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111(d)(1)(B)) to each individual or entity that collects or harvests renewable biomass from a parcel of National Forest System land located in an insect and disease emergency area.

(b) EMERGENCY FOREST RESTORATION.—In implementing the emergency forest restoration program under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206), the Secretary may make payments to an owner of a parcel of nonindustrial private forest land that is located in an insect and disease emergency area to carry out emergency measures in response to an insect and disease infestation emergency under this Act.

(c) BIOMASS.—Any biomass removed from a parcel of land located in an insect and disease emergency area shall be considered to be renewable biomass for purposes of the renewable fuel standard under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(d) HEALTHY FOREST RESTORATION.—

(1) AUTHORITY OF SECRETARY.—The Secretary may apply each requirement described in sections 104 and 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6514, 6515) to projects that are carried out to remove hazardous fuels and hazard trees on, and to restore the health of, National Forest System land that is located in an insect and disease emergency area.

(2) JUDICIAL REVIEW.—Section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516) shall apply to each project described in paragraph (1).

SEC. 6. GOOD NEIGHBOR AUTHORITY.

(a) STATE FOREST SERVICES.—

(1) AUTHORITY OF SECRETARY.—Notwithstanding chapter 63 of title 31, United States Code, and any provisions of law related to competition, the Secretary may enter into a contract (including a sole source contract) or agreement (including an agreement for the mutual benefit of the Secretary and the State), as appropriate and consistent with all applicable general and specific operating procedures established by the Forest Service for such contracts and agreements (including labor and wage requirements), with a State to permit the State to perform watershed restoration and protection services on National Forest System land located in the State if the State is carrying out similar and complementary watershed restoration and protection services on adjacent State or private land.

(2) AUTHORIZED SERVICES.—Watershed restoration and protection services described in paragraph (1) include—

(A) the treatment of insect-infested trees;

(B) the reduction of hazardous fuels; and

(C) any other activity that is carried out to restore or improve watersheds or fish and wildlife habitat across ownership boundaries.

(b) ADMINISTRATIVE PROVISIONS.—

(1) NATIONAL FOREST MANAGEMENT ACT OF 1976.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a contract or other agreement under subsection (a)(1).

(2) ASSUMPTION OF LIABILITY.—The State shall assume liability, to the extent allowed by Federal, State, and local law, for the actions or omissions of employees or subcontractors of the State in preparing or implementing a contract or agreement under this title.

(3) SUBCONTRACTS.—A State may subcontract, to the extent allowed by State and local law, to prepare or implement a contract or agreement under this title.

(4) DISPUTE RESOLUTION.—Any dispute under a contract or agreement under subsection (a)(1) shall be resolved in accordance with, as applicable—

(A) the dispute clause of the contract or agreement;

(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.); or

(C) section 1491 of title 28, United States Code.

(c) RETENTION OF RESPONSIBILITIES UNDER NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—With respect to any watershed restoration and protection service on National Forest System land that is proposed to be carried out by a State under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to the State or any officer or employee of the State.

(d) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the authority provided by this section applies only to National Forest System land located in affected States.

(2) SECRETARY OF THE INTERIOR.—With respect to public land that is located in an affected State and administered by the Secretary of the Interior (acting through the Bureau of Land Management), the Secretary of the Interior may carry out activities under this section on the public land.

SEC. 7. STEWARDSHIP CONTRACTING.

(a) CANCELLATION COSTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, including section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary may not obligate funds to cover the cost of canceling a Forest Service multiyear stewardship contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) until the date on which the multiyear stewardship contract is cancelled.

(2) COSTS OF CANCELLATION OR TERMINATION.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from any appropriations that are made available to the Forest Service.

(3) ANTI-DEFICIENCY ACT.—In the case in which the appropriations described in paragraph (2) are exhausted—

(A) the exhaustion shall not be considered to be a violation of section 1341 of title 31, United States Code; and

(B) the Secretary shall seek a supplemental appropriation.

(b) PERMANENT AUTHORITY.—Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) is amended by striking ''Until September 30, 2013, the'' and inserting ''The''.

SEC. 8. EFFECT.

Nothing in this Act affects or diminishes the rights of any owner of private property.

NATIONAL FOREST INSECT AND DISEASE EMERGENCY ACT OF 2009 SECTION BY SECTION SUMMARY

SEC. 1 SHORT TITLE

The National Forest Insect and Disease Emergency Act of 2009

SEC. 2 PURPOSES

(1) To ensure adequate emphasis is placed on the mitigation of hazards posed by large-scale infestation of bark beetles and other insects through the establishment of insect and disease emergency area;

(2) To ensure increased resources are available within each designated insect and disease emergency area to mitigate hazards associated with falling trees, increased fire hazards and the restoration of national forest system land, and;

(3) To make permanent, as of the date of enactment of this Act, existing good neighbor and stewardship contracting authorities.

SEC. 3 DEFINITIONS

This section describes which states are included in the provisions of this bill, as well as what constitutes an emergency area.

(1) Affected State: Those States that this bill includes. AZ, CA, CO, ID, MT, NV, NM, OR, SD, UT, WA, WY.

(2) Insect and Disease Emergency Area: Where the action mechanisms of this bill can be used.

(3) Insect and Disease Infestation Emergency: This section gives direction on what constitutes an emergency for action as described in this bill.

(4) Map: self descriptive.

(5) National Forest System: self descriptive.

(6) Secretary: of Agriculture

SEC. 4 DESIGNATION OF INSECT AND DISEASE EMERGENCY AREAS

This section describes how the 'map' is determined—either by the Secretary or by a request to the Secretary from the affected states' Governors. It also describes the public notification process and outlines how NEPA and any other applicable laws apply. This section essentially says the insect and disease emergency areas are lines on a map—without effect. The analysis of effects occurs when an action on the ground is proposed.

SEC. 5 RESPONSE TO EMERGENCY DESIGNATION

(a) Priority Treatments: This section describes priorities for treatment—not in order of preference. The intent is for the agency to treat the identified areas before general forest.

The section also allows for assistance to State and local governments, Indian tribes and private landowners for the removal of hazardous trees and restoration of the health of land located in the insect and disease emergency area.

(b) Biomass Use: This provision states priority should be given to those areas that are in the insect and disease emergency areas when determining BCAP funded areas. BCAP is to assist with the collection, harvest, storage, and transportation of biomass material. 'The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to (1) a producer of an eligible crop that is produced on BCAP contract acreage; or (2) a person with the right to collect or harvest eligible material' The Biomass Crop Assistance Program (BCAP) provides financial assistance to producers or entities that deliver eligible biomass material to designated biomass conversion facilities for use as heat, power, biobased products or biofuels. Initial assistance will be for the collection, harvest, storage and transportation costs associated with the delivery of eligible materials.

(c) Emergency Forest Restoration: This section provides funding assistance through grants for people who remove biomass from private property. 'The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.' This section adds the emergency areas described by this bill under this authority.

(d) Biomass: This amends the definition of the renewable fuels standard. The RFS specifically excludes material from NFS lands—this would include those lands in the insect and disease emergency area.

(e) Healthy Forest Restoration: This section allows the Forest Service to apply the streamlined NEPA provisions of the Healthy Forest Restoration Act to hazardous fuels removal, hazard tree removal and restoration of the health of National Forest land in the insect and disease emergency areas.

SEC. 6 GOOD NEIGHBOR AUTHORITY

This provision makes the Good Neighbor authority permanent for all states.

SEC. 7 STEWARDSHIP CONTRACTING

This provision makes Stewardship contracting permanent. It also changes the current requirement of the Federal Acquisition Regulation to fund costs of cancelling a contract at the time of award for a multi-year stewardship contract to a requirement for payment of contract cancellation at the time such cancellation may occur.

SEC. 8 EFFECT

This section says that nothing in this act diminishes the right of private property owners.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 354—COMMENDING ROBERT C. BYRD, SENATOR FROM WEST VIRGINIA

Mr. REID (for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 354

Whereas, Robert C. Byrd has served for fifty-six years in the United States Congress, making him the longest serving Member of Congress in history,

Whereas, Robert C. Byrd has served over fifty years in the United States Senate, and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, Robert C. Byrd has had a long and distinguished record of public service to the people of West Virginia and the United States, having held more elective offices than any other individual in the history of West Virginia, and being the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator;

Whereas, Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, Robert C. Byrd has throughout his service in the Senate vigilantly defended the Constitutional prerogatives of the Congress;

Whereas, Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades: now, therefore be it

Resolved, That the Senate recognizes and commends Robert C. Byrd, Senator from West Virginia, for his fifty-six years of exemplary service in the Congress of the United States.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 19, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a business meeting on S. 1635, the 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009, and S. 1790, a bill to amend the Indian Health Care Improvement Act to revise and extend that act, and for other purposes, to be followed immediately by an oversight hearing to examine drug smuggling and gang activity in Indian country.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on November 18, 2009, at 9:30 a.m. in room 106 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 18, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICE. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 18, 2009, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

The RESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 18, 2009, at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 18, 2009, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 18, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 18, 2009, at 9:30 a.m., in room SD–G50 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the U.S. Department of Justice.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 18, 2009, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on November 18, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. REED. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 18, 2009, at 2:30 p.m., to conduct a hearing entitled, ''Accountability for Foreign Contractors: The Lieutenant Colonel Dominic 'Rocky' Baragona Justice for American Heroes Harmed by Contractors Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on November 18, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Tuesday, November 17, 2009, the Senate passed H.R. 3082, as amended, as follows:

H.R. 3082

Resolved, That the bill from the House of Representatives (H.R. 3082) entitled ''An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,477,673,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed $191,573,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,548,771,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed $176,896,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,213,539,000, to remain available until September 30, 2014, of which $9,800,000 shall be for an Aircraft Fuel Systems Maintenance Dock at Columbus AFB, Mississippi: Provided, That of this amount, not to exceed $106,918,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,069,114,000, to remain available until September 30, 2014: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $142,942,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $497,210,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $297,661,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the

training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $379,012,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $64,124,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $47,376,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $276,314,000, to remain available until expended: Provided, That of the amount appropriated, not to exceed $41,400,000 shall be available for the United States share of the planning, design and construction of a new North Atlantic Treaty Organization headquarters.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $273,236,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $523,418,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $146,569,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $368,540,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $66,101,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $502,936,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $2,859,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,214,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 194), $373,225,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $151,541,000, to remain available until September 30, 2014, which shall be only for the Assembled Chemical Weapons Alternatives program: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $421,768,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $7,479,498,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under 10 U.S.C. 2805.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for

which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided furtherThat this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report in unclassified and, if necessary, classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission

or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 127. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within that account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report accompanying this Act, and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

SEC. 128. (a) During each of fiscal years 2010 through 2014, the Secretary of Defense shall submit to the congressional defense committees a report analyzing alternative designs for any major construction projects requested in that fiscal year related to the security of strategic nuclear weapons facilities.

(b) The report shall examine, with regard to each alternative—

(1) the costs, including full life cycle costs; and

(2) the benefits, including security enhancements.

SEC. 129. Not later than each of April 15, 2010, July 15, 2010, and October 15, 2010, the Secretary of Defense shall submit to the congressional defense committees a consolidated report from each of the military departments and Defense agencies identifying, by project and dollar amount, bid savings resulting from cost and scope variations pursuant to section 2853 of title 10, United States Code, exceeding 25 percent of the appropriated amount for military construction projects funded by this Act, the Supplemental Appropriations Act, 2009 (Public Law 111–32), and the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110–329), including projects funded through the regular military construction accounts, the Department of Defense Base Closure Account 2005, and the overseas contingency operations military construction accounts.

SEC. 130. (a) Of the funds appropriated or otherwise made available by this title under the heading ''DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005'', $450,000 shall be available for the Secretary of Defense to enter into an arrangement with the National Academy of Sciences to conduct a study through the Transportation Research Board of Federal funding of transportation improvements to accommodate installation growth associated with the 2005 Defense Base Closure and Realignment (BRAC) program.

(b) The study conducted pursuant to subsection (a) shall—

(1) examine case studies of congestion caused on metropolitan road and transit facilities when BRAC requirements cause shifts in personnel to occur faster than facilities can be improved through the usual State and local processes;

(2) review the criteria used by the Defense Access Roads (DAR) program for determining the eligibility of transportation projects and the appropriate Department of Defense share of public highway and transit improvements in BRAC cases;

(3) assess the adequacy of current Federal surface transportation and Department of Defense programs that fund highway and transit improvements in BRAC cases to mitigate transportation impacts in urban areas with preexisting traffic congestion and saturated roads;

(4) identify promising approaches for funding road and transit improvements and streamlining transportation project approvals in BRAC cases; and

(5) provide recommendations for modifications of current policy for the DAR and Office of Economic Adjustment programs, including funding strategies, road capacity assessments, eligibility criteria, and other government policies and programs the National Academy of Sciences may identify, to mitigate the impact of BRAC-related installation growth on preexisting urban congestion.

(c) The Secretary of Defense shall enter into an arrangement with the National Academy of Sciences to provide the study conducted pursuant to subsection (a) by not later than 45 days after the date of the enactment of the Act.

(d)(1) Not later than May 15, 2010, the National Academy of Sciences shall provide an interim report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

(2) Not later than January 31, 2011, the National Academy of Sciences shall provide a final report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

SEC. 131. (a)(1) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, AIR FORCE'' is hereby increased by $37,500,000.

(2) Of the amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, AIR FORCE'', as increased by paragraph (1), $37,500,000 shall be available for construction of an Unmanned Aerial System Field Training Complex at Holloman Air Force Base, New Mexico.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3692) under the heading ''MILITARY CONSTRUCTION, AIR FORCE'' and available for the purpose of Unmanned Aerial System Field Training facilities construction, $38,500,000 is hereby rescinded.

SEC. 132. (a)(1) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' is hereby increased by $68,500,000, with the amount of such increase to remain available until September 30, 2014.

(2) Of the amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'', as increased by paragraph (1), $68,500,000 shall be available for the construction of an Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3692) under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' and available for the purpose of European Ballistic Missile Defense program construction, $69,500,000 is hereby rescinded.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $47,218,207,000, to remain available until expended: Provided, That not to exceed $29,283,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $8,663,624,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $49,288,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional

Budget Act of 1974: Provided further, That during fiscal year 2010, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $165,082,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $29,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,298,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $328,000, which may be paid to the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $664,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical support and compliance'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $34,704,500,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed $1,600,000,000 shall be available until September 30, 2011: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,100,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,849,883,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2011: Provided, That $100,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $580,000,000, plus reimbursements, to remain available until September 30, 2011.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $250,000,000, of which not to exceed $24,200,000 shall be available until September 30, 2011.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $2,086,251,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,689,207,000: Provided further, That of the funds made available under this heading, not to exceed $111,000,000 shall be available for obligation until September 30, 2011: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,307,000,000, plus reimbursements, to be available until September 30, 2011: Provided, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the Operations and Maintenance and Salaries and Expenses costs to be carried out utilizing amounts made available by this heading: Provided further, That of the amounts appropriated, $800,485,000 may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts specified in the certification with respect to development projects under the preceding proviso shall be incorporated into the reprogramming base letter with respect to development projects funded using amounts appropriated by this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $109,000,000, of which $6,000,000 shall be available until September 30, 2011.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,194,000,000, to remain available until expended, of which $16,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of

land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2010, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2010; and (2) by the awarding of a construction contract by September 30, 2011: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $685,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $115,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $42,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2010 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'' and ''Medical facilities'' accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfer to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2009.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2010, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2010 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2010 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $34,158,000 for the Office of Resolution Management and $3,278,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the ''General operating expenses'' and ''Information technology systems'' accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $1,000,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account: Provided, That, for fiscal year 2010, $200,000,000 deposited in the Department of Veterans Affairs Medical Care Collections Fund shall be transferred to ''Medical Facilities'', to remain available until expended, for non-recurring maintenance at existing Veterans Health Administration medical facilities: Provided further, That the allocation of amounts transferred to ''Medical Facilities'' under the preceding proviso shall not be subject to the Veterans Equitable Resource Allocation formula.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Community Health Centers in rural Alaska, Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2010, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. Amounts made available for the ''Information technology systems'' account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the ''Compensation and pensions'' account, and receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the ''Compensation and pensions'' account.

SEC. 223. The Department shall continue research into Gulf War illness at levels not less than those made available in fiscal year 2009, within available funds contained in this Act.

SEC. 224. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 225. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 226. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the ''Medical Facilities'' account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of the fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 227. Section 1925(d)(3) of title 38, United States Code, is amended by striking ''appropriation 'General Operating Expenses, Department of Veterans Affairs' '', and inserting ''appropriations for 'General Operating Expenses and Information Technology Systems, Department of Veterans Affairs' ''.

SEC. 228. Section 1922(a) of title 38, United States Code, is amended by striking ''(5) administrative costs to the Government for the costs of'', and inserting ''(5) administrative support performed by General Operating Expenses and Information Technology Systems, Department of Veterans Affairs, for''.

SEC. 229. (a) ADDITIONAL AMOUNT FOR STATE VETERANS CEMETERIES.—The amount appropriated by this title under the heading ''GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES'' is hereby increased by $4,000,000.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading ''GENERAL OPERATING EXPENSES'' is hereby decreased by $4,000,000.

SEC. 230. (a)(1)(A) Of the amount made available by this title for the Veterans Health Administration under the heading ''MEDICAL SERVICES'', $1,500,000 shall be available to allow the Secretary of Veterans Affairs to offer incentives to qualified health care providers working in underserved rural areas designated by the Veterans Health Administration, in addition to amounts otherwise available for other pay and incentives.

(B) Health care providers shall be eligible for incentives pursuant to this paragraph only for the period of time that they serve in designated areas.

(2)(A) Of the amount made available by this title for the Veterans Health Administration under the heading ''MEDICAL SUPPORT AND COMPLIANCE'', $1,500,000 shall be available to allow the Secretary of Veterans Affairs to offer incentives to qualified health care administrators working in underserved rural areas designated by the Veterans Health Administration, in addition to amounts otherwise available for other pay and incentives.

(B) Health care administrators shall be eligible for incentives pursuant to this paragraph only for the period of time that they serve in designated areas.

(b) Not later than March 31, 2010, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a report detailing the number of new employees receiving incentives under the pilot program established pursuant to this section, describing the potential for retaining those employees, and explaining the structure of the program.

SEC. 231. (a) NAMING OF HEALTH CARE CENTER.—Effective October 1, 2010, the North Chicago Veterans Affairs Medical Center located in Lake County, Illinois, shall be known and designated as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REFERENCES.—Any reference to the medical center referred to in subsection (a) in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Captain James A. Lovell Federal Health Care Center.

SEC. 232. Section 315(b) of title 38, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 233. Of the amount appropriated or otherwise made available by this title under the heading ''MEDICAL SERVICES'', $150,000,000 may be available for the grant program under section 2011 of title 38, United States Code, and per diem payments under section 2012 of such title.

SEC. 234. Of the amounts appropriated or otherwise made available by this title for the Department of Veterans Affairs, up to $5,000,000 may be available for the study required by section 1077 of the National Defense Authorization Act for Fiscal Year 2010.

SEC. 235. (a) CAMPUS OUTREACH AND SERVICES FOR MENTAL HEALTH AND NEUROLOGICAL CONDITIONS.—Of the amounts appropriated or otherwise made available by this title, $5,000,000 may be available to conduct outreach to and provide services at institutions of higher education to ensure that veterans enrolled in programs of education at such institutions have information on and access to care and services for neurological and psychological issues.

(b) SUPPLEMENT NOT SUPPLANT.—The amount described in subsection (a) for the purposes described in such subsection is in addition to amounts otherwise appropriated or made available for readjustment counseling and related mental health services.

SEC. 236. In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs may permit a State home to provide services to, in addition to non-veterans described in such section, a non-veteran any of whose children died while serving in the Armed Forces, as long as such services are not denied to a qualified veteran seeking such services.

SEC. 237. (a) DESIGNATION OF ROBLEY REX DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.—The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the

date of the enactment of this Act be known and designated as the ''Robley Rex Department of Veterans Affairs Medical Center''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

SEC. 238. (a) ADDITIONAL AMOUNT FOR HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS AND HOUSING ASSISTANCE AND SUPPORTIVE SERVICES.—The amount appropriated by this title under the heading ''MEDICAL SERVICES'' under the heading ''VETERANS HEALTH ADMINISTRATION'' is increased by $750,000, with the amount of the increase to be available for the following:

(1) The grant program under section 2011 of title 38, United States Code.

(2) Per diem payments under section 2012 of such title.

(3) Housing assistance and supportive services under subchapter V of chapter 20 of such title.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading ''GENERAL OPERATING EXPENSES'' under the heading ''DEPARTMENTAL ADMINISTRATION'' is decreased by $750,000.

SEC. 239. (a) MODIFICATION ON RESTRICTION OF ALIENATION OF CERTAIN REAL PROPERTY IN GULFPORT, MISSISSIPPI.—Section 2703(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 469), as amended by section 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3713), is further amended by inserting after ''the City of Gulfport'' the following: '', or its urban renewal agency,''.

(b) MEMORIALIZATION OF MODIFICATION.—The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 in order to accurately reflect and memorialize the amendment made by subsection (a).

SEC. 240. (a)(1) The amount appropriated or otherwise made available by this title under the heading ''CONSTRUCTION, MINOR PROJECTS'' is hereby increased by $50,000,000.

(2) Of the amount appropriated or otherwise made available by this title under the heading ''CONSTRUCTION, MINOR PROJECTS'', as increased by paragraph (1), $50,000,000 shall be available for renovation of Department of Veterans Affairs buildings for the purpose of converting unused structures into housing with supportive services for homeless veterans.

(b) The amount appropriated or otherwise made available by title I under the heading ''HOMEOWNERS ASSISTANCE FUND'' is hereby reduced by $50,000,000.

SEC. 241. Of the amounts appropriated or otherwise made available by this title, the Secretary shall award $5,000,000 in competitively-awarded grants to State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in under-served areas receive the care and benefits for which they are eligible.

SEC. 242. (a) STUDY ON CAPACITY OF DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS COMBAT STRESS IN WOMEN VETERANS.—The Inspector General of the Department of Veterans Affairs shall carry out a study to assess the capacity of the Department of Veterans Affairs to address combat stress in women veterans.

(b) ELEMENTS.—In carrying out the study required by subsection (a), the Inspector General shall consider the following:

(1) Whether women veterans are properly evaluated by the Department for post-traumatic stress disorder (PTSD), military-related sexual trauma, traumatic brain injury (TBI), and other combat-related conditions.

(2) Whether women veterans with combat stress are being properly adjudicated as service-connected disabled by the Department for purposes of veterans disability benefits for combat stress.

(3) Whether the Veterans Benefits Administration has developed and disseminated to personnel who adjudicate disability claims reference materials that thoroughly and effectively address the management of claims of women veterans involving military-related sexual trauma.

(4) The feasibility and advisability of requiring training and testing on military-related sexual trauma matters as part of a certification of Veterans Benefits Administration personnel who adjudicate disability claims involving post-traumatic stress disorder.

(5) Such other matters as the Inspector General considers appropriate.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report setting forth the plan of the Inspector General for the study required by subsection (a), together with such interim findings as the Inspector General has made as of the date of the report as a result of the study.

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to the Secretary, and Congress, then the Secretary shall make recommendations for legislative or administrative action.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Appropriations and Veterans' Affairs of the Senate; and

(B) the Committees on Appropriations and Veterans' Affairs of the House of Representatives.

SEC. 243. (a) STUDY ON IMPROVEMENTS TO INFORMATION TECHNOLOGY INFRASTRUCTURE NEEDED TO FURNISH HEALTH CARE SERVICES TO VETERANS USING TELEHEALTH PLATFORMS.—The Secretary of Veterans Affairs shall carry out a study to identify the improvements to the infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms.

(b) AVAILABILITY OF FUNDS.—The amounts appropriated or otherwise made available by this title under the headings ''DEPARTMENTAL ADMINISTRATION'' and ''INFORMATION TECHNOLOGY SYSTEMS'' shall be available to the Secretary of Veterans Affairs to carry out the study required by subsection (a).

SEC. 244. Of the amounts appropriated or otherwise made available by this title under the headings ''VETERANS HEALTH ADMINISTRATION'' and ''MEDICAL SERVICES'', $1,000,000 may be available for education debt reduction under subchapter VII of chapter 76 of title 38, United States Code, for mental health care professionals who agree to employment at the Department of Veterans Affairs.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $63,549,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $27,115,000, of which $1,820,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $37,200,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $134,000,000, of which $72,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCIES OPERATIONS

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $924,484,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $474,500,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

ADMINISTRATIVE PROVISION

SEC. 401. (a)(1) The amount appropriated or otherwise made available by this title under the

heading ''MILITARY CONSTRUCTION, ARMY'' and available for a dining hall project at Forward Operating Base Dwyer is hereby increased by $4,400,000.

(2) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, ARMY'' and available for a dining hall project at Forward Operating Base Maywand is hereby reduced by $4,400,000.

(b)(1) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, ARMY'' and available for a dining hall project at Forward Operating Base Wolverine is hereby increased by $2,150,000.

(2) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, ARMY'' and available for a dining hall project at Forward Operating Base Tarin Kowt is hereby reduced by $2,150,000.

SEC. 402. Amounts appropriated or otherwise made available by this title are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE V

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $37,136,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011: Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,307,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,740,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011.

TITLE VI

GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. Such sums as may be necessary for fiscal year 2010 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 603. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 604. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 605. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 606. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 607. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 608. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SEC. 609. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

This Act may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010''.

AMERICAN EDUCATION WEEK

Ms. CANTWELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 353 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 353) supporting the goals and ideals of ''American Education Week.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 353) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 353

Whereas the National Education Association has designated November 15 through November 21, 2009, as the 88th annual observance of ''American Education Week'';

Whereas public schools are the backbone of democracy in the United States, providing young people with the tools needed to maintain the precious values of freedom, civility, and equality in our Nation;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give young people hope for, and access to, a productive future;

Whereas people working in the field of public education, including teachers, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, and librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''American Education Week''; and

(2) encourages the people of the United States to observe ''American Education Week'' by reflecting on the positive impact of all those who work together to educate children.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader,

pursuant to Public Law 105–83, announces the appointment of the following individual to serve as a member of the National Council of the Arts: the Honorable CLAIRE MCCASKILL of Missouri.

ORDERS FOR THURSDAY, NOVEMBER 19, 2009

Ms. CANTWELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, November 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the consideration of Calendar No. 190, S. 1963, the Caregivers and Veterans Omnibus Health Services Act Of 2009, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. CANTWELL. Mr. President, at 2:30 p.m. tomorrow the Senate will proceed to a series of three rollcall votes. The votes will be on the confirmation of the nomination of David Hamilton to be a U.S. circuit judge for the Seventh Circuit; in relation to the Coburn amendment No. 2785, relating to spending priorities; and passage of S. 1963, the Caregivers and Veterans Omnibus Health Services Act, as amended, if amended.

Finally, I ask unanimous consent that following the remarks of Senator SESSIONS, Senator HARKIN, and Senator ALEXANDER, the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

NOMINATION OF DAVID HAMILTON

Mr. SESSIONS. Mr. President, I thank Senator CANTWELL. I appreciate her courtesy. I just want to share a few remarks tonight.

We are now postcloture on the nomination of Judge David Hamilton to the circuit court of appeals. Cloture is a procedure in the Senate generally used to end a prolonged debate. The majority leader, Senator REID, filed cloture on Judge Hamilton, however, before there had been even 1 hour of debate on the nomination. The cloture motion was filed before I or any of my colleagues had time set aside and had the opportunity to debate this matter.

Judge Hamilton's judicial philosophy and record as a district judge were problematic. There are important matters involved considering the fact that President Obama has nominated him to serve on the Court of Appeals for the Seventh Circuit. It is worthy of serious consideration, this lifetime appointment.

Yesterday, 28 Senators joined me in voting against cloture. I believe they voted no on cloture for a number of reasons. The first is the one I have just mentioned. Cloture is generally reserved to end a prolonged debate, and Senator REID filed cloture without any debate, before debate had really begun.

The second is that Judge Hamilton's judicial philosophy is outside the mainstream—I think well outside the mainstream. As I have said before, if a judge is not committed to following the law whether they like it or not, then that person is not qualified to be a judge. They may be a good advocate, but a judge must, by definition, be impartial.

I think there will be more people voting against Judge Hamilton's nomination than voted against cloture—the 29 who voted yesterday. I think we need to spend some time talking about his record and his judicial philosophy.

I do not have anything against Judge Hamilton. I understand he may be a fine person, and I really mean that. But there is afoot in this country a philosophy of judging, an approach to law that I think is dangerous and strikes at the very heart of the classical American judicial philosophy and legal system that has served us so well. So that is what this is about. If judges have the wrong philosophy as they approach the bench about how they should go about deciding cases, then that can disqualify them.

As Senators, we each have a right to express our opinion on whether we believe a nominee is qualified and should be confirmed or not elevated to a higher court, but the American people expect we will not misrepresent the facts. Let's be fair to this nominee, and let's not in any way misrepresent who he is and what he did and what his philosophy is. I intend to be fair to him. I think any nominee is entitled to that. Even though I might be a critic, I should not be inaccurate in what I say.

In this case, I think the facts have been misrepresented by others, and I want to correct the record on some of the issues, where it has been suggested that I or others have been incorrect or unfair in our criticism. Accuracy goes both ways. If you are for a judge and want to move him forward, OK, let's be accurate. Those who are opposed to him, you must be restrained and accurate also.

Yesterday on the floor of the Senate, the majority leader, Senator REID, invoked the Golden Rule. He said that when he became majority leader, he sought to ''treat [President Bush's] judicial nominees the way they would want them treated if the roles were reversed.''

Let's take a look at the way President Bush's judicial nominees were treated by the Democratic majority. Senator REID complained that Judge Hamilton, the judge before us tonight—tomorrow—waited 166 days for this vote. If Republicans followed Senator REID's version of the Golden Rule, would he have been confirmed earlier? No. Judge Hamilton would have waited at least another year and a half before he received consideration on the Senate floor. That is exactly how President Bush's nominees were treated for the first group of nominees he submitted to the circuit courts.

Priscilla Owen, a fabulous judge at the Supreme Court of Texas, John Roberts, now on the Supreme Court of the United States, and Deborah Cook all waited 2 years before receiving a confirmation vote.

Yesterday Senator REID said:

> It's really unfortunate we have to file cloture on a judge.

Really unfortunate that we have to file cloture on a judge? As if this was something that had never been done before. Indeed, during the Bush administration, cloture had to be filed on at least 17 different judicial nominees because Senator REID was leading filibusters himself. The majority leader complains he could not get a time agreement. But he never offered a reasonable amount of time. I believe there were discussions about 30 hours of debate, which was rejected. Senator REID said he was stunned that some people believed there was not enough time to debate the nomination when no debate had been had.

He accused Republicans of not entering into a time agreement. But as I said Monday, Senator REID has a short memory. When Senator REID was in the middle of filibustering Priscilla Owen, Senator BENNETT made a unanimous consent request that the Senate spend 10 hours more debating the nomination and then vote. Senator REID objected. When Senator BENNETT asked how much time would be sufficient to debate the Priscilla Owen nomination, Senator REID responded by saying:

> [T]here is not a number of [hours] in the universe that would be sufficient.

Later Senator MCCONNELL sought a time agreement on Judge Owen. Senator REID responded by saying:

> We would not agree to a time agreement . . . of any duration.

Yesterday Senator REID said:

> The Democratic majority in the Senate confirmed three times as many nominees [under President Bush] as we have been able to confirm in the same amount of time under President Obama.

Senator REID left out the fact that Democrats filibustered more than three times as many nominees under President Bush. Indeed, there were 30 cloture votes on 17 different judicial nominations during the Bush administration. There were 1,044 total votes

against two filibustered President Bush's nominees. The Democrats, under Senator REID's leadership, cast 99.9 percent of those votes.

Yesterday Senator REID talked about the Senate and the legal precedent and advocated that Republicans follow Senate precedent in judicial confirmations. Ironically, that is exactly what Senate Republicans asked Senator REID to do during the Bush administration. There had been 214 years of precedent of not filibustering judges. Yet Senator REID voted more than 20 times to filibuster President Bush's judges. Everyone knows that in a court of law, you follow the most recent precedent, and the most recent precedent was established last time in the Bush administration by the Democrats in this body.

Yesterday Senator REID also said the following:

> I want to reiterate that every Senator may vote for or against Judge Hamilton's nomination as he or she sees fit. That's what we do here, but that is not the issue before us today. The question before us is whether the President of the United States deserves to have his nomination reviewed by the Senate as the Constitution demands he does.

The fact is that Senator REID did not feel that way about Terrence Boyle who was nominated by President Bush for the Fourth Circuit Court of Appeals and languished for close to 8 years without ever receiving a confirmation vote, even though he passed out of the Senate Judiciary Committee with a majority vote. He did not feel that way about President Bush's nominee, the superb legal mind of Miguel Estrada, unanimously voted well qualified by the American Bar Association. He was filibustered through seven cloture votes and was never confirmed, a fabulous nominee to the court of appeals and one capable of being on any short list for the Supreme Court. Or what about Charles Pickering who was filibustered and never confirmed; Carolyn Kuhl who was filibustered and never confirmed; William Myers who was filibustered and never confirmed; Hanry Saad who was filibustered and never confirmed; William Haynes who was filibustered and never confirmed?

What Senator REID meant to say was: Do not do unto me as I have done unto you. You get it? Do not do unto me as I did to you.

I don't believe Senator REID or President Obama would wish for us to return to the Democratic version of the Golden Rule. I don't believe we intend to do that. Republicans have not held a private retreat to figure out how to change the ground rules and to block President Obama's nominations. That is what the Democrats did. It was reported in the New York Times. We have not taken orders from outside groups to block nominees. We have not blocked nominees because we do not want them to sit on a specific case, and we had some of that in the past. We have not attempted to filibuster a nominee in the Judiciary Committee. We let them go through. That is how President Bush's nominees were treated. I am not exaggerating. I was there. Those are the facts.

I will express my opinion in more detail when I vote against Judge Hamilton. I have a right to do that, as does every Member. But I do not have a right to misrepresent the facts, and I try to be accurate in what I say. If I am in error, I look forward to being corrected. I hope my colleagues will start making an effort to do that.

The way this happened was this: After President Bush was elected, the Democrats met with Marcia Greenberg and Lawrence Tribe and Cass Sunstein. They came up with a new idea. They said: We are going to change the ground rules. We no longer are not going to filibuster, as has been done in the history of the Senate. We are going to do anything we can to block in committee and on the floor good nominees.

We had some fabulous nominees, such as Priscilla Owen, Bill Pryor. These are brilliant lawyers, proven people. They were rated highly by the American Bar Association. There was strong support in their home States and communities. They were blocked for months, even years before they could get a vote. Some got through, and some did not.

My personal view is that the President deserves deference in his nominees. I fully expect and hope to be able to vote for 90 percent of President Obama's nominees. I voted for well over 90 percent of President Clinton's nominees. But I am not a rubberstamp. I am not going to vote for a judge who I believe, by virtue of their stated judicial philosophy, thinks a judge has the right to write footnotes to the Constitution, as Judge Hamilton has said, who blocks legislation for 7 years and has to be finally slapped down hard by the court of appeals because apparently he didn't appreciate the State of Indiana's passage of a law on informed consent. He kept that bottled up for 7 years. And how much Indiana had to spend on legal fees, and how much of the will of the people was frustrated by one unelected, lifetime-appointed judge I do not know, but it was significant.

So those are the issues we will talk about in more detail. But I did want to set the record straight that I do not like not moving forward with a judge and giving them an up-or-down vote, but after the 8 years of President Bush and the repeated filibusters that occurred then, I have to agree with a number of my colleagues that, indeed, the Democrats did successfully change the standard in the Senate. We have to be careful about it. But they changed it to say that a filibuster is legitimate if you believe, according to the Gang of 14, there are extraordinary circumstances.

To me, a person can be honest and have integrity, but if they believe, as a philosophical approach to the law, they have the ability to write footnotes to the Constitution, they have an ability to actually amend the Constitution through their decisions, when the Constitution itself provides only one method to amend the Constitution, then that makes the person one who is not qualified to be on the bench.

So it is a big deal. We love the American legal system. I so truly admire it. It is based on a firm commitment to the rule of law. The oath judges take that they will impartially apply the law—not allow their personal views but impartially do it—that they will do equal justice to the poor and to the rich, that they will serve under the Constitution and laws of the United States—and not above them—that is the essence of it.

I think a judge who cannot follow that oath they must take, one whose philosophy indicates they are not committed to that oath, is not qualified.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this body often finds itself divided. But today we are united in our respect and affection for the senior Senator from West Virginia, ROBERT BYRD. I join with my colleagues in congratulating him on yet another historic milestone: becoming the longest serving Member of Congress.

But I hasten to add that to salute Senator BYRD only for his remarkable longevity is to really kind of miss the point. The measure of a Senator is not just how many years he or she serves but the quality and the consequences of that service. That is where Senator BYRD has truly distinguished himself in Congress over the last 20,774 days.

The ''Almanac of American Politics'' says, ROBERT BYRD ''may come closer to the kind of Senator the Founding Fathers had in mind than any other.'' I could not agree more. He is a person of wise and mature judgment, a patriot with a deep love of country. He is passionately loyal to the Constitution, and a fierce defender of the role and prerogatives of Congress, the Senate in particular.

Senator BYRD was once asked how many Presidents he has served under. He answered he had not served ''under'' any President, but he has served ''with'' 11 Presidents, as a proud Member of a separate and coequal branch of government.

During his more than 56 years in Congress, Senator BYRD has witnessed many changes. Our population has grown by more than 125 million. There has been an explosion of new technologies. America has grown more prosperous, more diverse, more powerful.

But across those nearly six decades of rapid change, there has been one constant: Senator BYRD's tireless service to his country, his passion for bringing new opportunities to the people of West Virginia, and his dedication to this branch of government, the U.S. Congress, and especially to this House of Congress, the U.S. Senate.

Senator BYRD is a person of many accomplishments and a rich legacy. But,

above all, in my brief time today I want to focus on his commitment to improving K through 12 public education in the United States and expanding access to higher education, especially for those of modest means.

As my colleagues know, ROBERT C. BYRD was raised in the hardscrabble coal fields of West Virginia. His family was poor but rich in faith and values. And his parents nurtured in young ROBERT BYRD a lifelong passion for education and learning.

He was valedictorian of his high school class but too poor to go to college right away. Of course, that was in the days before Pell grants and loans and Byrd Scholarships. So he worked as a shipyard welder and later as a butcher in a coal company town. It took him 12 years to save enough money to even start college.

He was a U.S. Senator when he later earned his law degree. No other Member of Congress before or since has started and completed law school while serving in the Congress.

But degrees do not begin to tell the story of the education of ROBERT BYRD. He is the ultimate lifetime learner. It is like for the last seven decades he has been enrolled in the Robert C. Byrd School of Continuing Education.

Senator BYRD's erudition has borne fruit in no less than nine books he has written and published over the last two decades. We all know that he literally wrote the book on the U.S. Senate—a masterful four-volume history of this institution that was an instant classic that will bear the burdens of time. What my colleagues may not know is that he also authored a highly respected history of the Roman Senate. Now, there are some who think ROBERT BYRD served in the Roman Senate, but that part of the Byrd legend just is not so.

I have talked at length about Senator BYRD's education because this explains why he is so passionate about ensuring every American has access to a quality public education—both K through 12 and higher education.

One thing Senator BYRD and I have in common—and we always kind of talk about it when we get together—is we are the only two Senators whose fathers were actually coal miners. We are both the sons of coal miners, neither of whom had very much formal education. My father only went to the 8th grade. Actually, he only went to the 6th grade, but we will not get into that. But, anyway, he said he went to the 8th grade, but, like I said, I will not get into that. But coming from a poor background, Senator BYRD believes, as I do, that a cardinal responsibility of government is to provide a ladder of opportunity so everyone, no matter how humble their background, has a shot at the American dream.

Obviously, the most important rungs of that ladder of opportunity involve education—beginning with quality K through 12 public schools, and including access to college, vocational education, and other forms of higher education.

During my 25 years in this body, no one has fought harder for public education than Senator ROBERT BYRD. As the longtime chairman and still the senior member of the Appropriations Committee, he has been the champion of education at every turn—fighting to reduce class sizes, improving teacher training, bringing new technologies into the classroom, boosting access to higher education.

In 1985, he created the only national merit-based college scholarship program funded through the U.S. Department of Education. Congress later named them in his honor. Originally, the Byrd Scholarships consisted of a 1-year $1,500 award to outstanding students. Today, Byrd Scholarships provide grants of up to $6,000 over 4 years.

Senator BYRD is a great student of literature, and I am sure he knows The Canterbury Tales—a lot of it, probably, by heart. Describing the Clerk of Oxford, Chaucer might just as well have been describing ROBERT C. BYRD. Chaucer wrote:

> Filled with moral virtue was his speech;
> And gladly would he learn and gladly teach.

Senator BYRD is a great Senator and a great American. He has both written our Nation's history and left his mark on it. It has been an honor to serve with my friend, my longtime chairman, Senator BYRD, for the last 25 years.

Today, as he reaches yet another historic milestone that no other Member of Congress has ever achieved—and I daresay probably no one ever will—we honor his service. And we express our respect and our love for this remarkable U.S. Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

CONGRATULATING SENATOR ROBERT C. BYRD

Mr. ALEXANDER. Mr. President, I am glad I had the opportunity to hear the comments of the Senator from Iowa on Senator BYRD. We all have enormous respect for Senator BYRD. I had a chance this morning to say a word about him and to reflect on, among other things, that when I first came here as a young aide 42 years ago to Senator Baker, Senator BYRD had already been here for 10 years as a Senator.

So it is quite a span of history, and all of us have many stories, including the instructions he would give us to stand behind our desk when we vote, and not work at the table when we preside. He kept order in the Senate, and we are grateful to him for that.

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I would like to say a word about health care. The Democratic leader, Senator REID, today announced that he has completed work on a health care bill. We have been waiting for that. It has been written behind closed doors in Senator REID's office for the last several weeks, so we have not known exactly what might be in it.

We have had two pieces of legislation from the Senate, one written by the HELP Committee, upon which I serve, another one from the Finance Committee. Now a bill has come from the House of Representatives. It has actually been passed there. Now the Democratic majority leader will be bringing forward his version of the bill. The bill seems to grow each time we have a new one—a little faster than the Federal debt grows even. This one seems to be another 2,000-page, trillion-dollar bill.

But the point I want to make tonight is that the American people's response to this work will be what all of ours should be: We want to read the bill. We want to know what it costs. And we want to make sure we have time to understand exactly how it affects the health of each American.

This is the most personal kind of debate we could have about the health of every single American. It affects 17 percent of our economy. It is a dramatic proposal, an enormous amount of money, at a time when our debt has reached $12 trillion. A great many Americans are concerned about Washington, DC, because we do not seem to have a check and a balance on the various proposals for Washington takeovers, more debt, more spending, more taxes. Tonight I would like to do a simple thing, which is not to make a Republican speech but to read a letter, or parts of a letter, and insert it in the RECORD, that was written by eight Democratic Senators on October 6 to Senator REID.

I think their words say a great deal about this bill and about how we should proceed on it. The letter is dated October 6, from eight Democratic Senators. It says, in part:

> Dear Leader REID:
>
> . . . .Whether or not our constituents agree with the direction of the debate, many are frustrated and lacking accurate information on the emerging [health care] proposals in Congress. Without a doubt—

Say these eight Democratic Senators——

> reforming health care in America is one of the most monumental and far-reaching undertakings considered by this body in decades. We believe the American public's participation in this process is critical to our overall success of creating a bill that lowers health care costs and offers access to quality and affordable health care for all Americans.

And then, if I may read a couple more paragraphs from the letter from these eight Democratic Senators to the Democratic leader:

> Every step of the process needs to be transparent, and information regarding the bill needs to be readily available to our constituents before the Senate starts to vote—
>
> ''to vote''——
>
> on legislation that will affect the lives of every American.

The eight Democratic Senators continue:

The legislative text and complete budget scores from the Congressional Budget Office of the health care legislation considered on the Senate floor should be made available on a website the public can access for at least 72 hours prior to the first vote to proceed to the legislation.

Let me read that again. That is not 40 Republicans—although all 40 of us agree with it—this is eight Democratic Senators to the Democratic leader: ''The legislative text,'' No. 1, the ''complete budget scores,'' No. 2, ''from the Congressional Budget Office,'' posted on ''a website,'' No. 3, for ''72 hours'' before ''the first vote to proceed on the legislation.''

The distinguished Democratic leader's announcement was only made a few minutes ago, but my understanding is we do not yet have a complete legislative text. Hopefully, that will come tonight or in the morning.

Second, I understand the estimates from the Congressional Budget Office are preliminary estimates. This letter says: ''complete budget scores.'' We know what a ''complete budget score'' is around here. It was talked about in the Finance Committee debate. The Director of the Congressional Budget Office said a complete estimate of the health care bill would take about 2 weeks to do. So the question is, Do they have it? And then: ''72 hours'' before ''the first vote to proceed.''

So I think the eight Democratic Senators, along with all 40 Republican Senators, have a bipartisan agreement here on how we should start this debate. We want to be able to read it, we want to know what it costs, and we want to see how it affects every American. That means, No. 1, a complete text. No holes, no ''We will get back to you later'' a complete text. No. 2, a complete estimate. Those are these words here: A complete estimate of the cost and how it affects every American. And third, for 72 hours on the Web site so not only we in the Senate but our constituents, the people who expect us to weigh in on this, have a chance to read it before we have our first vote, which I don't think is scheduled.

There is other language here, but I ask unanimous consent that this letter from the eight Democratic Senators of October 6 to the Honorable HARRY REID be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, the last thing I would say is this: I think it is pretty obvious why we want to read the bill and know what it costs and understand how it affects the health care of every American, which it will, but in case anyone is wondering why we want to read the bill, it is because the bills we have already seen increase insurance premiums, raise taxes, and cut Medicare. That is what we have seen from the two Senate bills and the House bill. We on the Republican side think this ought to be about reducing costs, reducing premiums, but the Democrats' proposals increase premiums, increase taxes, and cut Medicare. Not only does it cut Medicare in the bills we have seen so far by $400 billion or $500 billion; it doesn't spend it on grandma, it spends it on somebody else, even though the Medicare Program, the trustees tell us, will begin to go broke by 2015.

There are some other problems with the bills we have seen before, so we would want to be able to ask these same questions about the new bill we haven't yet seen but we are about to see.

On Medicare, how big are the cuts? Then we hear in this new bill there are Medicare taxes, new Medicare payroll taxes. On which employees or which employers? And if their taxes are raised, are they spent to make Medicare solvent or are they spent on a new program? It is inconceivable to me that we could be even thinking about having savings in Medicare and spending it on something else when Medicare is about to go broke.

Then there are some other questions. The Democratic leader said it doesn't add to the debt. I hope he is right, but we have questions to ask about that. Does his proposal include a full dealing with the issue of physician reimbursement? What we mean by that is when we create these big government programs, then some agency in Washington tells how much we can pay doctors for different services and how much we pay hospitals. Right now, in the government programs we have—Medicare, for example—doctors are only paid about 80 percent of what they are paid for serving the roughly 200 million of us who have private plans. And for those who are in Medicaid—low income; that is the largest government program—it is about 60 percent. Doctors are paid about 60 percent of what they were paid if they saw private physicians. Then, as a result, 50 percent of doctors won't see new people in that Medicaid Program, which is why so many people think: I am not so sure a new government-run program of insurance is such a good idea, because I might end up in it and it might be like Medicaid and 50 percent of the doctors won't see new Medicaid patients.

Why might you end up in a government program if you are not there now? Well, in the other bills we have seen—and this would be a question we have about Senator REID's bill—the combination of sections means that a great many employers are going to look at the bill and the requirements that are placed on them and they are going to write a letter to their employees and say: Congratulations, there is a new government plan. I have sent a check to the government, and instead of having employer insurance, you are in the government plan. Well, you may not have been thinking that was the kind of health reform you wanted.

There is the matter of the States. I will admit that as a former Governor I may be more worried about this than some people, but I see a former mayor in the Presiding Officer's chair today. I won't speak for him, but I know I used to sit back there in Nashville and nothing would make me madder than some Member of Congress coming up with a big idea, pass it into law, issue a press release, take credit for it, and send me the bill when I was Governor. So all of the other bills we have seen say, It is a great idea to expand Medicaid. We are going to dump about 14 million more Americans in this program for low-income Americans and we are going to send the bill for part of it to the State.

Well, our Democratic Governor thinks that is a bad idea, because our State, which is fiscally well managed—Tennessee—and virtually every other State is having the worst time they have had since the Great Depression in managing their resources. Here they have the Medicaid Program going up at 8 percent a year, and they are cutting higher education and other programs. That is what is going on in the States. So we will have to ask the question: How much does this new bill transfer costs to the States?

There are a great many questions we will need to ask, and they are appropriate questions. The Republican leader pointed out that when we did the farm bill, we talked for 4 weeks. We debated, we had amendments, we came to a conclusion, and we had a bipartisan result. When we did No Child Left Behind, it was 7 weeks. I remember on the Energy bill of 2005, which put us on a new direction, Senator BINGAMAN and Senator Domenici and others worked very hard on it, but on the floor it took 8 or 9 weeks. We need to have a full discussion of whatever bill finally comes to the floor, and this may be the bill. It is at least 2,000 pages. It is at least $1 trillion. Maybe it is a good bill. But the American people will have a lot of questions about whether their premiums are going up instead of down, their taxes are going up instead of down; how much are the Medicare cuts—why are they being spent on somebody else instead of the people in Medicare? What about these Medicare payroll taxes? What about new State taxes? Will I lose my insurance? These are big questions and they deserve to be answered.

A good way to start is to take the advice of the eight Democratic Senators who wrote the Democratic leader and said: Before we have our first vote, Mr. Leader, No. 1, we want to see the complete text which we don't yet have; we want to see a complete estimate by the Congressional Budget Office; and we want it to be on the Internet for at least 72 hours—the words were very strong—because we have a duty to the American people that they know how this affects them, because it is a very personal matter.

I thank the President.

EXHIBIT 1

U.S. SENATE,
Washington, DC, October 6, 2009.

Hon. LARRY REID,
Senate Majority Leader, U.S. Capitol, Washington, DC.

DEAR LEADER REID: As you know, Americans across our country have been actively engaged in the debate on health care reform. Whether or not our constituents agree with the direction of the debate, many are frustrated and lacking accurate information on the emerging proposals in Congress. Without a doubt, reforming health care in America is one of the most monumental and far-reaching undertakings considered by this body in decades. We believe the American public's participation in this process is critical to our overall success of creating a bill that lowers health care costs and offers access to quality and affordable health care for all Americans.

Every step of the process needs to be transparent, and information regarding the bill needs to be readily available to our constituents before the Senate starts to vote on legislation that will affect the lives of every American. The legislative text and complete budget scores from the Congressional Budget Office (CBO) of the health care legislation considered on the Senate floor should be made available on a website the public can access for at least 72 hours prior to the first vote to proceed to the legislation. Likewise, the legislative text and complete CBO scores of the health care legislation as amended should be made available to the public for 72 hours prior to the vote on final passage of the bill in the Senate. Further, the legislative text of all amendments filed and offered for debate on the Senate floor should be posted on a public website prior to beginning debate on the amendment on the Senate floor. Lastly, upon a final agreement between the House of Representatives and the Senate, a formal conference report detailing the agreement and complete CBO scores of the agreement should be made available to the public for 72 hours prior to the vote on final passage of the conference report in the Senate.

By publically posting the legislation and its CBO scores 72 hours before it is brought to a vote in the Senate and by publishing the text of amendments before they are debated, our constituents will have the opportunity to evaluate these policies and communicate their concerns or their message of support to their Members of Congress. As their democratically-elected representatives in Washington, DC, it is our duty to listen to their concerns and to provide them with the chance to respond to proposals that will impact their lives. At a time when trust in Congress and the U.S. government is unprecedentedly low, we can begin to rebuild the American people's faith in their federal government through transparency and by actively inviting Americans to participate in the legislative process.

We respectfully request that you agree to these principles before moving forward with floor debate of this legislation. We appreciate your serious consideration and look forward to working with you on health care reform legislation in the weeks ahead.

Sincerely,

BLANCHE L. LINCOLN.
MARY L. LANDRIEU.
CLAIRE MCCASKILL.
MARK L. PRYOR.
EVAN BAYH.
JOSEPH I. LIEBERMAN.
BEN NELSON.
JIM WEBB.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to thank Senator ALEXANDER for his remarks because I think I have heard it said that this new health care bill, don't worry about it, it is going to be revenue neutral. But if you create a bill that is revenue neutral by taking hundreds of billions of dollars out of Medicare, which we already know is heading into default in the next 5 or 6 years, and you do it by raising taxes, both of which are to fund a new program that we don't have the money for, then that is not, in my mind, what the average person would say in commonsense thought is revenue neutral.

I think that is what we are talking about. We need to be able to see the details of it. I appreciate Senator ALEXANDER for that fine summary of where we are. I hope our Members will take it to heart.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate will stand adjourned until Thursday, November 19, at 9:30 a.m.

There being no objection, the Senate, at 7:51 p.m., adjourned until Thursday, November 19, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

NICOLE YVETTE LAMB-HALE, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE WILLIAM G. SUTTON, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

ARTHUR ALLEN ELKINS, JR., OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE NIKKI RUSH TINSLEY, RESIGNED

DEPARTMENT OF VETERANS AFFAIRS

ROBERT A. PETZEL, OF MINNESOTA, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE MICHAEL J. KUSSMAN, RESIGNED.

EXTENSIONS OF REMARKS

HONORING TECHNICAL SERGEANT ROBERT HORNER UPON HIS RETIREMENT

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. RYAN of Ohio. Madam Speaker, it is my great honor to stand before you today in recognition of Technical Sergeant Robert E. Horner. Robert will retire this December after more than 34 years of service to our country.

Robert enlisted with the U.S. Navy in September 1975. He served aboard the USS *John F. Kennedy* as an Aircraft Bosun Mate in the Atlantic Theater. In October 1979 he transferred to the U.S. Navy Reserve. He continued with the Navy Reserve until he transferred to the Air Force Reserve as a Propulsion Mechanic in 1983, at the 911th Air Force Reserve, Pittsburgh, Pennsylvania. His service to our country continued through the gulf war and the war on terrorism; from 1995 through the present he served as Propulsion Mechanic before moving to the Aerial Spray Maintenance with the 910th Airlift Wing, Youngstown, Ohio. Robert continued his military service even through heart surgery in 1992. His distinguished career is punctuated by over a dozen awards and decorations, including the Meritorious Service Medal, the Air Force Achievement Medal, the Humanitarian Service Medal, and the Military Outstanding Volunteer Service Ribbon.

Robert demonstrates an exemplary commitment to his community even aside from his military service. In 1993 he accepted a commission for the West Farmington Police Department, and served the village of West Farmington for 8 years. In 2002 he was made Police Chief, and he continues at this post today.

Robert's current responsibilities as Technical Sergeant with the 910th Airlift Wing includes supervision of 12 reservists in the maintenance and operation of the Modular Aerial Spray System, the only full-time, fixed-wing aerial spray unit within the Defense Department.

Madam Speaker, Technical Sergeant Robert Horner has dedicated his life to serving his country and his community. In recognition of his many efforts on behalf of the American people, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication.

INTRODUCING THE ENERGY EFFICIENT MODERNIZATION ACT

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Ms. KILROY. Madam Speaker, I am introducing the "Energy Efficiency Modernization Act of 2009," to establish market incentives so that federally assisted housing can become more energy efficient.

Federally assisted housing programs provide real opportunities for green improvements. However, existing rules and regulations make it difficult for owners of federally assisted housing to maximize efforts and decrease our Nation's energy bill.

A 2008 study by the Government Accountability Office found that the Department of Housing and Urban Development spends an estimated $5 billion annually on energy costs to pay for roughly 6 million units of housing, representing almost 17 percent of the Nation's rental housing stock.

Improving the energy efficiency of federally assisted housing by 25 to 40 percent would result in savings for HUD at roughly $1 billion to $1.5 billion annually, making the long-term cost savings for the Federal Government—and, most importantly, taxpayers—substantial.

Furthermore, energy efficiency improvements will provide stimulus to the economy in terms of capital projects and "green collar" jobs, create best practices for the industry on the whole and fulfill the mandate of HUD.

COMMEMORATING THE 175TH ANNIVERSARY OF ST. JOSEPH'S VILLA IN RICHMOND, VIRGINIA

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. CANTOR. Madam Speaker, I rise today to commemorate the 175th anniversary of St. Joseph's Villa in Richmond, Virginia.

St. Joseph's Villa has been serving the Richmond community since 1834 when it was established by the Daughters of Charity as an orphanage. It is now a nonsectarian organization and is the oldest and largest operating children's nonprofit in metropolitan Richmond.

Currently, the Villa works with more than 600 children and families on a daily basis. The mission of St. Joseph's Villa is to provide children with special needs, as well as their families, the opportunity to succeed through innovative and effective programs. To accomplish this mission, St. Joseph's Villa works with local school systems and parents to provide a variety of educational, residential and day programs to children and families dealing with autism, homelessness or physical and mental disabilities or other behaviors that classify the child as being "at risk." These programs include, to name just a few, the Dooley School at St. Joseph's Villa, for middle- and high-school students with learning disabilities and behavioral issues, the Dooley Center for Alternative Education, for students who have been suspended or expelled from their local high school, and the Dooley School at Cherokee Road, an elementary-school program for students with a variety of learning disabilities. Each program contains both academic and behavioral components and their goal is to prepare the child for returning to his or her local school.

St. Joseph's Villa employs more than 300 full and part-time employees who are integral in making this organization a success. The Villa is committed to staff-development, involvement, and effective teamwork that respect the individuals they serve. I commend them on the services they have rendered to the Richmond community over the years.

Madam Speaker, I ask you to join me in recognizing St. Joseph's Villa as it celebrates its anniversary and wishing the students and staff the best in their future endeavors.

HONORING CALEB MATHER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Caleb Mather, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

Caleb has been very active with his troop participating in many Scout activities. Over the many years Caleb has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Caleb Mather for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING BREAST CANCER AWARENESS MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. RANGEL. Madam Speaker, I rise today to recognize Breast Cancer Awareness Month. As the month draws to a close, it is important that we acknowledge the impact that breast cancer has had on both women and men in our country. This October marks the 25th anniversary of the inaugural National Breast Cancer Awareness Month, celebrating a quarter century of awareness, education, and empowerment.

Each year, approximately 200,000 women and 1,700 men are diagnosed with breast cancer and more than 40,000 women and 450 men die from it. Breast cancer is sadly the most common cancer in women in the United States, but fortunately, there are about 2.5 million breast cancer survivors living in the United States today. This disease affects the lives of

so many women and their loved ones, and it is of the utmost importance that the public is aware of current information and treatment options.

I commend organizations like Susan G. Komen for the Cure, and others, for its dedication to educating the citizens of our community and keeping them updated on the status of relevant research. I appreciate its commitment to providing more opportunities for individuals to learn about the disease, by spreading the message of prevention and awareness to wider audiences. In order to prevent breast cancer, we must increase our awareness, which makes research, early detection, and treatment all the more important as a woman's best defenses in the fight against this deadly disease.

In acknowledging and honoring Breast Cancer Awareness Month, doing so, we will educate our loved ones across the Nation—many mothers, sisters, and friends—on the importance of early detection, so that we may prevent as many women from dying as possible.

HONORING LEE MYERS, MAYOR OF MATTHEWS, NORTH CAROLINA

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mrs. MYRICK. Madam Speaker, I rise today to acknowledge the great work of one of my constituents, R. Lee Myers, mayor of Matthews, North Carolina. Mayor Myers has recently completed his ninth term in office. Lee is a wonderful public servant—he's given over 20 years of his life to serve the citizens of Matthew—as mayor and as a town commissioner. During this time, he's overseen the rapid development of Matthews into one of the fastest growing metropolitan areas in the Nation.

Born in Mecklenburg County, North Carolina, in 1951, Mayor Myers graduated from East Mecklenburg High School, received a B.A from East Carolina University in 1973, and received a law degree from Oklahoma City University School of Law in 1976. Mayor Myers and his wife Lucinda have two children, Matthew and Amanda. He currently practices law alongside his son, Matthew, at the Myers Law Firm, PLLC.

Mayor Myers' civic activities also include serving on the Mecklenburg-Union Metropolitan Planning Organization from 1989 until the present, having served as chairman from 1997 to 2005. He has also been the Matthews representative to the Metropolitan Transit Commission since its formation.

Today, I join the nearly 30,000 residents of Matthews in thanking Mayor Myers for his two decades of outstanding service to them and to Mecklenburg County. His dedication is to be commended, and I wish him and his family all the best.

RECOGNIZING HARRY STATHAM FOR HIS 1,000TH VICTORY AS THE MEN'S BASKETBALL COACH AT McKENDREE UNIVERSITY IN LEBANON, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing Harry Statham who, on November 13, 2009, posted his 1,000th victory as coach of the McKendree Bearcats, the first coach of a men's 4-year college basketball program to reach that mark.

Harry Statham began his career at McKendree College in 1966 after 5 years as a high school coach. Forty-four years later, coaching in the basketball court that bears his name, Coach Statham is still at McKendree, now McKendree University, and has built an impressive program on the guiding principle of, "You win games by getting the right kids." And Harry Statham's criteria for "the right kids" should be a model for other coaches in all sports. "We want good people, good students and good basketball players—in that order," he says.

Harry Statham has been the career wins leader for a 4-year men's basketball program since passing Dean Smith with his 880th victory in 2004. His record, after the 79–49 win over East-West University on November 13, was 1000–318.

Harry Statham's career is not marked solely by an impressive number of victories. He was named the 2001–02 NAIA Men's Basketball Coach of the Year and has received the AMC Coach of the Year award eight different times. He was a six-time recipient of the NAIA District 20 Coach of the Year, has been named the NAIA-Illinois Basketball Coaches Association Men's Basketball Coach of the Year 12 times, was the recipient of the National Association of Basketball Coaches, NABC, Guardians of the Game Leadership Award and received the Distinguished Service Award from the United States Sports Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Harry Statham on his milestone 1,000th victory as the men's basketball coach at McKendree University and to thank him for his many contributions to his sport, his university and his community.

TRIBUTE TO MAJOR TOBY D. PATTERSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. SKELTON. Madam Speaker, let me take this moment to recognize and honor MAJ Toby D. Patterson, United States Marine Corps, for his service to the U.S. House of Representatives as he prepares to depart Capitol Hill. After serving over 2½ years as a liaison officer and the Deputy Director of the United States Marine Corps Liaison Office in the U.S. House of Representatives, he will be attending the Australian Command and Staff College in Canberra, Australia.

While serving in the Liaison office, Major Patterson developed and executed a legislative strategy for the United States Marine Corps that was instrumental in training and equipping the Marine Corps and ensuring their success on the battlefield. By engaging members of Congress and their staffs, Major Patterson directly facilitated an increased emphasis on improving Congressional relationships, which is a cornerstone of the Corps' strategic vision.

During his time on Capitol Hill, Major Patterson successfully planned, coordinated and escorted over 50 international and domestic Congressional and Staff Delegations. His attention to detail and anticipation of requirements allowed my fellow members of the House to focus on fact-finding and gleaning new insights that informed critical decisions to support the people of the United States. Due to his professionalism, dedication and knowledge, Major Patterson became a highly sought after military escort for delegations traveling into Combat and Post Conflict Zones. The time he has spent supporting members of the House has been truly noteworthy.

Major Patterson has distinguished himself as a man of many talents. While working in a challenging environment, he earned a Master's degree from the University of Oklahoma, completed the Marine Corps Non-Resident Command and Staff College, and succeeded as an accomplished athlete having run two Marine Corps Marathons and completing a full Ironman Triathlon.

Madam Speaker, as Chairman of the House Armed Services Committee, I have benefitted personally from Major Patterson's invaluable insights and hold great appreciation for the caliber of his work. He sets a high standard for others to emulate, and our Nation benefits from his outstanding dedication and leadership. I am certain that the members of the House will join me in wishing Major Patterson and his wife, Lindsey, continued success in their future endeavors.

PERSONAL EXPLANATION

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Ms. KILROY. Madam Speaker, on the legislative day of Monday, November 16, 2009, I was unable to cast votes on a number of rollcall votes. Had I been present, I would have voted "yea" on rollcall votes 889 and 890, and "aye" on rollcall vote 891.

BANK OVERDRAFT POLICIES

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise on behalf of American consumers who have contacted me about their discontent regarding bank overdraft fee policies. Most, if not all, of these individuals are everyday Americans who regularly monitor their spending and account usage. Unfortunately, many of these individuals are victims of unfair and excessive overdraft fees charged by banks.

In light of these many concerns, I believed that it was imperative to speak to citizens directly in an open forum about their worries and how Congress should act on their behalf. I hosted an online chat session this past week where American consumers had the opportunity to share their stories with me. This issue was first raised on a local level by Mike Holfeld, an investigative reporter at WKMG in Orlando.

If the Speaker would allow, I would like to relay a few of their stories:

Kathryn McCarrey is a 32-year-old mother of two from Groveland, Florida who has been a customer with Bank of America since 2005. She complained that she has been unfairly charged hundreds of dollars in overdraft fees over the past 2 years. She stated, "Just last week I printed my screen with [my] bank balance 3 days in a row to prove that the bank was charging erroneous fees . . . I cannot afford to continue giving money to the bank!"

Lauren Fant is a University of Central Florida student and customer at SunTrust Bank. She was fined three consecutive overdraft charges of $39 in August for three transactions that only went through a week after she made them. Although her overdraft amount was only $12, her fees totaled $117.

David Spatzer, also from Orlando, was hit with over $700 worth of charges in the past 2 months. When he went to his bank for help, he was told to take out a loan at 12 percent interest. He collects monthly Social Security checks while also working at Disney World. His checking account, however, approves transactions even when he does not have enough of a balance in his account.

Floridians and individuals throughout our Nation are currently going through similar circumstances as Kathyrn, Lauren and David. Congress needs to institute proper notification features at the point of transaction in cases of possible overdraft.

Madam Speaker, on behalf of the consumers mentioned above and the numerous others who reached out to me about their concerns on bank overdraft fee policies, I implore all members of this esteemed legislative body to work toward providing consumers with the safeguards necessary to make educated financial decisions without being charged exorbitant and unfair bank overdraft fees by their banks.

HONORING ERIC SIGMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eric Sigman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop participating in many Scout activities. Over the many years Eric has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Eric Sigman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE COMMISSIONING OF THE USS ''NEW YORK,'' LPD 21

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. COURTNEY. Madam Speaker, I rise today to celebrate the commissioning of the USS *New York*, LPD 21. On October 22, 2009, the House passed H.R. 856 to congratulate the captain and commissioning crew for the vessel entering the service of the U.S. Navy. The USS *New York* honors those who lost their lives at the World Trade Center, the Pentagon, and Shanksville, Pennsylvania, on September 11, 2001, and adds to our Navy's capabilities to protect our Nation.

With its hull constructed using steel from the World Trade Center, the ship will serve as a memorial to September 11. The ship's main passageway was dubbed ''Broadway'' and features an insignia with references to the Statue of Liberty, the Twin Towers, the New York City Police Department, and the New York City Fire Department. Its galley hosts a pre-September 11 neon outline of New York City. It is the newest entry to the U.S. Navy's fleet of *San Antonio*-class amphibious transport dock ships and will be deployed to provide amphibious assault capability anywhere in the world. CDR F. Curtis Jones, USN, a New York native, captains the ship.

I also want to take a moment to recognize an important connection between the USS *New York* and my State. RSL Fiber Systems, LLC of East Hartford, Connecticut was proud to be a part of this project, manufacturing the signal and navigation lights used on board the vessel. The ship contains five RSL lighting systems, which boast the breakthrough technology of fiber optic illumination systems. The Connecticut based company was selected to provide remote source lighting and the lighting control systems to the U.S. Navy for shipboard use on the LPD 17 class, the Navy Experimental Craft *Seafighter*, and the DDG 1000 class ships.

The ship's motto is, ''Strength Forged Through Sacrifice. Never Forget,'' serving as a powerful symbol of September 11. The vessel pays tribute to those who lost their lives and reaffirms Congress's commitment to fighting terrorism and recognizing those men and women who risk their lives and fight for our freedom every day. I ask all of my colleagues to join with me in congratulating those who helped build the ship, and honoring those who defend our Nation every day.

TRIBUTE TO THOMAS J. GRAFF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to pay tribute to one of the great icons of modern environmentalism, Thomas J. Graff, who passed away last week at the age of 65.

Tom Graff founded Environmental Defense Fund's California office in 1971, and over the ensuing decades, he built a record of accomplishment that includes landmark reforms to the way we use water and energy.

It was my great honor and pleasure to have worked with Tom for many years, and my staff and I often relied on his counsel and insights. His ability to think strategically about policy and politics was unmatched, and there are very few facets of California environmental policy over the last four decades that did not feel Tom's influence.

Tom Graff's negotiating prowess and his wisdom were critical to the passage of legislation that I authored in 1992 to protect the Bay-Delta of California: the Central Valley Project Improvement Act. And his work on California energy policy since the 1970's helped lead to the state's pioneering global warming bill, AB 32, signed into law in 2006.

Over his remarkable career, Tom Graff did an enormous amount of good for his fellow Californians—and for the planet and all its inhabitants. But Tom's unique legacy may be the partnerships and friendships that he formed on the way to his many accomplishments. Tom was always able to find a way to work together with those on the other side of the table, and even though his communications skills were incomparable, he knew that long-term solutions were always more important than soundbites.

In closing, I want to express my deep condolences to Tom's loving family, to his colleagues at EDF, and all of those who knew and worked with him—his passing leaves an incredible void. We will miss his insights, his creativity, his unmatched ability to find solutions, and most of all, his warmth and good humor.

I am submitting for the record several articles remembering Tom's life, and I ask my colleagues to join me in recognizing the life and legacy of a great friend and environmental champion, Thomas J. Graff.

[From the Sacramento Bee, Nov. 15, 2009]

A WATER WARRIOR WHO WON RESPECT FROM ALL SIDES

(By Stuart Leavenworth)

A lion of California's environmental movement died Thursday. Tom Graff, who helped lead the 1980s fight against the peripheral canal and blocked the East Bay from diverting water from the American River, finally succumbed to the cancer that snuck up on him two years ago.

I feel fortunate to have known Graff for as long as I did. When I returned to California a decade ago, Graff was one of many people who helped school me on my home state and its Byzantine water politics.

Graff, a Harvard-educated lawyer with a degree from the London School of Economics, was not a native Californian. (He was born in Honduras, the son of Jewish parents who had fled Nazi Germany). But he knew more about my home state than almost anyone you could imagine.

I soon learned that Graff was a hero for Sacramento residents who care about the American River. In 1971, he founded the California office of the Environmental Defense Fund in an attic in Berkeley. When the East Bay Municipal Utility District attempted to tap water from the American River, Graff was asked by local residents to file a lawsuit. After 17 years, they eventually triumphed, prompting EBMUD to reach a 2001 settlement with Sacramento County on a joint water-withdrawal project further downstream, on the Sacramento River. He also

helped pass California's climate legislation, AB 32, and spark a campaign to restore Hetch Hetchy, the valley in Yosemite National Park that is submerged by San Francisco's water supply.

Graff will be known for battles he won and lost, but he never was just a ''stopper.'' Throughout his career, he advised his peers to go beyond mere obstruction. He wanted the environmental movement to understand the circumstances that led to projects they might oppose, and offer reasonable solutions.

His lifelong crusade was for rational (i.e. market-based) uses of water. By trading water, he argued, water districts could collectively cope with shortages without building new dams. While this idea was anathema to many environmentalists (those who see markets as evil), it sparked a needed debate in California on the essential value of water and the waste that can occur when it is priced cheaply.

I spent a day with Graff last April at his home in the East Bay, after it was clear his cancer couldn't be cured. His voice was barely audible, yet he still exuded the good spirit and humor that drew people to him throughout his career.

Graff and I spent most of the afternoon talking about California politics, the general dysfunction at the Capitol and new plans for a canal to divert water around the Sacramento-San Joaquin Delta.

We had lunch at Zackary's Pizza in Oakland, where he impressed me with his appetite. Graff helped kill the peripheral canal project at the ballot box in 1982, going head-to-head with some of his fellow environmentalists and then-Gov. Jerry Brown. At the time, Graff wasn't convinced that the canal would be operated properly, with adequate safeguards for the Delta and its upstream tributaries.

When I talked to him in April, Graff seemed to have turned a page on that old fight. ''We'd be willing to go there, to a canal outcome,'' he told me. ''But we would want to know as much of the terms as possible.''

In particular, Graff said, he'd want to know key details of how water would be conveyed in such a facility, in wet periods and dry ones. There would have to be long-term assurances built into the project's operations so that a change in the governor's office didn't spell doom for the Delta and upstream water users.

We exchanged e-mails and phone calls, but I didn't get a chance to spend time with Graff after that long afternoon. So I have no idea where he stood on the legislative water package the governor finished signing the day that he died.

My guess is that Graff, with his expertise in economics, would be distraught the state is seeking to borrow $11.1 billion from taxpayers for various water projects, including new dams. As he told me in April, such projects should be largely paid ''by water users, instead of taxpayers.''

On the other hand, I know that Graff would be proud of a little-noticed part of policy package—one that requires the state to assess the needs of the Delta as a public trust resource.

Graff had sought this assessment for years, especially as various fish species of the Delta went into deep decline. The new law means that, before any new studies are launched on a canal or other alternatives, the state must evaluate how much water the Delta ecosystem needs in various years and in various climate scenarios.

Those needs, for the first time, will then become part of an overall management system for the Delta, its ecosystem and its various communities.

As for the canal itself, Graff would likely want to reserve judgment on the project until he could closely examine its details. How would it be designed, operated and financed?

He'd pay close attention to the new Delta Stewardship Council that the new law creates. Appointees to this council could determine if the public trust needs of the Delta are married with the operational details of a canal, or some other form of conveyance to move Delta water to the south.

While Graff's views on the water package are intriguing to speculate about, his views on life are more important.

In his final years and months, at age 65, Graff displayed more courage than anyone I've known with a terminal disease. He was never bitter, and always encouraging. He stayed in touch with friends, devoted himself to his family and managed to keep track of his life's work.

You'll probably hear more in the weeks ahead about Graff's legacy—both from old friends and adversaries. He died having the respect of both.

In the world of California water, that's an achievement in itself.

[From the Washington Post, Nov. 16, 2009]

GROUNDBREAKER IN U.S. WATER POLICY

(By Juliet Eilperin)

Thomas J. Graff, 65, who helped transform the nation's water policy as the longtime regional office director in California for the Environmental Defense Fund, died Nov. 12 at a hospital in Oakland after battling thyroid cancer for more than two years.

Mr. Graff founded the advocacy group's California office in 1971 in the attic of a University of California at Berkeley fraternity house. He changed the way federal and state governments managed water in the West by providing market incentives for farmers and other water rights holders to conserve resources and direct them toward urban areas and environmental purposes for a profit.

Marcia Aronoff, the Environmental Defense Fund's senior vice president for programs, said Mr. Graff was responsible ''for putting together the first major change in water law and federal policy in modern times.''

The idea of upending the principle of ''use it or lose it'' when it came to water rights was radical when Mr. Graff suggested it in the 1980s, but he persuaded lawmakers in Washington and Sacramento to let farmers save water and then sell it to supply urban consumers and critical ecosystems.

Mr. Graff helped codify these incentives through the 1990 Truckee-Carson-Pyramid Lake Water Rights Settlement Act and the 1992 Central Valley Project Improvement Act. ''Water policy had been a socialized system based entirely on subsidies and political considerations,'' said Tom Jensen, who got to know Mr. Graff while serving as the chief water lawyer for the Senate Energy and Natural Resources subcommittee on water and power under Bill Bradley (D–N.J.) in the late 1980s and early 1990s.

Mr. Graff's ability to influence the legislative process—he was dubbed ''the Godfather'' by California Lawyer magazine—stemmed from his impressive analytical ability, array of contacts and listening skills, and a willingness to use tough legal and public relations tactics when needed.

''He was subtle and strategic. He could play at every level of the game,'' Jensen said. ''He could be a spotlight-grabbing advocate or he could be utterly invisible, insidious and influential.''

Mr. Graff was known for writing concise, one- or two-paragraph missives that crystallized key policy questions. He once ghostwrote a letter for a member of Congress that ultimately prodded the Interior Department to release water from Arizona's Glen Canyon Dam in order to allow the Colorado River to flow more freely through the Grand Canyon.

Thomas Jacob Graff was born Jan. 20, 1944, in Honduras to German Jews who had fled Nazi Germany. He grew up in Syracuse, N.Y., and graduated from Harvard College in 1965 and from Harvard Law School in 1967.

He attended the London School of Economics, was a legislative assistant for New York Mayor John V. Lindsay and an associate at a law firm in San Francisco before opening the defense fund's California office. Defense fund head Fred Krupp once said Mr. Graff joined the organization because of the affinity the young lawyer felt ''for an organization whose informal motto back then was 'sue the bastards.' ''

His marriage to Joan Messing Graff ended in divorce. Survivors include his wife of 31 years, Sharona Barzilay of Oakland; a daughter from the first marriage, Samantha Graff of Oakland; two children from his second marriage, Rebecca Graff of Cambridge, Mass., and Benjamin Graff of San Jose, Calif.; a sister; and two grandsons.

A fan of the Oakland Athletics, Mr. Graff liked to say that not only had he managed to tutor his children in how to score baseball games with precision but that this training proved to be invaluable when his daughter Rebecca chose to pursue a doctorate in statistics at Harvard.

A number of prominent politicians mourned Mr. Graff's death, including Bradley, who said the lawyer's ''good sense and judgment guided'' the federal 1992 water law. California Gov. Arnold Schwarzenegger (R), speaking at the signing ceremony Thursday for a California water reform law, lamented the fact that Mr. Graff was not in the audience.

''The reason why I wanted to mention him is because he was a great environmentalist,'' Schwarzenegger said, ''someone that was very heavily working for 30 years on preservation, conservation and protecting the environment, protecting the [Sacramento-San Joaquin River Delta] and who was very instrumental to get us where we are here today.''

[From the Contra Costa Times, Nov. 12, 2009]

TOM GRAFF, CALIFORNIA ENVIRONMENTAL WATER PIONEER, DIES AT 65

(By Mike Taugher)

Thomas J. Graff, the Harvard-educated lawyer who was among the most influential environmentalists in California water policy during the last 30 years, died Thursday morning after a long battle with cancer. He was 65.

Graff, of Oakland, gave up a career at a prestigious San Francisco law firm to open the California office of the Environmental Defense Fund in the attic of a UC Berkeley fraternity house in 1971, helping the organization grow in the following decades into one of the most powerful voices on environmental issues ranging from climate change to oceans to water policy.

Friends and colleagues recalled Graff as exceptionally smart, interested in the views of others, a master negotiator and an energetic and forward thinker. He was devoted to his family and a good friend and mentor to many colleagues, friends said.

''He was one of the earliest environmentalists to advocate (that) if water could be marketed and moved more freely, it would be used more efficiently and we wouldn't need more dams,'' said Laura King Moon, assistant general manager for the State Water Contractors, a water industry group.

''You could be arguing violently with him one minute and hugging him goodbye a half-

hour later. He was a lion in the water environmental movement over the last three decades,'' King Moon added.

Graff was born Jan. 20, 1944, in Honduras to German Jews who had fled Nazi Germany. He grew up in Syracuse, N.Y., and later attended Harvard College, Harvard Law School and the London School of Economics.

At the Environmental Defense Fund, he was a champion of the idea of using market forces to improve the environment by pushing for water marketing in California, and for plans to cap-and-trade sulfur dioxide emissions in the eastern states to combat acid rain. ''He was a great listener,'' recalled Spreck Rosekrans, a water policy analyst at the organization. ''He always got along with people.''

He was also a driving force behind the Central Valley Project Improvement Act, the 1992 law that reworked one of California's biggest water projects and perhaps the most important piece of environmental legislation in the career of Rep. George Miller, D-Martinez.

''One of Tom's great insights was in advocating for, and helping to develop, the water-marketing agreements that helped bring the business world and the urban water community on board,'' Miller said last year in a speech to Congress.

Graff was a leader in the political fights against construction of a Peripheral Canal around the Delta. When the Sierra Club was debating whether to accept a compromise that would allow the canal to be built, Graff argued that the canal would allow San Joaquin Valley farmers and Southern California to take too much water out of the estuary. He sued the East Bay Municipal Utility District to block plans to tap into the American River, starting a 17-year legal battle over the health of the river and the Oakland-based district's contract rights to water. The utility eventually gave up its plans to build an intake on the American River and reached an agreement with environmentalists and Sacramento interests to move the intake downstream to the Sacramento River.

Graff is survived by his wife, Sharona Barzilay, the assistant head at the College Preparatory School of Oakland; sister Claudia Bial of Fort Lee, N.J.; daughter Samantha, son-in-law Miguel Helft, and grandchildren Avi and Rafael Helft of Oakland; son Benjamin of San Jose; and daughter Rebecca of Cambridge, Mass.

A private memorial is scheduled this weekend. A public service will be scheduled in the coming weeks.

RECOGNIZING THE CENTENNIAL ANNIVERSARY OF SAM HOUSTON ELEMENTARY SCHOOL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize the 100th anniversary of Sam Houston Elementary School in the Oak Lawn neighborhood of northern Dallas.

On December 6, 1909, the Oak Lawn School opened its doors to roughly 200 students under the leadership of Principal Mary Spears. The school included eight classrooms, five of which were used for academic purposes, and was located near the corner of Throckmorton Street and Dickason Avenue. Within a year, a petition was filed with the Texas Board of Education to begin a kindergarten program in the unused rooms of the school, and in March 1910 the first free kindergarten under the control of the Dallas School Board opened with an attendance of 25 students. Shortly thereafter, the Oak Lawn School changed its name to the Sam Houston School in honor of the 75th Anniversary of the Battle of San Jacinto.

Today, Sam Houston Elementary School stands as the oldest school in the Dallas Independent School District to continue to operate in its original building. For 100 years, the faculty and staff of this institution have educated young people in North Texas to become responsible and productive members of society. Through their hard work, Sam Houston Elementary has developed a legacy of excellence, and I am so proud to have this school within my District in Texas.

Madam Speaker, I ask my fellow colleagues to join me today in celebrating the success of this institution's century of existence and to recognize the faculty and staff's hard work and continued determination to ensure a quality education for children in north Texas.

HONORING JONATHAN ROBERT HUBBS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jonathan Robert Hubbs, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 900, and in earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop participating in many Scout activities. Over the many years Jonathan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jonathan Robert Hubbs for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING SUTTER LAKESIDE HOSPITAL OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Sutter Lakeside Hospital of Lake County, California. On November 19th, 2009, Sutter Lakeside will be hosting a ribbon cutting ceremony for their new Mobile Health Services Unit.

The Mobile Health Services Unit project began over 2 years ago. Twenty percent of Lake County's residents and 31 percent of its children are living below the poverty line. This fact, combined with the county's rural nature, means an unacceptably high number of residents have no access to basic health care services. The Mobile Health Services Unit will ensure that these underserved populations receive the care they need, where they need it.

The entire Mobile Health Services Unit team at Sutter Lakeside deserves our thanks for their efforts in making this project a reality. In particular, a debt of gratitude is owed to Charlie Melo, owner of American Custom Coach, who provided the expertise and leadership that made this all possible. He was also so kind as to donate the unit's solar panels.

Madam Speaker, it is appropriate at this time that we honor Sutter Lakeside Hospital and thank them for their contributions to the citizens of Lake County. The new Mobile Health Services Unit is an invaluable addition to the community and all involved in making this happen are to be commended for their efforts.

HONORING THE LIFE AND MEMORY OF BILL BOYD

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, I invite my colleagues to join me in honoring the life and memory of my friend, Bill Boyd. Enclosed they may read a profile piece in the Dallas Morning News featuring Bill's distinguished life of service, love of Texas, and devotion to family.

[From the Dallas Morning News, Aug. 31, 2009]

WILLIAM M. ''BILL'' BOYD: STORIED DALLAS ATTORNEY DEFENDED TEX WATSON, POLICE CHIEF

(By Rudolph Bush)

William M. ''Bill'' Boyd, 71, a storied attorney who gave up a career in politics to build up a successful McKinney law firm founded by his father, died Saturday of heart failure. Mr. Boyd of Dallas was well known in Texas' political and legal circles for his sharp mind, constant optimism and kindness. His career spanned five decades and countless cases.

A 1963 graduate of Southern Methodist University Law School, he was elected Collin County district attorney in 1964, before he had even passed the bar. As the son of attorney Roland Boyd—a close adviser to House Speaker Sam Rayburn and a friend of President Lyndon Johnson—Mr. Boyd might easily have built his early success into a lifelong political vocation, friends said.

''He would have done well in politics, but he loved the law. He loved legal practice,'' said Kent Hance, chancellor of Texas Tech University and a former U.S. representative. Mr. Boyd served four years as district attorney before returning to Boyd Veigel, where he practiced until his death.

From the earliest years of his career, Mr. Boyd was involved in high-profile cases. When Manson family member Charles ''Tex'' Watson was arrested in connection with the murders of actress Sharon Tate and others, Mr. Boyd fought his extradition from Texas to California all the way to the U.S. Supreme Court.

''He did everything he could to keep him over here because Watson had already been convicted in the papers over there. He didn't feel like Watson could get a fair trial,'' said John Stooksberry, a longtime partner of Mr. Boyd.

Though ultimately unsuccessful at blocking Watson's extradition, Mr. Boyd did see

many legal victories. In 1991, he successfully defended former Dallas Police Chief Mack Vines against a perjury charge, calling a slew of witnesses, including former U.S. Attorney General Edwin Meese, to the stand.

At the time of his death, Mr. Boyd was leading a long-standing lawsuit pitting Dallas police officers and firefighters against the city in a dispute over back pay. Elements of that case, which could involve hundreds of millions of dollars in potential damages, are now before the state Supreme Court.

Mr. Boyd's wife, Barbara White Boyd, recalled her husband's passion for the law and for politics as grounded in a keen intelligence and attention to detail.

''He always managed to put things in such an eloquent and kind way, even when he was critical. He was the most open and honest person,'' she said.

He was loyal, too. In conservative Collin County, he never wavered from his commitment to Democratic politics.

''After I changed parties in the '80s, he told me, 'I still love you even though you're a Republican.' '' Mr. Hance said. ''He had friends on both sides, and he never took his politics so personal it affected his friendship with anyone.''

Mr. Boyd's mark on law in Collin County is clear from a visit to the county courthouse, where he has placed two works of art, a sculpture of Alamo hero William Barret Travis and a portrait print of decorated World War II soldier Audie Murphy.

Mr. Boyd had said the sculpture of Travis represented what he believed in when it came to the law.

''It stands for courage, and that's what you need in a lawyer. You need someone that will stand up against the state, against powerful forces that you may be, as an individual, up against,'' he said.

In addition to his wife, Mr. Boyd's survivors include his sons, William Bradley Boyd of New Orleans and Blake Edward Boyd of Los Angeles; his sister, Betty Skelton of Houston; and three grandchildren. He was preceded in death by his first wife, Betty Boyd.

His body will lie in repose from 2 to 5 p.m. Wednesday at Turrentine Jackson Morrow Funeral Home, 2525 N. Central Expressway in Allen. Visitation will be from 5 to 8 p.m. Wednesday at the funeral home.

Services are scheduled for 10 a.m. Thursday at First Baptist Church of McKinney, 1615 W. Louisiana St. Burial at Lake View Cemetery in Lavon will follow.

IN HONOR OF THE RETIREMENT OF MIAMI-DADE COUNTY POLICE DIRECTOR ROBERT PARKER

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to recognize the retirement of Police Director Robert Parker from the Miami-Dade County Police Department.

Director Parker has 33 years of distinguished service for the eighth largest police department in the country and for the last five years Mr. Parker has served as Director of the force, overseeing more than 4,700 dedicated sworn and non-sworn personnel.

Director Parker joined the Miami-Dade Police Department in 1976 where he was quickly promoted through all the civil service ranks. He has diverse experience in police management and operations, including posts as Assistant Director of Police Services, Division Chief of the North Operations Division and the Special Investigations Division, and Police Bureau Commander. In 2004, he made history when he was appointed as the first African American Director of Police for Miami-Dade County.

Known as a gifted leader in his community and in the Department, Director Parker was appointed by the Governor of Florida to serve as Co-Chair of the Southeast Regional Domestic Security Task Force. He also served as President of the Dade County Association of Chiefs of Police from 2006–2007, presiding over more than 35 municipal police departments as well as other state and federal law enforcement member agencies.

With Director Parker at the helm, the Department became known nationally as a leader in law enforcement. The Miami-Dade County Police Department holds accreditation from two agencies, the Commission of Accreditation for Law Enforcement Agencies (CALEA), and the Commission for Florida Law Enforcement Accreditation (CFA), documenting its commitment to the highest level of service.

I am proud today to honor Director Parker's distinguished career and leadership in the South Florida community and wish him and his family well on their future endeavors.

U.S. SENATOR ROBERT C. BYRD

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. RAHALL. Madam Speaker, I rise today to honor the achievement of U.S. Senator ROBERT C. BYRD on becoming the longest serving Member in the history of the United States Congress.

Senator ROBERT C. BYRD has made a career of setting the standard for his fellow Members of Congress to emulate and today, he has, again, set the bar of Congressional service one notch higher.

This is a history-making day. But Senator BYRD's record-setting achievement is not gauged best by the number of years, days, and hours he has spent in office—though he could tell us to the minute. It is, instead, more correctly measured by the wealth of hope his work has generated, the vast number of lives his efforts have touched and improved, and the multiple generations of citizens his struggles from virtual orphan to the heights of political power have inspired.

His work, in short, has been monumental. His efforts have provided for public services and fundamental structures—modern highways, safer bridges, veterans centers, clean water systems—but these fall far short of the greatest and most lasting monument that he has given the people of West Virginia, his devotion and tireless work to make their lives richer.

I am proud and awed—though not in the least surprised—to be able to congratulate West Virginia's senior Senator on becoming the longest serving Member in the history of the U.S. Congress. And I look forward to many more record-breaking years of ROBERT C. BYRD serving in the U.S. Senate and setting a wise and fruitful course for the future of West Virginia and the Nation.

HONORING VINCENT PAUL WHITAKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Vincent Paul Whitaker, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 900, and in earning the most prestigious award of Eagle Scout.

Vincent has been very active with his troop participating in many Scout activities. Over the many years Vincent has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Vincent Paul Whitaker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ON THE OCCASION OF THE 85TH BIRTHDAY OF ROSEMARY MCCANN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Ms. ESHOO. Madam Speaker, it is with great pride that I rise today to honor an outstanding American and a great public servant who will celebrate her 85th birthday on November 20, 2009. Rosemary McCann has served her country with an unyielding sense of determination, and she has cared well for so many people through her distinguished and long career as a nurse.

After raising two exceptional children, Rosemary's caring nature led her to begin a career in nursing. She served for more than a decade as the occupational health nurse in Tiffany & Company's medical department. During her tenure, she served approximately 900 employees and provided emergency care and follow-up for the injured. She also helped to implement important safety and health education programs, which no doubt prevented future injuries from occurring on the job.

After her time at Tiffany & Company, Rosemary's desire to serve her country guided her to become the medical officer aboard the USNS *Silas Bent* and later with the U.S. Merchant Marine. During her service, she cared for sick or injured crewmembers and technicians on world-wide voyages, from the North Atlantic to the Indian Ocean. She also maintained the on-board medical inventory, oversaw food sanitation, and ensured that sailors had potable water to drink.

Her humor and compassion were a comfort to sailors away from home and she made sure that they stayed in contact with their families while at sea. Early one May, as Mother's Day was approaching, bad weather kept the USNS *Silas Bent* away from port. Always an expert at handling emergency situations, Rosemary passed out her supply of handmade cards to sailors to send home to their mothers. The cards made it home just in time.

Today, well past the customary age of retirement, Rosemary continues to touch people's lives as a relief nurse for numerous

agencies and companies, including the U.S. Public Health Service, Time Warner, and Tiffany & Company.

Throughout her career, Rosemary has consistently demonstrated her intelligence, compassion and desire to serve others. Her determination has garnered the admiration of her co-workers and the respect of her patients.

It is a special privilege to honor Rosemary McCann because I know firsthand what a remarkable human being she is. I also have the privilege of knowing her daughter Leonore Horowitz and her family, and can say with great confidence that Rosemary McCann's values live on. I ask my colleagues to join me in celebrating her 85th birthday and thank her for her decades of service to our nation. She has made her family strong, and her community and country better by all she has done.

20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. SMITH of Texas. Madam Speaker, last week marked the 20th anniversary of one of the greatest triumphs of freedom and democracy in history—the fall of the Berlin Wall.

But two decades ago, the national media gave Americans a biased account of the issues surrounding this historic event, according to a new report by the Media Research Center, titled "Better off Red?"

MRC found that many in the national media failed to portray the evils of communism and suggested that free-market capitalism was somehow worse.

Furthermore, the media's coverage often tipped in favor of the oppressors—not the oppressed—and frequently criticized those who were fighting communism rather than those who were perpetuating it.

It is just as important today as it was 20 years ago that the national media give Americans the facts, not tell them what to think.

ON THE PASSING OF EUNICE KENNEDY SHRIVER, THE CREATOR OF THE SPECIAL OLYMPICS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. McGOVERN. Madam Speaker, I rise today to honor the passing of a Great American, Eunice Kennedy Shriver. Her life and her times were a lesson to us all about a life well lived. From mother to matriarch, hers was a life of love, nurturing and giving. The creator of the Special Olympics. A woman who led by example, and of great faith, who ever throughout her lifetime, asked the question, "Have you done enough?" I ask that this poem penned by Albert Caswell in honor of her be placed in the RECORD.

BUT, HAVE WE DONE ENOUGH?

Sunrise, Sunset . . .
All in these, the days of our lives that we have left!
All in these the moments, that which so race . . . of which lie before us in our life's face . . .
Only, so much time to find . . . all in one's lifetime, that which our world to grace!
To give to this our world, all in what we have done . . .
To make our lives burn bright, burn bright like the morning sun!
To ask that question, "have we done enough?"
A Mother, A Wife, A Sister, A Matriarch . . .
A Champion for others, as was Eunice's most splendid part!
For she was such a woman of faith!
Such a woman of heart!
As to all of these, Eunice could not so give enough, her art!
As to all she so asked as such!
But, have you done enough?
As a Champion For Children, as her heart was so filled in!
Creating The Special Olympics, a work of art to help all hearts mend!
For from a beautiful Rose, once came a flower so beautiful to help hearts win . . .
So bright, a giver of light . . . a true lover of life!
As above great American Women she so towers, as we look back upon her hours . . .
For she never asked more, than what she was willing to give herself . . .
For in all hearts, she always saw good . . . as how a life should be lived as felt!
As someone, who so came from such heartache and pain . . .
And yet, somehow in her fine heart . . .
Her Profiles In Courage . . . still remained!
Showing us all, her light!
But, have we done enough?
To make our world burn bright?
To Heaven now our sweet child, rise . . . looking into our Lord's eyes . . .
But, have we done enough?

CONGRATULATING SHARK TOWN MICRO COMMUNITY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. PAUL. Madam Speaker, Monday, November 23, in Port Lavaca, Texas, IBC Bank and HJM Elementary School will co-host the Shark Town Micro Community Grand Opening. Shark Town Micro Community is an innovative education program that gives HJM Elementary students the opportunity to learn "real world" business and financial skills. I am pleased to extend my best wishes to the people of IBC Bank, HJM Elementary, and all the businesses, educators, and, especially, students participating in this program.

The Shark Town Micro Community is a small community within the school run by the students. The HJM Elementary student council serves as the Shark Town council, and the student council president serves as the mayor of Shark Town. HJM Elementary students named the community after their school's mascot, a shark.

Students may choose to work at any of a variety of business, including an IBC Bank, Wal-Mart, and HEB grocery store. Students can also work at Shark Town's branch of the IRS, student workers have to pay taxes, one of Shark Town's utility companies, the post office, the local newspaper, the safety patrol, or the recycling center. Students may also train to be future teachers.

Local Port Lavaca businesses sponsor their Shark Town counterparts. The businesses provide their Shark Town counterparts with signs, badges, and shirts for their employees. Local businesses also provide funds for the Shark Town companies. Employees of the local businesses also periodically visit the school to offer assistance to their counterpart businesses.

Students receive salaries based on their jobs and their work performance. In order to participate in Shark Town, students must submit job applications and be interviewed. Payment is in the form of "sand dollars." Students may use their sand dollars to pay their taxes and utility bills as well as to shop at Shark Town's stores.

Madam Speaker, the Shark Town Micro Community program represents an innovative means of providing students with a unique opportunity to learn about how businesses operate as well as develop work and financial management habits that will serve them well throughout their lives. It is my pleasure to again congratulate all those participating in the Shark Town Micro Community project.

COPD AWARENESS MONTH

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. STEARNS. Madam Speaker, today is World Chronic Obstructive Pulmonary Disease Awareness, COPD, Day. COPD is the fourth leading cause of death in the United States.

COPD includes many conditions such as chronic bronchitis, emphysema, refractory asthma and bronchiectasis. It is preventable and treatable. However, it is also progressive and there are millions of Americans that do not detect COPD in the early stages.

There are over 12 million Americans diagnosed with COPD and that number is growing. It is estimated that COPD will be the third leading cause of death worldwide by 2020. Despite all this, there is lack of awareness of COPD.

That is why, as one of the founders of the COPD Caucus, I've worked to highlight the problem of COPD and am introducing today, a Resolution, with my friend and colleague, JOHN LEWIS of Georgia, designating COPD Awareness Month.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. COFFMAN of Colorado. Madam Speaker, this morning our national debt was $12,039,319,107,488.80. I should note this week is the first time our debt has broken the 12 trillion level. We have added $8,019,921,198.73 to the national debt since yesterday.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

The national debt has increased by $1,400,893,361,195 so far this year.

According to the non-partisan Congressional Budget Office, the forecast deficit for this year

is $1.6 trillion. That means that so far this year, we borrowed and spent $4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

COMMENDING THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to commend the Water Replenishment District of Southern California on the occasion of its 50th anniversary.

The Water Replenishment District of Southern California was created by the voters of California on November 17, 1959.

The successful election and creation of the Water Replenishment District was the culmination of a 17-year effort by groundwater producers in the Central and West Coast Basins to devise a system to finance and manage the restoration of dangerously depleted basins, retard and reverse the intrusion of sea water, institute a program of annual replenishment, and adjudicate and protect the rights of groundwater producers.

For five decades, the Water Replenishment District of Southern California has pursued this mission, assuring the continued beneficial use of the basins for groundwater production.

The programs and projects of the Water Replenishment District have included the pioneering use of recycled water and the capture and use of storm water for replenishment, multiple groundwater contamination cleanup projects in the Central Basin, desalination of brackish water in the West Coast Basin, and the supply of water to the sea water barrier wells in both basins. These successful programs have resulted in the steady reduction of reliance on the expensive and uncertain supply of imported water and a steady increase in the use of locally-developed water.

The goal of the Water Replenishment District of Southern California is to eliminate the use of imported water for replenishment by 2015. On the occasion of its 50th anniversary, I want to commend the district for a job well done and to recognize the crucial role the Water Replenishment district plays in the daily lives of Southern California residents.

HONORING MAX AND MARION VOLTERRA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. McGOVERN. Madam Speaker, I rise today in honor and recognition of Max and Marion Volterra of Attleboro, Massachusetts. Max and Marion Volterra are pillars of their community. Their dedication and service to the betterment of the city of Attleboro is inspiring. In acknowledgement of their many contributions to the good and welfare of their community, they have been selected to receive the United Regional Chamber of Commerce's ''2009 Persons of the Year'' award.

Max Volterra has devoted the better part of his life to ensure the success and prosperity of the city of Attleboro. He served as a City Councilor and as City Solicitor prior to launching a successful campaign for State Representative. He then represented the city of Attleboro in the State Legislature until he was tapped to serve as Chief Legal Counsel to Governor Michael Dukakis in 1978.

Leaving state politics to return to his law practice in Attleboro, Max focused his attention on bringing a formerly vital and prosperous downtown back to life. He personally invested in the downtown by purchasing a vacant train station and converting it to office space for his law firm and other offices. He was one of the founding members of an organization called Friends of Attleboro Interested in Revitalization and served as a member and past chairman of the Attleboro Redevelopment Authority that was responsible for several successful economic development projects. He volunteered countless hours for the purpose of ensuring that Attleboro would once again become a vibrant place to work and raise a family.

Marion Volterra's many accomplishments parallel those of her husband. She embodies the concept that a truly successful community must provide opportunities for people of all ages and ethnicities to experience art and culture in order to produce well-rounded citizens. Marion has volunteered with the Attleboro Arts Museum for so many years that no one has any idea how long it has actually been. With her support and guidance, the museum has become an oasis in the center of the city, welcoming all to participate in its educational and cultural opportunities. In her spare time, Marion volunteers as a mentor to students at Attleboro High School and serves on the Board of Directors of the YMCA.

Together Max and Marion Volterra accomplish far more than the sum of their individual efforts, and do so with enthusiasm and dedication. In tribute to their outstanding service to the city of Attleboro, I congratulate Max and Marion Volterra on receiving this award. I know all my colleagues will join me in paying tribute to them today.

HONORING JACOB OWENS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jacob Owens, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop participating in many Scout activities. Over the many years Jacob has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jacob Owens for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING WNY AMERICORPS, PUSH BUFFALO, AND BUFFALO REUSE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. HIGGINS. Madam Speaker, most are familiar with ABC's Extreme Makeover: Home Edition program which embarks on the monumental task of building a new home from the ground up in just one week for a deserving family. Last week WNY AmeriCorps, People United for Sustainable Housing (PUSH) Buffalo and Buffalo ReUse, organizations in my hometown, took on that job.

On a visit to the site I was expecting to see the team's progress on the Powell family home on Massachusetts Avenue but what I witnessed far exceeded expectations.

The extreme team, which comprised of WNY AmeriCorps, PUSH Buffalo and Buffalo ReUse, in partnership with David Homes and many more from the community stepping up to help, went house to house patching roofs, fixing porches, planting shrubs, painting siding and more.

Hailed by producers as unlike any community effort they've seen in the show's history, the organizations worked in perfect synchronization, Buffalo ReUse deconstructing and recycling building materials, AmeriCorps donating and managing volunteers by the thousands and PUSH Buffalo working throughout the neighborhood, all operating around the clock for one week improving over 50 homes. But it didn't stop there. Their generosity inspired others, prompting food and blood drives and the construction of a community garden.

Madam Speaker, today I am honored to recognize WNY AmeriCorps, PUSH Buffalo and Buffalo ReUse for taking on the assignment to develop a home and turning it into an opportunity to develop hope—hope for a family, a neighborhood and an entire city. While the spotlight highlighted their efforts last week, these organizations work quietly each and every day building a better future for the Western New York Community and for that we are deeply grateful.

CONGRATULATING SENATOR ROBERT C. BYRD

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. MOLLOHAN. Madam Speaker, Senator ROBERT C. BYRD today becomes the longest-serving Member of Congress in our nation's history. I join my fellow West Virginians and, indeed, citizens from across the country in congratulating Senator BYRD for this historic record.

We mark Senator BYRD's longevity today, but that longevity is not what captures his greatness. I have worked with Senator BYRD for more than a quarter of a century—barely half of his tenure in the Senate—and I have known him for most of my life. His greatness is built on three pillars.

First is his personal story and the way that it has always informed his career. ROBERT C.

BYRD grew up as the adopted son of a miner, graduated as class valedictorian in the depths of the Great Depression. Unable to afford college, he worked where he could find employment—pumping gas, selling produce, cutting meat, welding metal in shipyards. He courted, married, and relied for almost 70 years on his beloved wife, Erma. He earned a law degree even while serving as a Member of Congress. The qualities of discipline, industry, integrity, and commitment underlying that personal history would define greatness in any man no matter his station in life.

Second is his profound connection to the people of West Virginia. Senator BYRD is of the people and he is for the people. He has given West Virginians a lifetime of commitment and faithful service, and the people in turn have given him an unbreakable bond of trust, respect, and deep affection. I cannot imagine ROBERT C. BYRD representing any state other than West Virginia—and I cannot imagine West Virginia without the decades of service Senator BYRD has given it.

Finally, Senator BYRD's greatness derives from his devotion to the Senate and reverence for the Constitution that established it. As that other icon of the Senate, Ted Kennedy, put it, "Bob Byrd personifies what our founding fathers were thinking about when they were thinking about a United States Senate. He brings the kind of qualities that the founding fathers believed were so important for service to the nation."

Madam Speaker, even as we congratulate Senator BYRD for his years of service to his state and his country, we also recognize that it is not the number of those years we are celebrating but the content of those years. That content demands that for as long as there are people who care about the history of this nation, the name ROBERT C. BYRD will be mentioned in the same breath as Daniel Webster, Robert La Follette, Henry Clay, Edward Kennedy—the half dozen or so true giants of the Senate.

HONORING 90 WORLD WAR II VETERANS FROM SOUTH CAROLINA

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. SPRATT. Madam Speaker, today, I am proud to honor a group of 90 World War II veterans from South Carolina who will make their way on November 21st to Washington, DC, in order to visit the World War II Memorial among other national monuments. Their visit will include the Korean, Vietnam and Lincoln Memorials, along with the National Cemetery at Arlington.

The veterans who make the journey to Washington represent all four branches of service, and they fought in all of the major theaters of the war. They fought in Europe in places like France, Italy, and Germany, and in the Pacific in islands like Guadalcanal and Okinawa. Represented in this group are veterans who saw service in pivotal battles such as D-Day, the Battle of the Bulge, and Tarawa.

WWII was a time when America was at her best. Our nation met the threats of tyranny and fascism and came to the aid of our allies. The valor of our veterans never shone more brightly, and the sacrifice borne by these veterans should never be forgotten.

We can never forget that WWII was a time of triumph and tragedy. Sixty million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the war.

In South Carolina, the war was a time of special sacrifice. 166,119 servicemembers from our state participated in the war. 4,153 lost their lives. We prize our WWII veterans in South Carolina and their tales of victory over tyranny.

Accompanying these veterans and representing the future leaders of our military and our next generation of veterans are students from Andrew Jackson High School's Reserve Officers Training Corps. These young leaders will benefit from the mentoring and guidance provided by the WWII veterans during this trip.

I would like to thank the volunteers from the Honor Flight of South Carolina. This group, ably led by Bill Dukes, Lt. Gov. Andre Bauer and Medal of Honor winner Charles Murray are to be commended for ensuring that these veterans have the opportunity to see the memorial dedicated to them.

I ask the House of Representatives to join with me in honoring these 90 veterans who make this memorable visit to Washington, and pay tribute to their service and sacrifice.

RECOGNIZING NORTHERN WASCO COUNTY PUD AND PUBLIC POWER UTILITES

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. WALDEN. Madam Speaker, I rise today to recognize the rich history of Oregon's People's Utility Districts, PUD, and the efforts of Northern Wasco County PUD, the lone PUD in Oregon's Second Congressional District. Last month, Northern Wasco County PUD joined Oregon's numerous Municipal Electrical Utilities and Rural Electrical Cooperatives to celebrate the 23rd anniversary of Public Power Week and to recognize over seven decades of public power generated by the clean and renewable federal hydropower system in the Pacific Northwest. I commend Northern Wasco County PUD for their continued commitment to the utilization of clean renewable power in Wasco County, as well as their exemplary efforts in energy efficiency and conservation.

On September 28, 1937, President Franklin Roosevelt stood on Oregon soil as he dedicated the newly constructed Bonneville Dam, which became one of the first in a series of dams to be installed along the Columbia River as part of the President's vision to improve economic opportunities, flood control and, more importantly, provide electricity to communities throughout the Pacific Northwest. Since that day, public power utilities across Oregon, including Northern Wasco County PUD, have harnessed the renewable power of the region's hydroelectric dams to provide clean renewable electricity to Oregon's communities and deliver steady supplies of power to small and large businesses. By providing some of the lowest-cost power to businesses in the Nation, public power utilities play a major role in maintaining thousands of jobs throughout rural and urban Oregon.

Besides delivering reliable hydropower, public power utilities and their ratepayers' across the West have invested a tremendous amount of financial resources in energy conservation and renewable energy projects. Since Congress passed the 1980 Pacific Northwest Electric Power Planning and Conservation Act, Oregon, Washington, Idaho and Montana have conserved a combined 3,700 average-megawatts of energy. This savings is equal to the annual combined energy needs of Idaho and western Montana, or the output of seven 500-megawatt coal-fired power plants. These conservation efforts have also resulted in a reduction of 13.5 million tons of CO_2 emissions and nearly $2 billion in consumer savings per year.

Over the years, Northern Wasco County PUD customers have invested $27 million in two hydroelectric projects, both of which allow for enhanced fish passage and an increased supply of renewable power. These projects include a five-megawatt generator located at The Dalles Dam and a 10-megawatt generator at the McNary Dam. Both projects generate clean power with no emissions and enhance the survival of listed fish along the main stem of the Columbia River.

In addition, Northern Wasco County PUD is developing a methane gas capture energy project in partnership with the The Dalles, Oregon at the city's wastewater treatment plant as well as a micro-hydroelectric generation installation on the city's water mainline. Furthermore, Northern Wasco County PUD is exploring a U.S. Department of Energy grant for potential geothermal generation in cooperation with a group of other northwest utilities. From my conversations with Northern Wasco County PUD officials, I know they are most proud of their commitment to providing their residential and industrial customers with adequate and predictable supplies of energy at affordable prices, especially in light of the difficult economic circumstances facing rural Oregon.

I also know that the commitment of public power utilities to providing clean renewable energy options for customers is strong. In fact, many now offer their residential, commercial and industrial customers the option of purchasing up to 100 percent renewable electricity produced from resources such as solar, wind, geothermal, biogas, biomass and low-impact hydro.

Madam Speaker, as the debate continues about how to best address climate change, energy independence, and our smarter energy future, it is imperative that entities providing public power in the Pacific Northwest, like Northern Wasco County PUD, receive credit for the work and investments they have already made in protecting our environment through the responsible use of the renewable energy hydropower system and through energy conservation. I commend them for these efforts.

IN MEMORY OF KEITH ROMAINE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today to celebrate the life and accomplishments of Brookhaven Town Councilman

Keith Romaine. Tragically, Councilman Romaine's life was cut far too short on November 14 at the age of 36.

Keith Romaine devoted himself to family and to the community he loved. Like his father, Keith believed in putting public service first. He served as a Congressional aide and small business owner before his election in 2007 to the Brookhaven Town Board. Although Keith could have simply run on his strong family name, he worked hard to establish his own identity and accomplishments.

He served as President of the Moriches Bay Civic Association where he was a tireless advocate for this community.

On the Brookhaven Town Board he worked equally as hard, serving as a full-time representative for his community. Among his accomplishments in just one term were closing the composting facility on Papermill Road in Manorville, working with other levels of government to establish a skate park, and legislation to reduce unnecessary vehicle expenses which will save Brookhaven residents millions of dollars.

Shortly after his election to the Town Council, Keith sat down with me during some of my Community Office Hours and we discussed issues where we could work together. I saw his passion for his community and so did the people he represented.

In one of his last interviews, when Councilman Romaine was asked why he wanted to serve in Town government, he gave a simple, but telling answer, ''You're the closest to the people.''

Keith Romaine's career was only beginning and the Town of Brookhaven and Long Island will be worse off without him. My heart goes out to Keith's father Ed, his brother Kevin, his grandfather Edward, and the entire Romaine family on this tragic loss.

HONORING THE LIFE OF KEITH ROMAINE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. ISRAEL. Madam Speaker, I rise today to pay special tribute to the life and legacy of Keith Romaine, Brookhaven Councilman who we lost too soon on November 14, 2009 at the age of 36.

Keith will be remembered by family, friends, and constituents as a devoted public servant who worked tirelessly to improve his neighborhood and community. I offer my support to his family and friends upon the loss of a bright, intelligent, and dedicated community leader who will be sorely missed by the people of Long Island.

HONORING VENERINI ACADEMY, WORCHESTER, MA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. McGOVERN. Madam Speaker, I rise today in honor of an incredible school, Venerini Academy, located in my district of Worcester, Massachusetts. The mission of the Venerini Sisters in Worcester celebrates its 100th anniversary this year, and I am proud to recognize its many contributions to the community over the last century.

The school's and order's founder Rosa Venerini was born in Viterbo, Italy in 1656. She started the first public school for girls there, marking a milestone in the evolution of the education of women. Rosa knew the barriers women faced when life choices were limited often to marriage and the convent. Her father instilled in her a great respect for education and she wanted the same for future women. Rosa came to adopt the maxim, ''educate to liberate''.

In 1713, Rosa opened a school in Rome and Pope Clement XI paid her the honor of a visit. The Pope stayed the whole morning in the school listening to the class of catechism and asking the students questions. At the end of the visit, he called Rosa and her companions; he thanked her for their precious work, and said to them: ''I desire that these schools spread to all of our cities.'' Within a short time the schools opened everywhere, teaching young women to read and other life skills such as sewing. By the time of her death in 1728, Rosa Venerini opened 40 schools across the world.

In 1909, the movement she started came to the United States, establishing its first mission outside Italy on Edward Street in Worcester, Massachusetts. Venerini Academy's hallmarks of dedicated educators and rigorous programs would become a vital part of the community and a model for many other successful missions in countries across the globe.

Madam Speaker, I am certain that the entire House of Representatives joins me in honoring and thanking the Venerini Sisters and the Venerini Academy for their contributions to our community and the education of our children, as well as expressing our hope and confidence in an even more accomplished second hundred years.

RECOGNIZING DAVID STAPLETON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. HIGGINS. Madam Speaker, most are familiar with ABC's Extreme Makeover: Home Edition program which embarks on the monumental task of building a new home from the ground up in just one week for a deserving family. Last week in my hometown David Stapleton, owner of David Homes took on that job.

On a visit to the site I was expecting to see the construction team's progress on the Powell family's home on Massachusetts Avenue but what I witnessed far exceeded expectations.

Under David's leadership volunteers by the thousands were transforming not one home but an entire neighborhood on Buffalo's West Side. With local organizations including WNY AmeriCorps, PUSH Buffalo and Buffalo ReUse as partners and many more from the community stepping up to help, the extreme team went house to house patching roofs, fixing porches, planting shrubs, painting siding and more.

Hailed by producers as unlike any community effort they've seen in the show's history, David's team managed 4,500 volunteers working around the clock for one week improving over 50 homes. But it didn't stop there. Their generosity inspired others, prompting food and blood drives and the construction of a community garden.

David agreed to this project knowing he could not simply go into this neighborhood and build one home. Producers feared he would lose focus but he knew he would have to do better and that he did.

Madam Speaker, today I am honored to recognize David Stapleton for taking on the assignment to develop a home and turning it into an opportunity to develop hope—hope for a family, a neighborhood and an entire city. What David Stapleton built last week is a better future for the Western New York Community and for that we are grateful.

HONORING COACH VERNON GLASS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. POE of Texas. Madam Speaker, The Lamar University Cardinals in Beaumont, Texas lost one of it's legends in December 2005 with the passing of former head football Coach Vernon Glass. In an effort to keep Vernon's presence in the football program alive, The University recently renamed it's newly renovated practice field The Coach Vernon Glass Field of Champions.

Glass served as Lamar's head coach from 1963 through 1975. His 1964, 1965, 1966, and 1971 Cardinal teams won Southland Conference Championships and he finished his career with a 63–68–1 record. He was recognized as the NCAA College Division Coach of the year in 1964 and 1965. One of Coach Glass' former students called him 'a true champion and a great legend'. Therefore, it is only fitting for the university to recognize him by naming the practice field the ''Field of Champions''.

Madam Speaker, it is truly remarkable when one human being can touch so many lives. Coach Vernon Glass did just that during his years as a football Coach at Lamar University. The Second District of Texas recognizes Coach Glass for his years of dedication and service to the University and to improving the lives of the many players who played on the field under his leadership.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. GOHMERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding received in my district as part of H.R. 2996, the Interior, Environment, and Related Agencies Appropriations Act, 2010.

City of Lufkin Water Project. STAG Water and Wastewater Infrastructure Project, the City

of Lufkin, P.O. Drawer 190, Lufkin, Texas 75902, $400,000 to help the city purchase the water production and transmission facilities owned by a local, but long-idle and deteriorating paper mill in danger of becoming an environmental hazard with long-term national implications. The funding will be used to develop infrastructure for the storage and treatment of 17 million gallons of water per day from the Angelina River and Kurth Lake, helping meet the increasing residential, commercial and industrial demands for potable water in a growing region of the state, which is relied on repeatedly by evacuating hurricane victims.

CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2009

SPEECH OF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes:

Mr. SKELTON. Mr. Chair, as the Chairman of the House Armed Services Committee, I study national security issues a great deal and fully understand the risks posed by terrorism.

Terrorists from home and abroad have killed innocent Americans, which is why we in Congress have an obligation to diminish the likelihood of these kinds of terrorist attacks by strengthening our military, by giving law enforcement additional tools, and by authorizing common sense homeland security regulations. But, in writing laws to protect the American people, we must carefully consider how new regulations might impact citizens and businesses.

In 2006, Congress directed the Department of Homeland Security to establish risk-based security performance standards for chemical facilities that use or store chemicals that can be attractive to terrorists. The Department issued its final chemical security regulations—the Chemical Facility Anti-Terrorism Standards—in 2007, and, since then, businesses have been working in a collaborative manner with the Department to implement them.

For agriculture, the Department has acknowledged the unique nature of farming with respect to chemical regulations and has indefinitely exempted from regulation all end-users of chemicals used in agriculture, including farms, ranches, and other crop, feed, or livestock facilities.

In October 2009, the authority for the Department of Homeland Security to regulate chemical facilities expired. It was recently extended for one year through the fiscal year 2010 Homeland Security appropriations bill. In an effort to more permanently extend the Department's authority to regulate chemical facilities and to expand federal regulations to drinking water and waste water facilities, the House of Representatives considered H.R. 2868, the Chemical and Water Security Act of 2009.

To be sure, improving the security around these entities is an important national security objective, and the House Homeland Security Committee and the House Energy and Commerce Committee deserve a great deal of praise for gluing together H.R. 2868.

However, as a Congressman from rural Missouri, I examined H.R. 2868 through the lens of the farmers I represent. Some in the agricultural community do not support portions of this legislation relating to so-called Inherently Safer Technology requirements. They believe these new requirements could force makers of their fertilizers to change to more expensive or less effective products, eventually adding to producers' input costs.

I realize that the Committees of jurisdiction over H.R. 2868 worked hard to reach out to the agricultural community and that the bill was improved in Committee by Congressman MIKE ROSS (D–AR) and Congressman ZACH SPACE (D–OH) who added technical assistance grants for agricultural wholesalers. I also fully appreciate that the Department has exempted farms from its regulations for an indefinite period of time.

But, after careful consideration and review, it seems more work remains to assuage agriculture's concerns about the Inherently Safer Technology requirements. As H.R. 2868 was presented in the House, I could not lend my support to it based on the concerns of my farmers and Missouri's agricultural retailers.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. COLE. Madam Speaker, on Monday, November 16, 2009, I missed the last vote in a series of three votes. I missed rollcall vote No. 891. Had I been present and voting, I would have voted as follows: rollcall vote No. 891: "aye" (On agreeing to H.R. 3767).

RECOGNIZING THE LEADERSHIP OF THE SLE LUPUS FOUNDATION AND THE LUPUS COOPERATIVES OF NY FOR BEING LEADERS IN THE FIGHT AGAINST LUPUS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. RANGEL. Madam Speaker, I rise today to recognize the SLE Lupus Foundation and the Lupus Cooperatives of New York for their contributions to help people with lupus and for fighting gender and racial disparities in the treatment of lupus for almost 40 years.

Systemic lupus erythematosus, SLE, commonly called lupus, is a chronic and potentially fatal autoimmune disorder. It is one of the Nation's least recognized major diseases, and it disproportionately affects women, particularly women of color. In lupus, the body's immune system forms antibodies that can attack virtually any healthy organ or tissue, from the kidneys to the brain, heart, lungs, skin, joints and blood. Lupus is a leading cause of cardiovascular disease, kidney disease, and stroke in young women. No major new treatments for lupus have been approved in 50 years.

The SLE Lupus Foundation, headquartered in New York City with a West Coast division in Los Angeles, was founded in 1970. It is a nonprofit organization that provides direct patient services, education, public awareness, and funding for novel lupus research on the national level. The Foundation deals with the predominance and severity of such lupus complications as kidney and cardiac disease in Blacks, Hispanics, Asians and people of other racial and ethnic backgrounds.

Madam Speaker, in 1998, the SLE Lupus Foundation opened the first Lupus Cooperative of New York in East Harlem. The Lupus Cooperative programs ensure that people of lupus receive the medical treatment, emotional care and practical assistance needed to live with this chronic disease, no matter their gender, or ethnic and socioeconomic backgrounds. Over the past decade, the Lupus Cooperatives have focused on communities characterized by high poverty rates, large numbers of uninsured residents, numerous single-parent families and a population at highrisk for lupus. They have worked actively to address gender and racial health disparities by demonstrating a collaborative model for the management of chronic illness among young, inner-city minority women.

The SLE Lupus Foundation is a member organization of the Lupus Research Institute National Coalition, which has affiliate organizations nationwide. Through the Lupus Research Institute National Coalition, the SLE Lupus Foundation has created visibility for the needs of underserved populations through awareness-building, advocacy and direct education programs on a national, state and local level.

Highlights of accomplishments include:

"Invisible No More" forum on race and lupus at the Congressional Black Caucus Annual Legislative Conference in 2004;

Educational panel on heart disease and lupus presented at the Congressional Black Caucus Annual Legislative Conference in 2005;

Spanish language public awareness campaign to alert Hispanic women to the dangers of lupus in 2005;

Congressional briefing on racial disparity in lupus to the Congressional Hispanic Caucus in 2006;

Five-City series on the increased risk of heart disease in people with lupus, particularly young women and African-American women. That was presented in conjunction with the Association of Black Cardiologists in 2007. The series was held in New York City, San Francisco, Chicago, Los Angeles, and Detroit;

National Lupus Health Education for Physicians and Health Care Providers—in partnership with the Office of Minority Health and Human Services.

Madam Speaker, the SLE Lupus Foundation has accomplished and will continue to accomplish great things for people with lupus. I am grateful to the SLE Foundation and the Lupus Cooperative of New York for the work that they do to help people with lupus nationwide.

HONORING SHIRLEY COELHO AND CHERYL NIMIROSKI

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. McGOVERN. Madam Speaker, I rise today to recognize and congratulate New Hope Board Members Shirley Coelho and Cheryl Nimiroski for their many years of dedicated service to this inspiring organization. New Hope is a non-profit agency serving communities in Central and Southeastern Massachusetts that is committed to ending domestic violence by helping people live safer lives.

Ms. Coelho and Ms. Nimiroski have worked tirelessly over the past 20 and 15 years respectively to provide individuals and families with the resources they need to identify, overcome and prevent domestic violence. Not only have their efforts improved the lives of those they have worked with directly, but they have also made the lives of countless individuals in their greater communities safer.

At New Hope's annual meeting on October 29, 2009, Shirley and Cheryl were specially honored with the creation of the ''Coelho-Nimiroski Volunteer of the Year Award'' which will be awarded to an outstanding volunteer who embodies the values of and shows dedication to the mission of New Hope. The creation of this award ensures that Shirley and Cheryl's work will continue to inspire future volunteers for years to come.

Madam Speaker, domestic violence affects us all and sadly, it still exists in communities across the United States. The care, compassion and commitment to ending domestic violence shown by devoted individuals like Shirley Coelho and Cheryl Nimiroski is truly exemplary. We should all be inspired by their invaluable work.

I respectfully ask the entire U.S. House of Representatives to join me in commending Shirley Coelho and Cheryl Nimiroski for their years of service to New Hope and for their dedication to ending domestic violence.

HONORING MEL AUST OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize my dear friend Mel Aust, General Manager of the Hidden Valley Lake Community Services District in Lake County, California. Mel is being honored this evening on the occasion of his 20th anniversary with the district.

Mel's contributions to the people of Lake County and California over the years are immeasurable. Mel was the driving force behind the water reclamation treatment plant and wastewater treatment plant to sustain build-out of the Hidden Valley Lake community. In 2001, his Community Services District helped build a ballpark at Coyote Valley Elementary School. He also secured $250,000 in labor grants to clean up Coyote Creek, Gallagher Creek and drainage ditches throughout the Hidden Valley Lake subdivision. He played a key role in crafting a letter that secured essential federal funding for the training and technical assistance HVLCSD offers to water and wastewater systems all over California.

The list of boards and commissions on which Mel has served is equally impressive. Locally, he serves on the Lake County Business Outreach Team, the Board of Directors of the South Lake County Fire District and the Board of Directors of the Toys for Kids program. Statewide, he served on the Association of California Water Agencies Federal Affairs committee and the California Department of Water Resources Drought Preparedness Committee. Mel also serves as California's representative at the National Rural Water Association and is on NRWA's Asset Development, Legislative and Conference Committees.

Mel is known across the state for his immense knowledge of complex water issues and his public speaking ability. He frequently lobbies in Sacramento and on Capitol Hill for the Association of California Water Agencies, American Water Works Association, California Rural Water Association and National Rural Water Association. He is the go-to speaker for these organizations when needed, often speaking to audiences of thousands with ease.

Madam Speaker, it is my distinct privilege to recognize Mel Aust for his many years of service to the people of California and to thank him for his many contributions on behalf of our country and our community. I am proud to call him a friend. I join his wife, Connie, and all of our colleagues in congratulating him on this milestone.

CONGRATULATING KATHLEEN HODGES OF GARLAND'S WALNUT GLEN ACADEMY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, last week I visited Garland's Walnut Glen Academy to congratulate Kathleen Hodges for winning the Outstanding Teaching of the Humanities Award 2008–2009. The Outstanding Teaching of the Humanities Awards recognize eleven exemplary K–12 humanities teachers in the Lone Star State. The exceptional Rowlett resident stands head and shoulders above her peers for her role as a terrific humanities teacher making a difference in the lives of young Texans.

Humanities Texas, formerly the Texas Council for the Humanities, is the state affiliate of the National Endowment for the Humanities. Humanities Texas conducts and supports public programs in history, literature, philosophy, and other humanities disciplines.

I wish my colleagues could have seen the heartwarming patriotic celebration that coincided with this wonderful announcement heralding Kathleen's accolade. On Veterans' Day, Walnut Glen Academy rolled out the red carpet for patriots young and old. The faculty and students at Walnut Glen Academy went to great lengths to stress the importance of service before self—and pointed a shining example of that—Kathleen's tireless work on behalf of young people. It was truly inspiring. Most important, Kathleen received the special recognition and her time in the sun for her tremendous achievement she so truly deserves.

After spending the day at her school, it is easy to see why Kathleen considers her proudest accomplishment the art program she has helped establish at Walnut Glen Academy. Congratulations are in order for Kathleen Hodges and the students and faculty at Walnut Glen Academy. God bless you and I salute you.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. GOHMERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding received in my district as part of H.R. 2996, the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Lanana Creek Water Initiative. STAG Water and Wastewater Infrastructure Project, the City of Nacogdoches, P.O. Box 635030, Nacogdoches, Texas 75963, $500,000 for regional detention ponds to complete a storm water mitigation initiative at Lanana Creek, Nacogdoches, Texas, which will prevent submergence of a number of bridges by keeping Lanana Creek at a low water level. This will allow for full access of emergency personnel to areas south of the North Loop 224 bridge at all times, and dealing with untenable wetland issues.

HONORING THE COAST GUARD AND MARINE CORPS AIRCRAFT PILOTS LOST IN CALIFORNIA

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 891, ''Expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and for other purposes.'' The safety of American citizens lies in the hands of our service men and women on a daily basis. With honor and respect our service men and women devote their lives to their duty and time and time again they prove to be faithful servants. We in the Gulf Coast region will never forget their bravery in saving 22,000+ lives during Hurricane Katrina.

On the evening of October 29, 2009, a Coast Guard C–130 aircraft with two pilots and five crewmembers on board was involved in a search and rescue mission off the coast of California. Unfortunately at the same time, a Marine Corps AH–1W Super Cobra carrying two pilots was involved in a military escort mission nearby. The two aircraft are suspected to have collided while traveling east of San Clemente Island, California. The following crew members of the Coast Guard C–130 are

missing and presumed to have lost their lives in the line of duty: Lt. Cmdr. Che J. Barnes of Capay, California; Lt. Adam W. Bryant, of Crewe, Virginia; Chief Petty Officer John F. Seidman of Stockton, California; Petty Officer 2nd Class Carl P. Grigonis of Mayfield Heights, Ohio; Petty Officer 2nd Class Monica L. Beacham of Decaturville, Tennessee; Petty Officer 2nd Class Jason S. Moletzsky of Norristown, Pennsylvania; and Petty Officer 3rd Class Danny R. Kreder II, of Elm Mott, Texas. The following crew members of the Marine Corps helicopter are missing and presumed to have lost their lives in the line of duty: Maj. Samuel Leigh of Kennebec, Maine, and 1st Lt. Thomas Claiborne of Douglas, Colorado.

The men and women of the Coast Guard are ''Always Ready'' to safeguard the United States against all hazards and threats at our ports, at sea, and around the world. As the men and women of the Marine Corps are ''Always Faithful'' to their mission of defending the United States on the ground, in the air, and by sea, in every corner of the globe. These individuals lost their lives in service to their country and I, as well as every other Member of Congress, should support this resolution in their honor.

CELEBRATING THE MONTH OF NOVEMBER AS NATIVE AMERICAN INDIAN HERITAGE MONTH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. HONDA. Madam Speaker, I rise today to celebrate the month of November as Native American Indian Heritage Month, and to express my support for the Native American Business Development Enhancement Act of 2009.

Over 562 Native American tribes have made extraordinary professional, educational, and cultural contributions to our community. After centuries of gross mistreatment at the hands of the U.S. government and generations of unequal, exploitative policies that have worked to effectively rob Native Americans of their land, culture, and livelihood, it is a privilege to honor the many accomplishments that these groups are making today. Their rich ancestry and surviving traditions are a living testament of the strength and unyielding spirit shared by many great tribal nations across this land, and their legacy will continue to be a major part of the ethnic fabric of American society.

Since its inception in 1990, Native American Indian Heritage Month has sought to promote recognition for the significant contributions the first Americans made to the establishment and growth of the United States, and increase awareness of the tragedies and discrimination these groups have experienced throughout history. This year's theme, Pride in Our Heritage, Honor to our Ancestors, reflects the importance of remembering the rich and diverse cultural legacy of our Native American communities.

In the spirit of recognizing the longstanding social and economic inequalities facing Native American tribes, it is crucial that we take steps to ensure that Native American communities achieve equal access to public services, government funding, employment, business and educational opportunities. Individually and as distinct nations, Native Americans have made distinguished and significant achievements in the fields of agriculture, business, medicine, music, language, and art. I have every confidence that they will continue to distinguish themselves in those arenas as well as in government, as entrepreneurs, athletes, and scholars in the years and decades to come.

As we proceed to strengthen America's economic and social infrastructure, it is imperative that we target existing inequalities and discriminatory policies and make an active, nationwide effort to include Native Americans in future programs through forward-thinking legislation, such as the Native American Business Development Enhancement Act of 2009.

I strongly support H.R. 1834, the Native American Business Development Enhancement Act of 2009, which will be considered by the House today. This legislation, introduced by my colleague Rep. ANN KIRKPATRICK, will establish the Office of Native American Affairs within the Small Business Administration. This effort will increase Native American entrepreneurship and engage tribes in the small business arena.

In this vein, I have been working to further Native American business and economic development by supporting the elevation and funding of the Office of Native American Business Development, ONABD, at the Department of Commerce. I believe the ONABD should be more independent and receive an increase of funds in order to expand its activities, and fulfill its duties to expand business development, trade promotion and tourism opportunities for Native American tribes and their enterprises.

In closing, Madam Speaker, celebrating Native American Indian Heritage Month and supporting our Native American community is an important milestone to increase public awareness of their role in American history and recognize their cultural legacies that enrich our everyday lives.

DRIVE SAFER SUNDAY

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res 841, which will designate November 29, 2009, as ''Drive Safer Sunday''. I strongly support the passage of this resolution because at some point in time, all of our lives have been or will be in the hands of a driver. Motor vehicle travel is the primary means of transportation for most of us here in the United States. Advocating safer driving methods will help save the lives of countless mothers, daughters, fathers and sons. Losing the people we love due to another drivers' lack of attention, carelessness or belligerent intoxication while driving is inexcusable.

According to the U.S. Census Bureau's American Community Survey, in 2005, Americans now spend more than 100 hours a year commuting to work. The National Highway Traffic Safety Administration, NHTSA, estimates that in 2009, 37,313 people, an average of more than 100 drivers a day, were killed in motor vehicle traffic crashes. Throughout the first half of this year, the National Highway Traffic Safety Administration, NHTSA, has reported over 16,000 deaths. Throughout 2008 in Houston, my home district, the 18th District of Texas, there were an estimated 74 fatalities according to the Texas Department of Transportation, TxDOT.

Between driving to work, taking our kids to school, running to the grocery store and various other errands; for many of us, our highways and byways become a home away from home. Unfortunately, distracted drivers have endangered us all with careless antics. 'Distracted driving' includes anything that takes your eyes, hands, or mind away from driving, including food and beverages, traffic accidents, adjusting the radio, children, pets, objects moving in the vehicle, talking or texting on a cell phone, smoking, putting on on makeup, shaving, and reading.

The National Highway Traffic Safety Administration, NHTSA, conducted a study on driver distraction with respect to both behavioral and vehicle safety countermeasures in an effort to understand and mitigate crashes associated with distracted driving. In September of this year, the Department of Transportation, DOT, Secretary Ray LaHood announced research findings by the National Highway Traffic Safety Administration, NHTSA, that showed nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than half a million were injured. Distracted driving was reported to have been involved in 16 percent of all fatal crashes in 2008, according to data from the Fatality Analysis Reporting System, FARS. The age group with the greatest proportion of distracted drivers was the under-20 age group, 16 percent of all under-20 drivers in fatal crashes were reported to have been distracted while driving. Crashes in which the critical reason for the crash was attributed to the driver, approximately 18 percent involved distraction, according to the National Motor Vehicle Crash Causation Survey, NMVCCS.

While traveling on our roads and highways, we all need to drive safer to reduce deaths and injuries resulting from motor vehicle accidents. Driver behavior can be effectively changed through education and awareness. The Sunday after Thanksgiving is the busiest highway traffic day of the year and would be appropriate to be designated as ''Drive Safer Sunday.''

HONORING THE LYONS TOWNSHIP HIGH SCHOOL MEN'S SOCCER TEAM ON WINNING THE ILLINOIS 3A STATE CHAMPIONSHIP

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor the Lyons Township men's soccer team on its victory in the Illinois 3A State Championship match on November 7 in Naperville, IL.

Lyons Township enjoyed immense success this season, posting a record of 26 wins and only three losses. This year marked LT's sixth appearance in the state tournament. But after five previous trips ended in early exits, this

year's team was determined to come home with a different result, and displayed resilience and skill all the way to the end.

Finishing the season on a 15-game winning streak, LT was playing its best soccer coming into the tournament, and that momentum carried over into the playoffs. With excellent coaching and strong senior leadership, LT put together a playoff run that included coming from behind, defeating an opponent that had twice beaten it in the regular season, and knocking off the defending state champions. All this set the table for an intense championship match against Lake Zurich High School. Ninety minutes proved insufficient, as it took overtime for Lyons Township to close out a hard-fought 2-1 victory.

I ask you to join me in honoring the members of the Lyons Township men's soccer team for achieving what every high school athlete strives for—a State Championship.

RESERVE OFFICERS ASSOCIATION MODERNIZATION ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in support of the Reserve Officers Association Modernization Act. As a member of the Homeland Security Committee, I understand the role of the brave men and women of the National Guard and the Reserves and I strongly support legislation that facilitates their ability to continue to provide an excellent service to the United States.

The Reserve Officers Association was founded in 1922 by several hundred military officers, many of whom were veterans of World War I. The Association was concerned that in the wake of World War I, the complacency and isolationism that was sweeping across the political landscape would lead to a return to America's pre war unpreparedness. In June 1950, President Truman signed the Reserve Officers Association's charter into law. Today, over 80 years after the Association's founding, the complacency that its founders feared is long gone, yet the Reserve Officers Association remains committed to its mission: ". . . [to] support and promote the development and execution of a military policy for the United States that will provide adequate National Security."

Today, the Reserve Officers Association is organized into 55 departments with one department in each of the 50 states, and 5 additional departments located in Latin America, Puerto Rico, Europe, the District of Columbia and the Far East. Each department is further divided into chapters. There are over 550 chapters around the world.

The Reserve Officers Association helped to establish the bipartisan Reserve Component Caucus in the House of Representatives, of which, of course, I am a member, to provide congressional oversight of Reserve issues and programs.

Since the events of September 11, 2001, our country has relied more heavily on the National Guard and the Reserves than at any other time in recent history. The National Guard and the Reserves play a significant role in the United States military, national security and disaster relief efforts. The Reserves and the National Guard have stepped forward to answer the call of duty in both Iraq and Afghanistan. Furthermore, they have each played pivotal roles in homeland security and disaster relief. These new, demanding responsibilities of the National Guard and the Reserves require an update of policies, and of the Reserves Officers Association charter.

This legislation is designed to update the Reserve Officers Association's Federal Charter to reflect the current operations of the Association. The bill extends the Association's National Executive Committee, its governing body, to include the Association's president-elect. It also names the president-elect as an officer of the Association. Furthermore, it provides for the possibility of having more than 3 national executive committee members as officers and on the National Executive Committee. The bill also provides for one vote for each member of the Committee except the president elect and the executive director. The bill also provides for certain officers to be decided in accordance with the Association's Constitution.

It is our responsibility to provide for the needs of the National Guard and the Reserves. They each contribute to our Nation's military, our national security and disaster relief efforts. I am proud and honored to support the brave men and women of the Reserves and the National Guard by endorsing this legislation. I encourage all of my colleagues to vote in support of this bill to bring the Reserve Officers Association Federal Charter up to date so that the organization can continue to provide a valuable and honorable service to the United States of America.

THE BENEFITS OF BUYING LOCAL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 2009

Mr. MITCHELL. Madam Speaker, as the holiday shopping season approaches, I want to urge my colleagues to consider the benefits of buying local, and join me in sharing your support for strengthening our local economies, creating local jobs, and ensuring local, sustainable economic development in our communities.

Buying locally strengthens the viability and competitiveness of local businesses. For every $100 in consumer spending, the total local economic impact is only $13 when goods and services are purchased at a national chain store.

The same amount spent with a local merchant, small business, or retailer yields more than three times the local impact, nearly $45 for every $100 spent.

Buying locally benefits small businesses, retailers and merchants who maintain a healthy and competitive marketplace for goods and services. Doing so ensures choice, diversity and competition in the marketplace for goods and services.

Moreover, as a former Mayor, I know that buying locally from independent businesses raises the standard of living in local neighborhoods because they take their profits and buy products and services from other local businesses in the area. As a result, local jobs are created in the community and the unique character of our neighborhoods and towns is preserved.

I want to recognize the work of Local Arizona First, a non-profit organization consisting of independent businesses, in making Arizona communities aware of the economic impact independent businesses have on local economies. Their mission is to promote, support, and celebrate a vibrant and sustainable Arizona economy by educating citizens about local business ownership, social equity, cultural diversity, environmental kinship, and collaboration.

On Friday, November 27, 2009, Local Arizona First will be launching their "Buy Local Week" in Arizona. I applaud their work and wholeheartedly support their efforts in showcasing the economic benefits of buying locally in our community.

HONORING 40TH ANNIVERSARY OF SEARCH

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased today to offer my support of House Resolution 851 recognizing and honoring the 40th Anniversary of SEARCH, the National Consortium for Justice Information and Statistics. For the past 40 years, SEARCH has worked to identify and solve information management problems of law enforcement agencies across the United States.

Accurate, efficient and effective communications between and among Federal, State and local agencies have posed challenges to effective public service since the beginning of organized governments in America. Thus, in 1969, the Department of Justice's Law Enforcement Assistance Administration developed SEARCH, a 10-State project designed to test the feasibility of an interstate automated exchange of criminal history records. The program was a success, and over the past 40 years, SEARCH has maintained a leading role in providing solutions to information management challenges nationwide.

SEARCH is a nonprofit organization created by and for the States and governed by a membership group that includes one appointee from each of the 50 States, Puerto Rico and the U.S. Virgin Islands. Its mission is "to improve the quality of justice and public safety through the use, management and exchange of information; application of new technologies; and responsible law and policy; while safeguarding security and privacy." SEARCH has succeeded in using information sharing technology to help agencies to make accurate, informed, immediate and well-secured decisions about criminal justice and security issues.

SEARCH has played a crucial role in developing systems of collaboration for law enforcement agencies across the Nation. A few examples include: the Interstate Identification, a national index of criminal histories maintained by the Federal Bureau of Investigation; the National Instant Criminal Background Check System, a mechanism for determining eligibility to buy a firearm; the National Fingerprint

File, a tool that allows States to maintain their own fingerprint records while still sharing information with Federal and State law enforcement agencies around the country; and the Integrated Automated Fingerprint Identification System, a national fingerprint identification and criminal history system maintained by the Federal Bureau of Investigation. Such systems have been critical in sharing data to enhance law enforcement capabilities nationwide.

It is important to recognize, however, that accuracy in law enforcement is as important as vigilance. Accurate law enforcement requires strict focus on privacy rights especially when sharing information. SEARCH has been instrumental in championing privacy and civil rights in law enforcement. SEARCH has addressed the need to protect privacy, civil rights and civil liberties while promoting public and individual safety.

For example, in its ''Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Information Sharing Initiatives,'' SEARCH identifies the potential risks of law-enforcement agency information-sharing. It writes: ''[Data Sharing's] inappropriate or reckless use may irreparably damage reputations, threaten individual liberty, place personal safety at risk, or deny individuals access to some of life's most basic necessities such as employment, housing, and education. Greater information-sharing capabilities and opportunities are accompanied by equally greater responsibilities for protecting the privacy of the information being used and exchanged.'' In that document, SEARCH goes on to instruct agencies on how to assess the potential privacy risks of their information-sharing programs, and how to develop policies to help mitigate some of those risks.

I further congratulate SEARCH on its cutting edge technological advancements. Who could have guessed at the inception of SEARCH in 1969 that communications systems would evolve as far as they have? Over the years, SEARCH has managed not only to keep up with the remarkable technological advances of the past 40 years, but to be at the cutting edge. The original purpose of the SEARCH project was to examine the possibility of an automated system for exchanging information about criminals.

Today, it uses a variety of technological tools ranging from biometric technologies to cellular device data recovery tools to aid in crime prevention. SEARCH also trains and equips law enforcement agencies nationwide on issues of high-tech crime. It provides courses through its outreach training program on topics including: systems security, digital data recovery, and computer forensics. Further, SEARCH provides resources for investigators investigating crimes involving the internet such as online child exploitation. Such focus on technological advances is part of the reason for the success of SEARCH over the past 40 years and will certainly be an important component of its continued success over the next 40.

In addition to those SEARCH activities designed to aid law enforcement, I think it is important to recognize and applaud SEARCH's impact on public safety through its communications interoperability training programs. Information sharing and agency collaboration plays an important role, not just in crime prevention, but also in disaster relief. In August 2008, SEARCH was instrumental in enhancing Texas' communications response to Hurricane Gustav.

Gustav approached the State of Texas as a SEARCH All-Hazards Type III Communications Unit Leader, COML, training course was being conducted in my home town of Houston. As the hurricane bore down, the SEARCH instructors immediately mobilized the State emergency managers along with their students to construct the State's emergency communications response to Gustav. The instructors then deployed some students from the course to use the course's teachings to coordinate interoperable communications for emergency first responders. This is just one example of how SEARCH's programs have benefited, not only the people of my home State of Texas, but people all across the country. Efficient emergency response communications are an important part of keeping Americans safe.

Providing 40 years of effective information management tools to Federal, State and local agencies across the Nation is a wonderful accomplishment. Indeed, SEARCH has managed to stay at the forefront of communications technology as it pertains to law enforcement and public safety. It has effectively navigated America's transition to the information age of the 21st century and provided services to aid governments in saving lives.

Mr. Speaker, I encourage all my colleagues to vote in favor of this resolution to salute SEARCH, the National Consortium for Justice Information and Statistics, for its success in providing quality tools for law enforcement and public safety across the United States of America.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 19, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 20

10 a.m.

Finance

To hold hearings to examine the nominations of Mary John Miller, of Maryland, to be Assistant Secretary, and Charles Collyns, of Maryland, to be Deputy Under Secretary, both of the Department of the Treasury.

SD–215

DECEMBER 2

10 a.m.

Energy and Natural Resources

To hold hearings to examine policy options for reducing greenhouse gas emissions.

SD–366

2:30 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine disaster case management, focusing on developing a comprehensive national program focused on outcomes.

SD–342

DECEMBER 10

10 a.m.

Energy and Natural Resources

To hold hearings to examine the role of grid-scale energy storage in meeting our energy and climate goals.

SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11441–S11513

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 2791–2798, and S. Res. 354. **Pages S11492–93**

Measures Reported:

H. Con. Res. 36, calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

S. Res. 341, supporting peace, security, and innocent civilians affected by conflict in Yemen.

S. Res. 345, deploring the rape and assault of women in Guinea and the killing of political protesters. **Page S11492**

Measures Passed:

Commending Senator Robert C. Byrd: Senate agreed to S. Res. 354, commending Robert C. Byrd, Senator from West Virginia. **Pages S11475–82**

American Education Week: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 353, supporting the goals and ideals of ''American Education Week'', and the resolution was then agreed to. **Page S11508**

Appointments:

National Council of the Arts: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–83, announced the appointment of the following individual to serve as a member of the National Council of the Arts: Senator McCaskill. **Pages S11508–09**

Caregivers and Veterans Omnibus Health Services Act—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 10:30 a.m., on Thursday, November 19, 2009, Senate begin consideration of S. 1963, to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and that the bill be considered under the provisions of the order of November 17, 2009; provided further, that upon disposition of the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and the Senate resume legislative session, there be 2 minutes of debate prior to a vote on or in relation to Coburn Amendment No. 2785; that upon the use or yielding back of time, Senate vote on or in relation to the amendment; that upon disposition of the amendment, Senate vote on passage of the bill, as provided for under the order of November 17, 2009. **Page S11509**

Hamilton Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 2 p.m., on Thursday, November 19, 2009, Senate resume consideration of the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, all post-cloture time be yielded back, except for 30 minutes, and that the time be equally divided and controlled between Senators Leahy and Sessions, or their designees; that at 2:30 p.m., Senate vote on confirmation of the nomination. **Page S11484**

Nominations Received: Senate received the following nominations:

Nicole Yvette Lamb-Hale, of Michigan, to be an Assistant Secretary of Commerce.

Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency.

Robert A. Petzel, of Minnesota, to be Under Secretary for Health of the Department of Veterans Affairs. **Page S11513**

Messages from the House: **Page S11489**

Measures Referred: **Page S11489**

Measures Placed on the Calendar: **Page S11489**

Executive Communications: **Pages S11489–92**

Executive Reports of Committees: **Page S11492**

Additional Cosponsors: **Pages S11493–94**

Statements on Introduced Bills/Resolutions: **Pages S11494–99**

Additional Statements: Pages S11487–89

Notices of Hearings/Meetings: Page S11499

Authorities for Committees to Meet: Pages S11499–S11500

Text of H.R. 3082 as Previously Passed: Pages S11500–08

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:51 p.m., until 9:30 a.m. on Thursday, November 19, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11509.)

Committee Meetings

(Committees not listed did not meet)

FINANCIAL MARKET REGULATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine reforming the United States financial market regulation, after receiving testimony from Gary Gensler, Chairman, Commodity Futures Trading Commission; Glenn English, National Rural Electric Cooperatives Association, Arlington, Virginia; Neil M. Schloss, Ford Motor Company, Dearborn, Michigan; Mark K. Boling, Southwestern Energy Company, Houston, Texas; Jeff Billings, Municipal Gas Authority of Georgia, Kennesaw, on behalf of the American Public Gas Association; and Robert A. Johnson, Roosevelt Institute, New York, New York, on behalf of the Americans for Financial Reform.

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nomination of Jill Long Thompson, of Indiana, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, after the nominee, who was introduced by Senator Lugar, testified and answered questions in her own behalf.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Mark R. Rosekind, of California, to be a Member of the National Transportation Safety Board, Scott Boyer Quehl, of Pennsylvania, to be Assistant Secretary, and to be Chief Financial Officer, and Suresh Kumar, of New Jersey, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, who was introduced by Senator Lautenberg, both of the Department of Commerce, Philip E. Coyle, III, of California, to be an Associate Director of the Office of Science and Technology Policy, and Anthony R. Coscia, of New Jersey, who was introduced by Senators Lautenberg and Menendez, and Albert DiClemente, of Delaware, who was introduced by Senator Kaufman, both to be a Director of the Amtrak Board of Directors, after the nominees testified and answered questions in their own behalf.

MANAGING FEDERAL FORESTS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine managing Federal forests in response to climate change, focusing on natural resource adaptation and carbon sequestration, after receiving testimony from Kit Batten, Science Advisor, Office of the Deputy Secretary, Department of the Interior; Tom Tidwell, Chief, Forest Service, Department of Agriculture; Beverly Law, Oregon State University, Corvallis; Elaine Oneil, University of Washington School of Forestry, Seattle; and Christopher A. Wood, Trout Unlimited, Arlington, Virginia.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported S. 2778, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, with an amendment.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Eleni Tsakopoulos Kounalakis, of California, to be Ambassador to the Republic of Hungary, who was introduced by Senators Boxer, Snowe, and Feinstein and Representative Pelosi, Mary Burce Warlick, of Virginia, to be Ambassador to the Republic of Serbia, and James B. Warlick, Jr., of Virginia, to be Ambassador to the Republic of Bulgaria, all of the Department of State, after the nominees testified and answered questions in their own behalf.

LIEUTENANT COLONEL DOMINIC "ROCKY" BARAGONA JUSTICE FOR AMERICAN HEROES HARMED BY CONTRACTORS ACT

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine S. 526, to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, after receiving testimony from Tony West, Assistant Attorney

General, Department of Justice; Richard Ginman, Deputy Director for Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, and Uldric I. Fiore, Jr., Director, Soldier and Family Legal Services, Office of the Judge Advocate General, U.S. Army, both of the Department of Defense; Scott Horton, Columbia Law School, New York, New York; Ralph G. Steinhardt, The George Washington University Law School, Washington, D.C.; and Dominic Baragona, The Villages, Florida.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, with an amendment in the nature of a substitute;

The nominations of David Morris Michaels, of Maryland, to be Assistant Secretary of Labor, and Pamela S. Hyde, of New Mexico, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

Also, committee announced the following subcommittee assignments:

Subcommittee on Children and Families: Senators Dodd (Chair), Bingaman, Murray, Reed, Sanders, Brown, Casey, Hagan, Merkley, Alexander, Gregg, McCain, Hatch, Murkowski, Coburn, and Roberts.

Subcommittee on Employment and Workplace Safety: Senators Murray (Chair), Dodd, Mikulski, Brown, Hagan, Merkley, Franken, Bennet, Isakson, Gregg, Burr, McCain, Hatch, and Murkowski.

Subcommittee on Retirement and Aging: Senators Mikulski (Chair), Bingaman, Reed, Sanders, Casey, Franken, Bennet, Burr, Gregg, Alexander, Isakson, and Coburn.

Senators Harkin and Enzi are ex-officio members of each of the Subcommittees.

DEPARTMENT OF JUSTICE

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Department of Justice, after receiving testimony from Eric H. Holder, Jr., Attorney General, Department of Justice.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Denny Chin, of New York, to be United States Circuit Judge for the Second Circuit, who was introduced by Senator Schumer, Rosanna Malouf Peterson, to be United States District Judge for the Eastern District of Washington, who was introduced by Senators Murray and Cantwell, William M. Conley, to be United States District Judge for the Western District of Wisconsin, who was introduced by Senators Kohl and Feingold, and Susan B. Carbon, of New Hampshire, to be Director of the Violence Against Women Office, who was introduced by Senator Shaheen, and John H. Laub, of the District of Columbia, to be Director of the National Institute of Justice, who was introduced by Senator Schumer, both of the Department of Justice, after the nominees testified and answered questions in their own behalf.

VETERANS' EMPLOYMENT

Committee on Veterans' Affairs: Committee concluded a hearing to examine easing the burdens for veterans and transitioning Service Members through employment, after receiving testimony from Raymond Jefferson, Assistant Secretary of Labor for Veterans' Employment and Training; Lutz Ziob, Microsoft Corporation, Redmond, Washington; Captain Peter Wikul, USN, (Ret.), America Works of New York, Inc., and Helen Tymes, National Organization on Disability, both of New York, New York; Joshua Lawton-Belous, Oracle Corporation, Vienna Virginia; and Dexter Daniel, Baltimore, Maryland.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 4099–4112; and 10 resolutions, H. Con. Res. 214; and H. Res. 911–919 were introduced. **Pages H13265–66**

Additional Cosponsors: **Pages H13266–67**

Report Filed: A report was filed today as follows:

H. Res. 871, directing the Attorney General to transmit to the House of Representatives certain documents, records, memos, correspondence, and other communications regarding medical malpractice reform (H. Rept. 111–341). **Page H13265**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Matthew Southall Brown, Sr., St. John Baptist Church, Savannah, Georgia.

Page H13071

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending the Small Business Act to improve SCORE: H.R. 1839, amended, to amend the Small Business Act to improve SCORE; **Pages H13075–77**

Expanding Entrepreneurship Act of 2009: H.R. 1842, amended, to amend the Small Business Act to improve the Small Business Administration's entrepreneurial development programs; **Pages H13079–81**

Small Business Early-Stage Investment Act of 2009: H.R. 3738, amended, to amend the Small Business Investment Act of 1958 to establish a program for the Small Business Administration to provide financing to support early-stage small businesses in targeted industries; **Pages H13081–84**

Small Business Health Information Technology Financing Act: H.R. 3014, amended, to amend the Small Business Act to provide loan guarantees for the acquisition of health information technology by eligible professionals in solo and small group practices; and **Pages H13084–86**

Welcoming the Prime Minister of the Republic of India, His Excellency Dr. Manmohan Singh, to the United States: H. Res. 890, to welcome the Prime Minister of the Republic of India, His Excellency Dr. Manmohan Singh, to the United States.

Pages H13107–09

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Native American Business Development Enhancement Act of 2009: H.R. 1834, amended, to amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians and

Pages H13077–79

Expressing the sense of Congress on the occasion of the 20th anniversary of historic events in Central and Eastern Europe: H. Con. Res. 212, amended, to express the sense of Congress on the occasion of the 20th anniversary of historic events in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and to reaffirm the bonds of friendship and cooperation between the United States and the Slovak and Czech Republics.

Pages H13109–13

Discharge Petition: Representative Hoekstra moved to discharge the Committee on Armed Services from the consideration of H.R. 2294, to require the approval of the relevant State governor and legislature and the President's notification and certification before the transfer or release of an individual currently detained at Guantanamo Bay, Cuba, to a location in the United States, and for other purposes (Discharge Petition No. 7).

Adjournment Resolution: The House agreed to H. Con. Res. 214, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a yea-and-nay vote of 243 yeas to 166 nays, Roll No. 896.

Pages H13090–91

Fire Grants Reauthorization Act of 2009: The House passed H.R. 3791, to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, by a yea-and-nay vote of 395 yeas to 31 nays, Roll No. 901.

Pages H13086–90, H13091–92, H13093–H13107, H13113–15

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill, modified by the amendment printed in part A of H. Rept. 111–340, shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Pages H13100–03**

Agreed to:

Titus amendment (No. 1 printed in part B of H. Rept. 111–340) that expands the scope of the Assistance to Firefighter Grants program to allow the purchase of equipment that reduces the use of water in fighting fires and training firefighters;

Pages H13103–04

Holden amendment (No. 4 printed in part B of H. Rept. 111–340) that makes river rescue organizations eligible for funding under the definition of a rescue organization; **Page H13106**

Cardoza amendment (No. 5 printed in part B of H. Rept. 111–340) that requires the Director to consider unemployment rates when awarding grants;

Pages H13106–07

Perlmutter amendment (No. 2 printed in part B of H. Rept. 111–340) that authorizes a nationwide survey to assess compliance of fire departments with certain best practices on firefighter safety. The amendment establishes a task force of fire service industry to make recommendations to Congress on ways to increase compliance with those firefighter safety standards (by a recorded vote of 358 ayes to 75 noes, Roll No. 899); and **Pages H13104–05, H13113**

Flake amendment (No. 3 printed in part B of H. Rept. 111–340) that prohibits earmarking of funds appropriated under the Act (by a recorded vote of 371 ayes to 63 noes, Roll No. 900).

Pages H13105–06, H13113–14

H. Res. 909, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 245 yeas to 173 nays, Roll No. 898, after the previous question was ordered by a yea-and-nay vote of 242 yeas to 174 nays, Roll No. 897. **Pages H13091–92**

Senate Message: Message received from the Senate today appears on page H13084.

Quorum Calls—Votes: Four yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H13091, H13091–92, H13092, H13113, H13114, H13114–15. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:30 p.m.

Committee Meetings

LONG-TERM DEFENSE BUDGET TRENDS

Committee on Armed Services: Held a hearing on Resourcing the National Defense Strategy: Implications of Long Term Budget Trends. Testimony was heard from Matthew Goldberg, Acting Assistant Director, National Security Studies, CBO; Stephen Daggett, Specialist in Defense Policy and Budgets, CRS, Library of Congress; and public witnesses.

H1N1 VACCINE PRODUCTION/ DISTRIBUTION

Committee on Energy and Commerce: Subcommittee on Health and the Subcommittee on Oversight and Investigations held a joint hearing on H1N1 Preparedness: An Overview of Vaccine Production and Distribution. Testimony was heard from the following officials of the Department of Health and Human Services: Anne Schuchat, M.D., Director, National Center for Immunization and Respiratory Diseases, Centers for Diseases Control and Prevention; Nicole Lurie, M.D., Assistant Secretary, Preparedness and Response; and Jesse Goodman, M.D. Acting Chief Scientist, Deputy Commissioner for Scientific and Medical Programs, FDA; David Lakey, M.D., Commissioner, Department of State Health Services, State of Texas; and public witnesses.

COMMITTEE PRINT—FINANCIAL STABILITY IMPROVEMENT ACT OF 2009

Committee on Financial Services: Continued consideration of the Committee Print of the Financial Stability Improvement Act of 2009.

Will continue tomorrow.

FOREIGN AID'S ROLE IN FIGHTING TERRORISM

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on Flag on the Bag?: Foreign Assistance and the Struggle Against Terrorism. Testimony was heard from public witnesses.

FEDERAL PROTECTION SERVICE TRANSITION

Committee on Homeland Security: Held a hearing entitled "Federal Protective Service: Will Continuing Challenges Weaken Transition and Impede Progress?" Testimony was heard from the following officials of the Department of Homeland Security: Rand Beers, Under Secretary, National Protection Programs Directorate; and Gary W. Schenkel, Director, Federal Protective Service, Immigration and Customs Enforcement; Mark L. Goldstein, Director, Physical Infrastructure Issues, GAO; Robert A. Peck, Commissioner, Public Buildings Service, GSA; and public witnesses.

AIRLINE SECURITY—FOREIGN REPAIR STATIONS

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled " Is the Flying Public Protected? An Assessment of Security at Foreign Repair Stations." Testimony was heard from the following officials of the Department of Transportation: Calvin L. Scovel, III, Inspector General; and Doug Dalby, Deputy Director, Flight Standards for Field Operations, FAA; Cindy Farkus, Assistant Administrator, Office of Global Strategies, Transportation Security Administration, Department of Homeland Security; and public witnesses.

JUDGE PORTEOUS IMPEACHMENT

Committee on the Judiciary: Task Force on Judicial Impeachment continued consideration of possible impeachment of U.S. District Judge G. Thomas Porteous, Jr. Testimony was heard from Attorney Joseph Mole.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported the following bills: H.R. 1672, as amended, Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009; H.R. 2062, as amended, Migratory Bird Treaty Act Penalty and Enforcement Act of 2009; H.R. 3644, as amended, Bay-Watershed Education and Training (B-WET) Regional Program and National Environmental Literacy Grant Program Act; H.R. 3940, as amended, To authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam; H.R. 3603, as amended, To rename the Ocmulgee National Monument; H.R. 3759, as amended, BLM Contract Extension Act; H.R. 3804, National Park Service Authorities and Corrections Act of 2009; and H.R.

3388, as amended, Petersburg National Battlefield Boundary Modification Act..

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following bills: The Committee began consideration of H.R. 2517, as amended, Domestic Partnership Benefits and Obligations Act of 2009; H.R. 3892, To designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.C. Wilkins Post Office;'' H.R. 3951, To designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr., Post Office Building;'' and H.R. 4017, To designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office.''

INCREASED AUTONOMY FOR D.C.

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a hearing entitled ''Greater Autonomy for the Nation's Capital,'' with discussion of the following bills: H.R. 960, District of Columbia Legislative Autonomy Act of 2009; and H.R. 1045, District of Columbia Budget Autonomy Act of 2009. Testimony was heard from the following officials of the District of Columbia: Adrian M. Fenty, Mayor; Vincent Gray, Chairman, City Council; and Natwar Gandhi, Chief Financial Officer; Alice M. Rivlin, former Chairman, CBO; and a public witness.

CYBERSECURITY ENHANCEMENT ACT OF 2009

Committee on Science and Technology: Ordered reported, as amended, H.R. 4061, Cybersecurity Enhancement Act of 2009.

PROPOSALS—WATER RESOURCES DEVELOPMENT ACT OF 2010

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Proposals for a Water Resources Development Act of 2010. Testimony was heard from Representatives Whitfield, Boustany, Melancon, Klein of Florida, Loebsack, Scalise and Kosmas.

VETERANS APPEALS IMPROVEMENT AND MODERNIZATION ACT OF 2009

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action the Veterans Appeals Improvement and Modernization Act of 2009.

BRIEFING—GUANTANAMO UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Guantanamo Update. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 19, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of Clifford L. Stanley, of Pennsylvania, to be Under Secretary for Personnel and Readiness, and Erin C. Conaton, of the District of Columbia, to be Under Secretary of the Air Force, both of the Department of Defense, and Lawrence G. Romo, of Texas, to be Director of the Selective Service, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider an original bill entitled ''Restoring American Financial Stability Act of 2009'', 10 a.m., SR–325.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 592, to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, S. 850, to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks, S. 1224, to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, S. 2764, to reauthorize the Satellite Home Viewer Extension and Reuathorization Act of 2004, and S. 2768, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2010 through 2014, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine environmental stewardship policies related to offshore energy production, 10:30 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the nominations of Leslie V. Rowe, of Washington, to be Ambassador to the Republic of Mozambique, Alberto M. Fernandez, of Virginia, to be Ambassador to the Republic of Equatorial Guinea, Mary Jo Wills, of the District of Columbia, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles, and Philip S. Goldberg, of the District of Columbia, to be Assistant Secretary for Intelligence and Research, all of the Department of State, 3:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine nominations for Commissioner

and for General Counsel of the Equal Employment Opportunity Commission, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nomination of Daniel I. Gordon, of the District of Columbia, to be Administrator for Federal Procurement Policy, Time to be announced, S–216, Capitol.

Full Committee, to hold hearings to examine the Fort Hood Attack, focusing on a preliminary assessment, 10 a.m., SD–342.

Full Committee, to hold hearings to examine the nomination of Alan C. Kessler, of Pennsylvania, to be a Governor of the United States Postal Service, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine drug smuggling and gang activity in Indian country, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 448, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 714, to establish the National Criminal Justice Commission, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1147, to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 1353, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, S. 678, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and the nominations of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, Christina Reiss, to be United States District Judge for the District of Vermont, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, Abdul K. Kallon, to be United States District Judge for the Northern District of Alabama, Victoria Angelica Espinel, of the District of Columbia, to be Intellectual Property Enforcement Coordinator, and Benjamin B. Tucker, of New York, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S–407, Capitol.

House

Committee on Agriculture, Subcommittee on Rural Development, Biotechnology, Specialty Crops, and Foreign Agriculture, to review rural broadband programs funded by the American Recovery and Reinvestment Act, 11 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Homeland Security, hearing on Confronting the Cartels: Addressing U.S.-Mexican Border Security, 1 p.m., 2359 Rayburn.

Committee on Education and Labor, Subcommittee on Early Childhood, Elementary and Secondary Education, hearing on Improving the Literacy Skills of Children and Young Adults, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 515, as amended, Radioactive Import Deterrence Act; and H.R.1084, as amended, Commercial Advertisement Loudness Mitigation Act, 9:30 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade, and Consumer Protection and the Subcommittee on Communications, Technology and the Internet, joint hearing on Exploring the Offline and Online Collection and Use of Consumer Information, 12 p.m., 2123 Rayburn.

Committee on Financial Services, to continue consideration of the Committee Print of the Financial Stability Improvement Act of 2009, 9 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on Is it Time to Lift the Ban on Travel to Cuba? 10 a.m., 2172 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on the State of Political and Religious Freedom in the Middle East, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment hearing entitled ''Reassessing the Evolving al-Qa'ida Threat to the Homeland,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on Transparency and Integrity in Corporate Monitoring, 11 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, hearing entitled ''Tracking the Money: How Recovery Act Recipients Account for the Use of Stimulus Dollars,'' 10 a.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing entitled ''Afghan Elections: What Happened and Where Do We Go From Here?'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Space and Aeronautics, hearing on the Growth of Global Space Capabilities: What's Happening and Why It Matters, 10 a.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, hearing on the Research and Development Portfolio to Support the Priorities of the Department of Transportation, 10 a.m., 2325 Rayburn.

Committee on Small Business, hearing entitled ''Oversight of the Small Business Administration and its Programs,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up H.R. 4016, Hazardous Material Transportation Safety Act of 2009, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Adaptive Housing Grants, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, and the Subcommittee on Income Security and

Family Support, joint hearing to review the effect of the economic downturn and increased unemployment on the demand for hunger-relief assistance at food banks and other charities, 10 a.m., 1100 Longworth.

Subcommittee on Social Security, hearing on Clearing the Disability Claims Backlogs: The Social Security Administration's Progress and New Challenges Arising From the Recession, 1:30 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Afghanistan/Pakistan, 10:30 a.m., 304 HVC.

Joint Meetings

Joint Economic Committee: to hold hearings to examine financial regulatory reform, focusing on protecting taxpayers and the economy, 10 a.m., 210 Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Thursday, November 19

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will begin consideration of S. 1963, Caregivers and Veterans Omnibus Health Services Act. At 2 p.m., Senate will resume consideration of the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and after a period of debate, vote on confirmation of the nomination; following which, Senate will resume consideration of S. 1963, and vote on, or in relation, to Coburn Amendment No. 2785 to S. 1963, and passage of the bill at 2:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 19

House Chamber

Program for Thursday: Consideration of H.R. 2781—To amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System (Subject to a Rule) and H.R. 3961—Medicare Physician Payment Reform Act of 2009 (Subject to a Rule).

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